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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

God of our destinies, help our spirits to be attuned to the graciousness of this season. Keep us from emotions that thwart Your purposes and fill us with Your measureless love. Lord, the legislative process often involves disagreements at deep levels, but deliver our lawmakers from disagreeable spirits. In respect for and appreciation of those who differ, help our Senators, in patience, to find the way of truth in love.

As we celebrate Chanukah, "festival of lights," and Christmas, the birth of Christ, let the full meaning of these celebrations reach us. As You caused 1 day's supply of consecrated oil to keep lamps burning for 8 days in the rededication of the temple desecrated by Emperor Antiochus, make the light of Your knowledge glow on Capitol Hill and let the glorious message of Christmas and peace on Earth, good will toward all guide our deliberations.

We pray in the Name of He who promises salvation to all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 4, 2007.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that whatever time the distinguished Republican leader and I take today not be used against the morning business hour.

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

SCHEDULE

Mr. REID. Mr. President, the Senate will conduct morning business for an hour with Republicans controlling the first half, the majority controlling the final portion. Following this period of morning business, the Senate will resume debate on the Peru trade bill. The limit on debate this morning will be about 90 minutes. Once this time is used, the Senate will recess until 2:15 this afternoon, and at that time there will be a vote on passage of the Peru trade bill.

SENATOR TRENT LOTT

Mr. REID. Mr. President, during my time in public office, I have had the opportunity to serve with many good men and women. During my time serving in Congress, I have had the opportunity to make a friendship with TRENT LOTT.

Senator Daschle gave me the freedom, during the 6 years I was assistant leader and he was the leader, to spend all my time on the Senate floor, and I did that. Senator Daschle did other things, but he trusted me. I hope I did the right thing—I sure tried to do that all the time I worked with him—but I lived on the floor of the Senate.

During much of that time TRENT LOTT was the Republican leader, and we worked together over those years, I think, in a way that speaks well of our country. We made "deals." Legislation is the art of compromise, consensus building. Even though TRENT LOTT is certainly a true conservative, we were able, in his pragmatic fashion, to work things out.

TRENT has an interesting background. He was born in Mississippi. His family settled in a place called Pascagoula. His father was a pipefitter. His mother taught school. She was an elementary school teacher. The public school that Senator LOTT attended now bears his name. He received a degree from the University of Mississippi and also got his law degree from the same institution. That is a wonderful community, Oxford, MS. I have had an opportunity to spend a little bit of time there. There is a beautiful community square. It is like I envision the South as it used to be.

He married a beautiful woman, Tricia—Tricia Thompson Lott. They were college sweethearts. My wife, who is a shy woman—always has been—has worked with Tricia on a number of different issues and has been so enamored of her, with what a wonderful woman Tricia is. She is a hard worker. Whenever projects are involved, she does more than her share.

They have two children, Chet and Tyler. They have four grandchildren.

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



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TRENT has been in Congress 34 years. He is the only person in the history of this country who has served as both the House and the Senate whip. He has been a champion for Mississippi, as we all know, but he has also been an important instrument in the Senate accomplishing what it has during the time he was here. I am disappointed that Senator LOTT is going to be leaving the Senate, and I will miss him. I have been impressed with his ability to get things done. Other than John Breaux and TRENT LOTT, there are no two people able to accomplish as much as they did. John Breaux was a dealmaker, and the place he always went, as a Democrat, to start his deal, was with TRENT LOTT. They developed a friendship that lasts to this day. But as a result of their ability to work together on different sides of the aisle, we were able to accomplish a great deal. During the Clinton years, much of what Senator Breaux was able to accomplish for President Clinton was as a result of his relationship with Senator LOTT.

There is no need for me to dwell on my friendship with Senator LOTT other than to say he is my friend, I wish him well, and certainly I wish Tricia and TRENT and their family the very best. They deserve it.

RECOGNITION OF THE REPUBLICAN LEADER

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

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, we will, indeed, be saying goodbye to our friend and colleague, TRENT LOTT, over the next few weeks. Senator REID and I will work out a time certain for tributes to Senator LOTT and his extraordinary career sometime between now and the end of this session.

I ask unanimous consent that the Republican time in the morning business coming up be divided equally between Senators BOND, KYL, and CORNYN, in that order.

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

Mr. MCCONNELL. Mr. President, the U.S.-Peru Trade Promotion Agreement Implementation Act represents new opportunities. It is an opportunity to strengthen America's economic growth and it is an opportunity to forge a stronger relationship with a key ally in an important region of the world.

We already know that trade agreements with countries help grow this economy through increased exports, which translate to more new jobs for many American workers. They also create lower prices and more choices for the consumer.

This bill will do all of that by leveling the playing field for American exporters and producers. As recently as

2006, 98 percent of Peruvian exports to America entered this country duty-free. But because of high tariffs, American exporters have not had anywhere near equivalent access to Peru's markets.

When this agreement enters into force, 80 percent of American consumer and industrial exports to Peru will be duty-free immediately. That is a tremendous benefit to thousands of American businesses, and millions of American workers.

For my home State of Kentucky, this bill will do a lot of good as well. Exports to world markets mean a lot to my State—Kentucky's export shipments of merchandise in 2006 accounted for \$17.2 billion, including \$16.3 million worth of goods to Peru. Almost 16 percent of Kentucky manufacturing workers depend on exports for their jobs.

New markets for Kentucky's transportation equipment manufacturers, chemical manufacturers, and machinery manufacturers will open up because of this bill, as will markets for Kentucky's many agricultural products.

By way of a comparison, 3 years after Congress approved a similar trade deal with Singapore, Kentucky exports to Singapore have grown 68 percent. Kentucky and America can reap similar rewards again in a new, more fruitful partnership with Peru by passing this bill.

Peru stands to gain as well. Greater ties to America can only help strengthen security and stability in that country, a key ally in the Western Hemisphere.

It is critical for America to remain engaged in that part of the world, and it is vitally important for us to build strong ties with countries that have made a commitment to freedom and democracy. Peru is just such an ally.

I thank my good friend, the senior Senator from Iowa, for his important work on this bill. Thanks to Senator GRASSLEY, we are soon about to vote on final passage.

I also want to echo his concerns about the current state of our trade policy. Earlier this year, Democrats and Republicans came to an agreement on trade—in return for concessions on matters such as overseas labor issues, House Democrats would move several free trade agreements.

So far, today's Peru agreement is all we have. We haven't seen any positive movement on free trade agreements with Colombia or Panama. Let me just say with regard to Colombia, it is our most important ally in South America. It is embarrassing that we have not approved the free trade agreement with Colombia. Once the issue of beef is addressed with respect to South Korea, I hope we can see that agreement move along as well.

I am disappointed the other Chamber hasn't been able to pass these agreements more quickly. We know they will strengthen our economy and we know they will strengthen our bonds with some very important allies.

Again, going back to Colombia in particular, it has been making great strides to combat the drug trade that ravages so much of that country, and has done much to cut down on the flow of illegal drugs to the United States. Why can't we move faster and show good faith with this ally?

I hope the successful vote for passage we are about to have will pave the way for more in the very near future. These trade agreements are good for the American people, and good for our allies around the world, and we ought to enact them soon. 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 for morning business of 60 minutes, with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak for 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The Senator from Missouri is recognized.

DOING THE SENATE'S WORK

Mr. BOND. Mr. President, I thank the Chair, and I thank our minority leader, Senator MCCONNELL, for outlining the importance of the Peru Free Trade Agreement and the other trade agreements. We have 3 short weeks to get to work and do the work we have not done so far this year. I wanted to address three aspects of it.

First, for the intelligence community, we must act, and we must act now, to assure that the community has the ability and the tools they need to fight terrorists.

Over the last 30 years, the world has experienced a technological revolution, and our laws governing terrorist surveillance have not kept pace. The old 1978 Foreign Intelligence Surveillance Act that I will refer to as FISA was drafted to deal specifically with the technology in use at the time. This spring, a court ruled that because of the change in technology, the old FISA law severely limited our ability to collect intelligence. Essentially, it made us deaf to collection of vitally needed information.

Following that ruling, the Director of National Intelligence, Admiral McConnell, told Congress the United States was unable to conduct the critical surveillance of foreign terrorists planning to conduct attacks inside our country because of the outdated law. It not only affected our ability to protect the United States, but it also threatened the safety and lives of our troops abroad.

In May I heard that directly from the commander of our Joint Special Operations in Iraq, who told me the limitations in the old law prevented him from capturing key information needed to protect our troops in theater. He could kill or capture a top al-Qaida leader, but he was not able to collect signals intelligence on them. The bottom line is that terrorists were able to use technology and our own outdated laws to stay a step ahead of us.

Congress acted. On August 3 and 4, fortunately, we were able to pass the Protect America Act. I was proud to be the lead sponsor of it because passage of this temporary law essentially put our national security forces back in the business of collecting the information they needed.

But this is only a stopgap measure and expires in February. It did not include all of the reforms we wanted.

I hope this week the Senate will move to pass a permanent fix, or at least a longer term fix, to our intelligence surveillance law. It is critical we act before we leave for the holidays to make sure that our intelligence laws will be up to date and we will not run into a deadline when we come back in January and have to rush through a bill at the end or leave our intelligence community deaf to the new collections they need.

We have two bills before us. Unfortunately, the Senate Judiciary Committee took the bill that came out of the Intelligence Committee and changed it so much that it would gut our intelligence surveillance ability. The committee ignored significant concerns expressed by the working level officials in the Department of Justice and the intelligence community, the very operators who know how the system works.

The Senate Judiciary Committee ignored the concerns of its own minority members. The bill was voted out on a straight party line. The good news is there is another option. Earlier this year, the Senate Intelligence Committee voted out a bipartisan bill to update FISA. After the members of our committee had months and months to study this program, most of our committee members went out to the agency to see how it worked, to see the layers of protection built in to make sure it stayed within the law. We put together, Chairman ROCKEFELLER and I, a bipartisan agreement which added more protections to the constitutional rights and the privacy rights of American citizens. We worked with the intelligence community representatives and the Department of Justice lawyers to make sure it would work.

This bill we reported out of the Intelligence Committee gives our intelligence operators and law enforcement officials the tools they need to collect surveillance on foreign terrorists in foreign countries planning to conduct attacks inside the United States or against our troops, our allies. It is the balance we need to protect our civil

liberties without handcuffing our intelligence agencies. I hope we can do the right thing and bring that bill to the floor.

Now while we are working together to get our intelligence community the tools they need, our military needs Congress to provide the funds to get them the equipment, supplies, and fuels they need in the field. We have got men and women fighting for security in Iraq, in Afghanistan, and our own security. Regrettably, the Democratic leadership in Congress wants to hold these funds hostage to a far-left agenda which does not represent anything more than a sliver of popular opinion in this country. There is no excuse for stalling much-needed funds for American troops. These are American troops fighting in the field, and we are not giving them funds.

By kowtowing to the far left moveon.org and the Code Pink constituency, some of the leaders of the Democratic Party in Congress who have control of it are playing a dangerous game with the safety of our troops in the field and the readiness and morale of our troops here at home.

The latest partisan move comes despite the good news out of Iraq. Even the media, who has been opposed to our involvement in Iraq, is recognizing that as a result of the new Petraeus strategy, a surge on the counterinsurgency, working with the Iraqi security forces, our forces together with the Iraqis have been successful in eliminating key terrorist safe havens and hampering the enemy's ability to conduct coordinated attacks. There has been a consistent and steady trend of progress over the last 6 months.

There are positive stories describing Baghdad's marketplace coming back to life. All over the place violent attacks in Iraq are falling. Even some of the war's loudest and strongest opponents in the House have acknowledged the signs of progress. But despite this, the leadership has failed to give us the opportunity to improve the funds our troops need in the field.

With only a few legislative days left, our soldiers, sailors, our airmen, and marines cannot afford more of the partisan delay. We have got men and women risking their lives, and we are denying the funds they need for support. That is unthinkable. That is unthinkable. We have got to abandon the far left's strategies of retreat and defeat and allow our troops to do their jobs.

PERU FREE TRADE AGREEMENT

While we are talking about winning the war, there is also the war that is the soft war, the war of economic progress and opportunity. That is why, as Leader MCCONNELL said, the free trade agreements are so important. We have the opportunity to help countries that are less developed get the free markets, the economic opportunity, the democratic chances to influence their government that we treasure and that have helped make our country successful.

One of the most important things we can do is adopt the free trade agreements. We have four agreements pending. If enacted, these four pending FTAs would expand market opportunities between the United States and countries that have nearly 126 million consumers.

Today's vote on the Peru FTA is very important. I urge us to support that. This will generate U.S. exports, create jobs, enhance the well-being of farming communities such as those I represent in Missouri. Ask these farmers and the small businesses how important these agreements are. Opening these markets would boost U.S. farm exports by \$1.5 billion. Under the Peru FTA, more than two-thirds of current U.S. farm exports will become duty free. Tariffs on all farm products would be eliminated in 17 years.

The FTAs are vitally important. When FTAs are defeated, it is bad news for progressive government supporting the United States. In particular, it would be a blow to President Uribe in Colombia, who has been successfully fighting the leftist FARC terrorists, curbing illicit drug production. He is the most important counterweight to the anti-American vitriol of Hugo Chavez in Venezuela.

Chavez was rebuffed by students in his own country. We have an opportunity to establish good working relationships with Peru, with Colombia, with Panama, to show the leaders of the opposition in Venezuela that there is a better way than Hugo Chavez and his blind adherence to the Castro model in Cuba.

Every President since World War II, Republican and Democrat, has fought to reduce the kind of trade barriers that triggered the Great Depression of the 1930s. This administration has followed that example. I hope that in addition to Peru, the leadership of Congress will seek approval of free trade agreements and pass them for South Korea, Panama, and Colombia. It is vitally important not only for free trade between those countries but for our standing in leading for security, peace, and freedom in Latin America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, the last 2 weeks we have been back in our States visiting with our constituents and reporting to them on the work of the Congress. I did the same. I was in Texas traveling across our State. People would ask me almost everywhere I went what is happening in the Congress, and specifically the Senate. I am sorry to say I had to tell them: Not much is happening. Here we are, 2 months into a new fiscal year and we have yet to pass 11 out of the 12 appropriations bills that literally keep the lights on and instead are working on a continuing resolution, or on auto pilot based on last year's budget and appropriations bills.

I guess I was a little embarrassed to tell them that the approval ratings

which we have seen on the Rasmussen poll and others, the Gallup poll and others, appears to be well deserved. It is not a partisan matter. It is not that Republicans like what is happening and Democrats do not like what is happening, or vice versa, or independents like what we are doing. The fact is, no one seems to be satisfied. Given the 11 percent or so approval rating, I have to believe that in large part it is due to the fact that we simply have not taken care of our business.

Nowhere in the rest of America could people fail to do as much as we have failed to do in the Senate and survive. Whether it is your family budget or it is the small business, you could not get away with it. Only Congress can get away with it, I guess, to the extent it has, the failures and inaction.

There are two areas particularly I want to talk about in the next few minutes, where this has grave national security implications.

First, as Secretary Gates, the Secretary of the Department of Defense, has told us, if they do not get emergency supplemental funding for our troops in Iraq and Afghanistan, they are going to have to begin to give people notices that they are going to run out of money in February. But they have to issue the notices 60 days in advance, which means by December 15 there are going to be lots of folks who are going to be getting pink slips just in time for Christmas because the Senate has failed to act on an emergency supplemental request to fund our troops.

Frankly, I do not think we ought to be in that position. No. 1, it is completely inconsiderate of the families and the individual circumstances of those individuals who are doing their best to support our men and women in uniform.

Secondly, it is completely unnecessary. If we would simply take care of our business and quit playing political games by tying deadlines to the appropriation of emergency funds to support our troops, we could fund our troops and continue to have the debates here in the Congress about what our policy ought to be.

Those debates are important. I respect people with different opinions than mine. But we should not be doing it at the expense of our men and women in uniform or putting in jeopardy the jobs of people in civilian clothes who support our men and women in uniform, by tying the appropriation of this emergency funding to these deadlines to the emergency funding. I hope we will get this done and get it done quickly.

Also, we have, in fact, a middle-class tax increase getting ready to come into full flower with the so-called alternative minimum tax. Unless we act, the 6 million people who currently pay this tax today will grow to 23 million next year. So that is another victim, those taxpayers are another victim of our inaction and failure to act in a re-

sponsible way when it comes to getting our work done.

I want to join my colleague from Missouri, the ranking member of the Intelligence Committee, as well as my distinguished colleague from Arizona, and focus a little bit here in the next 5 minutes or so on the Foreign Intelligence Surveillance Act.

As most Americans who have followed our debates here know, our ability to listen in on conversations between terrorists and to stop further terrorist attacks on our mainland and our homeland, as well as over in Iraq and Afghanistan, depends on a robust intelligence-gathering capability.

The Foreign Intelligence Surveillance Act was a law passed back in 1978, back in a different era, which served our purpose then and made sure that no intelligence gathering, no wiretaps could occur against Americans. But the fact is that law has needed updating, has been updated from time to time. But we need to make clear that when it comes to monitoring communications between terrorists and foreign nations, it is not necessary to prepare a mound of paperwork and have an army of lawyers process it through a Foreign Intelligence Surveillance Court in order to get a permit to do so.

We have, as we all know, passed a temporary measure which will expire in February. But we need to act on this permanently and not continue to jam all of our business into the last few weeks and put people in doubt, particularly in the intelligence community, of whether they will have the capability to detect and deter future terrorist attacks by employing this capability.

Before we passed a temporary patch, I think, in August—or before we broke for the August recess—because of a ruling by a judge and because of changes in technology, it had been reported in the press that we had lost about two-thirds of our intelligence-gathering capability. Fortunately, we were able to fix that on a temporary basis.

But there are also other important parts of this legislation such as how do we treat the telecommunications carriers that did what they were asked to do in the security interests of the American people and cooperated with the Federal Government? Are we going to provide them the legal protection they are entitled to under the law or are we going to hang them out to dry and make them liable for lawsuits and damages, perhaps, and jeopardize the intelligence that we have gained with their cooperation?

That is the wrong way to treat these telecommunications carriers. We ought to not reward them but at least do our duty with regard to these citizens, corporate and individual alike, who cooperated with the U.S. Government in gathering intelligence and not punish them by hanging them out to dry and making them the subject of numerous lawsuits and litigation.

Just one quick example: When Joseph Anzack was kidnapped by al-Qaida

on May 12 while serving in Iraq and killed a few weeks later, you have to wonder if the paperwork that took roughly 10 hours to complete, along with a group of lawyers before an authorization to monitor communications which directly implicated his kidnappers would have saved his life. On that date, May 12, he and Alex Jimenez and Byron Fouty were kidnapped. But a 10-hour delay in getting the FISA paperwork done may have cost Joseph Anzack his life, and may have severely hampered the continuing efforts to find Alex Jimenez and Byron Fouty.

While the Protect America Act that passed in August, as I said, provided a temporary fix to the problem, it will expire in February. I just ask our colleagues on the other side of the aisle, why are we delaying the passage of this important fix to this temporary act? Isn't it important enough to make sure we do everything possible not to hamper our intelligence-gathering capability? We are, in fact, a nation at war, and we ought to act like it. That means arming our intelligence community with the tools they need to detect terrorist communications and to deter future terrorist attacks.

I know 9/11 seems like a long way off in the minds of many, and many have acted as if it never happened, but the fact is, unless we have robust intelligence-gathering capability, and unless the Senate acts promptly to permanently grant the power to our intelligence community to detect these communications, we are at grave risk, and we should not be as a result of Congress's inaction.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I thank my colleague from Texas for his comments about the Foreign Intelligence Surveillance Act and would like to expand on those a little bit more.

The Foreign Intelligence Surveillance Act we sometimes refer to as FISA or the FISA law. It is important we understand why we need to update this FISA law. In a word, it has to do with the fact that technology has moved forward faster than our ability to change the law. As a result, as the Senator from Texas just noted, we lost about two-thirds of the intelligence gathering on al-Qaida that we could have intercepted and were previously intercepting when it became clear we needed to change the law to keep pace with the advances in technology.

In the Protect America Act we restored access to that information, and we are now back to collecting that information. But the Protect America Act expires on February 1. As a result, we are now back to reauthorizing that act in a permanent way. We need to do so because, again, if this authority lapses, we are back to where we were when we were losing two-thirds of the information that we should be gathering on al-Qaida.

It is not as if we do not understand this is a serious problem. Al-Qaida still exists. It has not been destroyed. We know what it has done. We know what it would like to do. We know they continue to plot. It is critical for us not to ignore the threat. Of course, the first step in dealing with it is to do the best possible job we can in monitoring communications between people who would do us harm.

We all agree that congressional oversight is important to the effort, and all of the legislation we have adopted has enhanced congressional oversight. That is a good thing. That is not in question. But you do not have congressional oversight so oppressive that the intelligence folks cannot collect the information they need to collect. We need to be careful that in redrafting FISA we do not actually impede our intelligence collection in the name of congressional oversight.

There are some problems with legislation that came out of our committee, the Judiciary Committee—some big problems—much less so with the bill that passed out of the Intelligence Committee. Even Members who objected earlier agreed, and I think have agreed, we can provide the necessary statutory authorization for the President to act, and I think most would agree we have to have such authorization in place to deal with groups such as al-Qaida. But their concern was we simply wanted to have congressional authority for it, and that is what the act has done.

We have to be careful that in granting the authority we do not attach so many conditions to it that, once again, it is impossible for the intelligence agencies to do the job we have mandated they do. As I said, the bill reported out of the Judiciary Committee, and to some extent even the bill from the Intelligence Committee, does tie down our intelligence agencies with too many limits on how they can monitor foreign intelligence organizations.

What we are really looking at is some of my colleagues' efforts to take away core responsibilities and authority that the President has to protect our Nation in gathering foreign intelligence.

Let me cite a couple of examples. The Judiciary Committee bill makes FISA the "exclusive means"—that is the language—of gathering foreign intelligence absent express statutory authority. That is too narrow. In other words, what it is saying is, if another intelligence-gathering tool is not actually authorized by a statute, then it cannot be used to gather intelligence on a group such as al-Qaida.

One obvious example of this is grand jury subpoenas. They are authorized by rules of evidence, not by a Federal statute. The way the Judiciary Committee bill appears to be written, the United States could not even use grand jury subpoenas to gather information about al-Qaida. Obviously, that is not an intended result—at least I would hope not—but it is one of the things that would have to be fixed if we were

to consider the Judiciary Committee bill.

Another provision is in both bills, and it has been referred to as the Wyden amendment, named after my good friend and colleague from the State of Oregon. But as that provision is written, a warrant would be required for any overseas surveillance that is conducted for foreign intelligence purposes and is targeted against a U.S. person.

Under current law, however, a warrant would not be required for overseas surveillance targeted at a U.S. person if that surveillance is conducted strictly for a criminal investigation. So you have the anomaly where a much lesser standard exists for mere criminal investigations and the tough standard for the intelligence community to try to meet exists for gathering foreign intelligence against terrorists, when you want to be able to gather that intelligence and may need to do so in a very quick fashion in order to prevent an attack.

So the Wyden amendment would create the anomaly whereby U.S. overseas surveillance in the course of, say, drug trafficking or money laundering does not require a warrant, but foreign surveillance against a terrorist does. That is not a wise way to write the statute. It should not be more burdensome to monitor al-Qaida than it is to monitor a drug cartel. So that, obviously, would need to be fixed.

Moreover, many foreign terrorist organizations engage in both terrorism and ordinary criminal behavior such as drug smuggling or money laundering. This provision, unfortunately, creates the perverse incentive for U.S. agents to monitor a group for its criminal activities rather than on account of its terrorist activities. The provision literally makes it easier to monitor a group on account of its smuggling of marijuana than on account of the fact that it is a foreign terrorist organization. These kinds of artificial distinctions, obviously, make no sense and overly complicate the mission that is very difficult to begin with that we have asked our intelligence community to engage in.

In another area the Judiciary Committee stripped provisions from the Intelligence Committee bill that protect from lawsuits those telecommunications companies that have assisted U.S. intelligence agencies. This is very wrong. These companies were asked by the United States to help monitor al-Qaida after the September 11 attacks. Being patriotic Americans who wanted to help the United States in responding to the threat, the phone companies agreed to provide the help, and now they are being punished with lawsuits that damage these companies' reputations and are very expensive for them to respond. These companies helped us after September 11. They are not going to help again if we do not protect them from these types of lawsuits. The Intelligence Committee bill included a provision in the bill to do exactly that. Yet that provision was stripped, as I

said, in the Judiciary Committee. It took away the protection for those who helped monitor al-Qaida. We need to restore that protection for these folks who helped us.

The bottom line is, what is our goal? Do we want to allow our intelligence agencies to be able to use every legal tool at their disposal to track al-Qaida communications or do we want to again tie up our intelligence agencies in restrictions and procedures and then have some future 9/11 Commission—after, God help us, perhaps another terrorist attack—say Congress balled this up and included so many restrictions on intelligence gathering that they were not able to find out this attack was about to occur?

We have to enable our intelligence agencies, not unduly restrict them. Obviously, we need oversight to prevent abuses. That is included in the statutory language, and that is fine. But it does not make sense to impose other restrictions that primarily serve only the purpose of preventing us from collecting good intelligence. There is no excuse, in effect, for making the same mistake twice.

So, in summary, we are going to be dealing with the FISA reform on the floor of the Senate very soon. We need to. The authorization that currently exists expires on February 1. We need to have something in place before that occurs. The bill that came out of the Intelligence Committee by and large will provide the intelligence collection authority that is needed, although there are some problems with it as well. But the provisions that came out of the Judiciary Committee will not work. They will not allow our intelligence collection agencies to do their job properly and, as I said, create the anomalous situation where it is easier to go after intelligence on a criminal enterprise than it is against a terrorist organization. That cannot be.

So I hope my colleagues, when we bring this bill to the Senate floor, will consider the future, the threat of groups such as al-Qaida, and understand it is up to us to ensure our Nation can be protected and not make the same mistake we made before of unduly restricting our intelligence-gathering agencies in fulfilling the mission—the so very important mission—we have asked them to perform.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 2405 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

PERU FREE TRADE AGREEMENT

Mr. BROWN. Mr. President, I rise to oppose the Peru Free Trade Agreement on which we will vote midafternoon today.

The trade policies set in Washington, and negotiated across the globe, have a direct impact on places such as Lima and Steubenville and Cleveland and Hamilton, OH. That is why voters in my State and across the country sent a message loud and clear in November demanding a different trade policy, a new direction in our trade relations.

A new report this month from the Center for Economic and Policy Research says jobs paying at least \$17 an hour—roughly \$35,000 a year—and provide health insurance and provide some form of pension declined by 3.5 million people between 2000 and 2006. If that doesn't underscore and emphasize the decline of the middle class, no statistic does.

Working men and women in Ohio know that job loss—a job paying \$35,000 or \$40,000 or \$45,000 or \$50,000 a year—does not just affect the worker or the workers' families, as tragic as that is; job loss—especially job losses in the thousands—can devastate communities.

Peru and proposed deals with Colombia, Panama, and South Korea are based on the North American Free Trade Agreement, the so-called NAFTA model.

NAFTA's proponents promised the agreement would create new jobs from exports and that U.S. exports to Mexico would exceed Mexican imports by some \$10 billion. NAFTA supporters also promised it would end our immigration issue or problem. More on that at another time.

Today, imports from Mexico exceed exports by about \$70 billion. Instead of a multibillion dollar trade surplus with Mexico, as NAFTA supporters promised, it has gone the other way manifold, with a \$70 billion deficit.

When I was elected to Congress in 1992, the U.S. trade deficit was \$39 billion. Today, after NAFTA, CAFTA, the Central American Free Trade Agreement, and after inclusion in the World Trade Organization, our trade deficit has grown to over \$800 billion. It went from \$39 billion in 1992 to, a decade and a half later, \$800 billion, which is an increase of twentyfold.

What NAFTA is, and what that model of trade is, is simple: A mechanism providing a source of cheap labor for multinational firms.

The NAFTA model includes rules on investment and procurement that favor large companies at the expense of workers, at the expense of small manufacturers in Akron, Toledo, Lima, Findlay, and all over my State, and at the expense of the democratic process.

The investor-State rules of the Peru Free Trade Agreement and these other proposed deals will allow corporations to enforce their rights under the agreement in a private trade tribunal. These are decisions where a corporation can sue a foreign government if that corporation doesn't like its foods safety rules or if it doesn't like its workers compensation system or its consumer protection laws. A company outside of

the United States can sue our Government when, for instance, our Government protests the import of toxic toys from China or protests contaminated toothpaste or dog food or any of the consumer protection food safety rules that protect our families and our children.

Now, here is what the investor-State rules mean. If Peru tries to make improvements to its food safety, health, and environmental laws, large corporations have a mechanism now for challenging it in a private tribunal. This isn't a government making the decision, it is a private tribunal, with generally anonymous people and trade lawyers who almost always decide in support of weakening trade protection laws and decide in support of whatever generally corporate interests are in those countries and make that decision accordingly.

That is not bothersome enough. If Peru passes strong consumer protection laws or a strong food safety law or a strong generic drug law to bring prices down for its consumers, an American company can come in—a drug company, a toy manufacturer, a food processor—and sue the Government of Peru, saying we don't like these laws, and a private tribunal will make the decision. That already has happened under NAFTA, and I can give examples. It also works the other way. A company in Peru can challenge consumer law, a food safety law, a protection for our families law, if you will, in this private tribunal.

Meanwhile, for other parts of the FTA with Peru, such as labor and the environment, we rely on this administration to enforce it. There is a history of this administration unwilling to use the existing enforcement mechanisms available to us—not just in terms of domestic policy, where this administration has weakened environmental laws and consumer protection laws and food safety laws, and they have done it internationally. Almost one of the first acts President Bush did in 2001 was all about the Jordan Free Trade Agreement. The Jordan FTA was once held as a standard in labor provisions. It passed in 2000 during the Clinton administration. I was as critical of President Clinton as I am of President Bush. It is not a partisan thing, but today the vote may look like that. The Bush administration turned the other way while human trafficking was rampant in Jordan.

In Jordan, workers from Bangladesh come in, their passports confiscated, and they work with fabric transshipped from China. So they bring fabric produced by textile companies in China—companies with no labor standards, little environmental standards, and no real protection for workers—they bring in the textiles from China and they bring the workers in from Bangladesh. Those workers work sometimes 20 hours a day, often without breaks. These textiles are assembled into apparel in Jordan in sweatshops and ex-

ported to the United States, without duty, I might add, without tariffs.

President Bush's first U.S. Trade Representative, Robert Zoellick, sent a letter to Jordan's Trade Minister in early 2001, saying the United States would not use the FTA to enforce certain provisions, including the labor chapter. Even though Jordan had strong labor provisions, the administration said we are not going to enforce them.

The Jordanian Government has taken steps to fix its human trafficking problem but not because of the enforcement tools available in the trade agreement; it is only because of the pressure from world opinion.

There is more work to do in Jordan. Last week, it was reported that workers at a Jordanian factory, working under a subcontract, are being threatened with forced deportation after striking to protest the imprisonment of six coworkers.

The National Labor committee, which has done extraordinary investigative work in Jordan, reports that the factory owner threatened to also cut off workers' food and water. This is the kind of country we pass trade agreements with which clearly has no regard for its workers, although in this case they were imported workers from somewhere else.

Remember, factories in Jordan get duty-free access to the U.S. market under the Jordan FTA. How can we not be surprised at similar stories in Peru, Colombia, Panama or South Korea?

Workers and consumers get short shrift. Slave wages are OK, unsafe working conditions are OK, unsafe products and food are OK, contaminated food is OK. With a total lack of protection in our trade policy, we are importing not just the goods but the lax safety standards. We are not just importing toxic toys from China, with lead-based paint covering our Frankenstein mugs at Halloween time, we are importing the values of those countries. If we are going to outsource jobs to China, Peru or Mexico or Bangladesh, they are going to send products back into the United States under production standards we would never allow in this country. We once did, but we would never allow those standards today, with the workers, the environment, the safety, and all of that. We are importing Chinese values, those kinds of values.

With the total lack of protections in our trade policy, the Peru Free Trade Agreement, similar to NAFTA, which it follows, puts limits on the safety standards we can require for imports.

If we relax basic health and safety rules to accommodate Bush-style, NAFTA-modeled trade agreements, then I am afraid we should not be surprised to find lead paint in our toys and toxins in our toothpaste. We have seen recall after recall after recall: contaminated toothpaste, contaminated apple juice and dog food, toxic toys with lead levels thousands of

times higher than we would accept in this country. Yesterday, in Cleveland, I had a meeting and a rally with a couple of mothers who have small children—Sonia Rosado and Sara Correr. They are alarmed and concerned about what to buy their children. They asked: What toys can we buy that we know are safe?

Due to trade agreements, there are more than 230 countries, and more than 200,000 foreign manufacturers exporting FDA-regulated goods to American consumers.

Before NAFTA, we imported 1 million lines of food. The FDA regulated about \$30 billion imported food goods. Now we import 18 million lines of foods and at least \$65 billion imported food goods. The FDA doesn't inspect 50 percent of these or 20 percent or 10 percent; they don't even inspect 1 percent of imported foods. They inspect six-tenths of 1 percent. That means for every 1,000 food shipments that come to the United States, they inspect 6. For every 150, they inspect 1. It is a pretty lethal combination, when you think about buying products, whether it is processed food or toothpaste or toys from a country such as China or a country such as Peru, that don't follow the same food safety standards or protection standards we do. You have American companies hiring subcontractors in Peru or China, and those subcontractors are told over and over that you have to cut costs, cut corners, and maybe do whatever you have to do to cut costs. Well, that means putting lead in toys because lead-based paint is cheaper, easier to apply, shinier, and looks a little better sometimes. Then we have these products come into the United States and we don't inspect them in any significant number.

So with this trade policy—and Peru is another extension of our trade policy with China and another extension of our trade policy similar to the North American Free Trade Agreement, the NAFTA model—we are doing it again. It is a lethal combination. It is a trade model that chases short-term profits for the few, at the expense of long-term prosperity, long-term safety, long-term health for the many. It is a model that works for a few and doesn't work for overwhelming numbers of Americans.

Look at our trade deficit: \$800 billion, almost \$3 billion a day. Look at our manufacturing job losses: 200,000 in my State alone for the last 5 years. Look at wage stagnation: The middle class no longer gets a raise in many cases. Look at imported product recalls: Week after week, sometimes day after day, the Consumer Product Safety Commission says take that off the market, we can't keep selling that. Look at forced labor and child labor and slave labor: We know that is going on in China. We say: Well, their products may be a little cheaper. It helps us with profits. Companies are doing pretty well. We will accept that stuff.

Look what it does to communities. When a plant closes in Gallipolis or a

plant closes in Springfield, OH, families face huge tragedies—neighbors who don't work at those plants, but neighbors see police forces cut, teachers laid off, fewer firefighters ready to take care of them in an emergency. The tax base is eroded, public services decline. They all go together. We are setting ourselves up for more.

The President says he wants Congress to approve new trade deals with Peru, which the Senate will do today, unfortunately, with Colombia, with Panama, and with Korea. Secretary Gutierrez called yesterday for a vote on the Colombia Free Trade Agreement soon after the Peru vote. I invite the President—I would love to see the President come to Portsmouth, OH, on the Ohio River, or sit down with a machinist in Lake Erie or Toledo, or sit down with a tool and die maker, a tool and die shop owner in Akron. Their productivity is up. These workers are doing better and better in terms of productivity. That is a testament to their hard work and their skills, but our Nation's workers too often don't share in the wealth. They are making more money. They are making more profits in the history of our country, particularly since World War II: As productivity goes up, so do wages go up. No more. Workers are more and more productive as they compete on a very unlevel playing field with low income, very underpaid, sometimes slave labor, forced labor, child labor workers in other countries. They are more and more competitive, but their wages stay flat.

The President wants these trade deals, and in 2002 Congress gave the President the authority to negotiate and to sign and seal these trade deals. All Congress gets to do is vote yes or no. No amendments. No particularly extensive debate. You have to vote yes or you have to vote no. You can't make any changes.

When I talk to workers in Marion or Mount Vernon or Dayton or Mansfield about fast track—this kind of unusual rule that we operate trade agreements under in the House and Senate—they ask: What is the point of Congress being involved at all? All we do is say yes to the President.

The reason the President wants fast track is it silences opposition, it cuts out debate, and pushes through these unpopular trade deals. We all know in this body—every single Republican and every single Democrat in this body—that these trade agreements—NAFTA, CAFTA, PNTR with China, trade agreement with South Korea, trade agreement with Colombia, trade agreement with Peru and Panama—if they came to a vote in the United States among 300 million Americans, they would be soundly defeated. We all know that. Many of us ran campaigns last year, in our elections a year ago, talking about these trade agreements and what they mean.

The current system is not sustainable. People in Ohio and throughout

this country will not stand for more of it. Labor unions, environmental groups, church groups, development groups are not out lobbying for the Peru Free Trade Agreement. People don't come up to me at schools or in church or in factories or in small businesses or walking down the street or when my wife and I go to the grocery store, and say: Hey, you ought to pass another trade agreement because they are working well. Our trade deficit only went from \$38 billion to \$800 billion in 15 years. They are really working. More jobs created; more manufacturing.

Of course, they are not asking us to vote for these trade agreements because they simply aren't working. Why would we do another trade agreement when NAFTA didn't work, when CAFTA didn't work, when PNTR with China doesn't work, when these other trade agreements simply don't work?

I think Americans want trade. I want trade. We want trade. We want plenty of it, but under rules that raise standards and ensure our experts have a lasting and sustainable market for consumers. Trade can be a development tool, but the way this administration pursues trade is not promoting sustainable development. We want trade with countries that will be a lasting market for American goods—a market for American goods, not just a source such as Jordan has become, such as China is, such as Peru is becoming—not a source for cheap labor. The American people want a pro-trade, pro-development, pro-working families, forward-looking approach.

We have a choice. We can work with the countries we want to trade with, make sure they play fair, make sure they can purchase our products, make sure the standards of living go up in those countries over a long period, or we can continue to walk myopically, nearsightedly, blindly into even more of the same trade deals. We can continue free trade on the cheap, or we can respect the progress America has made over the last century: our hard-fought labor laws, our food safety laws, our consumer product laws that protect children, that protect our families, that give us one more reason to be proud of our great country; or we can do what the President wants and what the leadership from the Republican Party in this Congress wants. We can take two steps—we can take two steps back from this progress to accommodate lax labor and safety standards.

This Congress has a choice too. We can pass legislation to combat unfair currency, or we can continue to let China cheat. We can bolster trade enforcement, or we can rely on the administration's discretion to enforce our trade laws. We can assist workers laid off to unfair trade, or we can continue to look the other way.

We have heard voters in Ohio and around the country call for big changes to trade policy. We are hearing consumers demand accountability for the

unsafe imports that are on our store shelves. Looking into the eyes of Sara and her children yesterday, looking into the eyes of Sara yesterday, of her friend Sonia, and seeing the look she had about why isn't the government on our side on this—it does matter. We are hearing consumers demand accountability for the unsafe imports that are on our store shelves.

Passing a trade agreement with Peru is not the change Americans demanded last year, that Americans continue to demand now, and that America will continue to demand in the years ahead.

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

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

The bill clerk proceeded to call the roll.

Mr. SANDERS. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

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

The legislative clerk read as follows:

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

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 90 minutes of debate equally divided.

The Senator from Vermont.

Mr. SANDERS. Mr. President, I wish to say a few words as to why I am strongly opposed to the Peru Free Trade Agreement. Some of the points I made last night, but I think they need reiteration. The untold story of the economy in the United States is that the middle class is shrinking, poverty is increasing, and the gap between the rich and the poor is growing much wider. I am not going to stand here and tell you trade is the only reason the middle class is shrinking, but I am going to tell you it is a major reason, and it is an issue we have to deal with.

Mr. President, since George W. Bush has been in office, 5 million Americans have slipped out of the middle class and into poverty, 8½ million Americans have lost their health insurance, median household income for working-age families has gone down by nearly \$2,500, over 3 million good-paying manufacturing jobs have been lost, 3 million Americans have lost their pensions, wages and salaries are now at their lowest share of GDP since 1929,

and we are in a situation now where the wealthiest 1 percent of Americans earn far more income than the bottom 50 percent.

In the last number of years, technology has exploded and worker productivity has increased. Yet in the midst of all of that, the middle class is struggling desperately to keep their heads above water, and poverty is increasing.

I think the question this Senate should be spending a lot of time on answering is why that is happening. Why is it that everything being equal, our kids will have, for the first time in the modern history of the United States, a lower standard of living than we do? Why is it that a two-income family today has less disposable income than a one-income family did 30 years ago? In the midst of all this globalization, all of the explosion of technology, all of the increase in worker productivity, there is more and more economic desperation in the United States, and the only people who are doing very well are the wealthiest 1 or 2 percent of the population.

Now, I think there is a real problem when you have unfettered free-trade agreements which essentially allow corporate America to throw American workers out on the street, move to China, move to other low-wage countries, pay people their 50 cents an hour, \$1 an hour, and then bring their products back into this country. One of the great crises we are facing is we are not building manufacturing plants in the United States and putting people to work at good wages with good benefits. Not only are we losing blue-collar jobs, we are losing white-collar information technology jobs. And millions of parents all over this country are wondering what kind of jobs are going to be available for their kids.

The fact is, these free-trade agreements have not worked. I don't know how many times and what people need to understand that. Just take a look at NAFTA. I remember, because I was a Member of the House during that debate, that the supporters of unfettered free trade told us over and over that NAFTA would increase jobs in the United States. But according to the Economic Policy Institute, NAFTA has led to the elimination of over 1 million American jobs.

Now, why would you want to follow a paradigm, a trade policy approach which has failed in the past? If it has failed time and time again, why would you keep doing the same thing? A manager of a baseball team who has losing records year after year gets fired. That is what happens. The team changes its approach.

Right now, we have a huge trade deficit. It is a growing trade deficit. We are losing good-paying jobs. Pressure on wages is to push them down into a race to the bottom. That is a failed trade policy.

Supporters of unfettered free trade told us that NAFTA would signifi-

cantly reduce the flow of illegal immigration into this country because the standard of living in Mexico would increase. Well, guess what. They were wrong. It didn't happen. As a result of NAFTA, severe poverty in Mexico increased. It didn't go down, it increased, and 1.3 million small farmers in that country have been displaced, with real wages for the majority of Mexicans having gone down. All of this has led to a 60-percent annual increase in illegal immigration from Mexico during the first 6 years of NAFTA alone.

What is happening in Mexico and in the United States and in many other countries today because of unfettered free trade is we are seeing a huge increase in the gap between the people on top and everybody else. I will give just one example. In Mexico today, a poor country, a gentleman named Carlos Slim has just surpassed Bill Gates as the wealthiest person in the world, worth over \$60 billion, in a poor country. Incredibly, because of unfettered free trade and near liberal type of economic policy, Mr. Slim is worth more than the poorest 45 million Mexicans combined. One man has more wealth than the bottom 45 percent, which happens to be 45 million Mexicans. That is one of the manifestations of unfettered free trade.

And the situation is the same with China. I remember the debate about China—we have a great market in China. If we open permanent normal trade relations with China, it will create all kinds of jobs. Nobody believes that is true. We have a huge trade deficit with China, a trade deficit that is growing. People today are doing Christmas shopping. When they go to the stores, the products they will find from A to Z are made in China, not made in the United States. I can tell you that in my small State of Vermont, we have lost 25 percent of our manufacturing jobs in the last 6 years—not just due to trade, but trade has played an important role.

All over this country, people are wondering why corporate America is not reinvesting in Pennsylvania or Vermont or the rest of the country. Well, you know why. They are investing billions and billions of dollars in China, hiring people there at pennies an hour, and then they bring their products back into this country. And people are wondering: How do you become a great economy? How do you lead the world? How do you have good jobs for your kids if we are not producing the goods that our people purchase?

You will remember, Mr. President, that 20, 25 years ago, the largest employer in the United States was General Motors. They produced automobiles. They paid people good wages, they had good benefits, and there was a strong union. Today, the largest employer in the United States is Wal-Mart, with low wages, minimal benefits, and vehemently antiunion.

What I also don't understand, in terms of this trade debate, is who the

Congress thinks it is representing. You go out in my State and all over this country, and people say: We do not like unfettered free trade. If you want to be a political opportunist, and you don't care about the issue, you should vote against the Peru trade agreement. That is what the people want you to do. In fact, according to a recent Wall Street Journal NBC news poll, 59 percent of Republicans—of Republicans—believe unfettered free trade has been bad for the U.S. economy. And a majority of Democrats feel the same way. So I think maybe the Congress has got to start saying to the large corporation CEOs, who in fact do very well by unfettered free trade, that our job is not just to represent them but to represent the working families of this country.

This agreement will simply continue a failed trade policy. And, Mr. President, you know, because you are a new Senator as well, that during the last campaign, many of us raised this issue about unfettered free trade. What we heard from constituents was that they wanted a change in trade policy. They wanted companies to start investing in America, not in China. They are worried about the future.

So the bottom line is, we have a failed trade policy, and before we pass any more trade agreements, I think we need to take a hard look at what past trade agreements have done. I think we need a moratorium on them, and we need to develop new trade agreements. Trade is a good thing, but we need new trade agreements that represent the working families of this country so that we can see our wages and our incomes going up, not going down; our health care benefits going up, not going down; so that we are not engaged in a race to the bottom; so that we are helping poor countries improve their standard of living, while our standard of living is going up and not bringing everybody down.

I hope Members of the Senate will give serious consideration to rethinking our trade policies and voting this Peru trade agreement down.

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

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

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I urge my colleagues to vote in favor of the United States-Peru Trade Promotion Agreement. Peru is no ordinary country, and the Peru agreement is no ordinary free-trade agreement.

Peru is a vibrant country. It is marked by the diversity of its dramatic and varied landscapes, abundant and rich wildlife, and strong people. Peru provides a home to more than 170 million acres of forest and 84 of the 103 existing ecosystems on the planet. And it

is the birthplace of the Inca civilization, the builders of the incomparable Machu Picchu complex in the Andean highlands. Their descendants live on today in Peru's thriving indigenous communities. This remarkable diversity of landscape, wildlife, and people deserves to be protected, and the strong labor and environmental provisions of the Peru agreement ensure that it will.

Since 1958, when the United States entered into a free-trade agreement with Israel, we have entered into bilateral or regional free-trade agreements with no fewer than 15 additional countries, and since then Democrats have sought to make labor and environmental issues a greater priority in trade agreements. We have had limited success until now.

The Peru agreement is in fact a groundbreaking achievement. Months of complex negotiations involving numerous parties and difficult compromises on all sides resulted in a landmark deal between Congress and the administration. Believe me, this is a very significant and unexpected breakthrough that was achieved not too long ago. We agreed to include strong labor and environmental provisions in all our pending trade agreements beginning with the Peru Free Trade Agreement. That was the understanding, all agreements beginning with Peru—truly a remarkable accomplishment, and we should be proud of what we have achieved. For the first time, the Peru agreement requires the parties to implement the five core International Labor Organization standards. For the first time, the Peru agreement requires the parties to implement seven core environmental treaties. And, for the first time, the Peru agreement makes these labor and environmental provisions fully enforceable by subjecting them to the same dispute settlement mechanism that applies to all other obligations.

Some may criticize the agreement as not going far enough, but these provisions are in fact exactly what many of us in Congress in the labor and environmental movements have been seeking to include in trade agreements for decades. They will benefit workers, they will encourage environmentally sustainable development, and they will ensure the Peru agreement helps to export our fundamental values abroad at the same time that it helps to export our products and services abroad.

The agreement also strengthens our ties with a stalwart ally in an increasingly troubled part of the world. It is an agreement with a leading reformer in our hemisphere, it is an agreement with one of the fastest growing economies in Latin America, and it is an agreement with solid commercial benefits for the United States. Mr. President, 98 percent of Peruvian exports to the United States already receive duty-free treatment under various United States preference programs. This agreement levels the playing field and

allows our exports to enjoy the same benefits in Peru.

To cite one example, more than two-thirds of current United States farm exports to Peru, including delicious Montana beef, I might add, and wheat, will receive immediate duty-free access to Peru under the agreement. All remaining tariffs on Montana and other U.S. agricultural goods will be eliminated within 17 years.

For Peru, this agreement means better conditions for its workers, strengthened protection for its amazingly diverse environment, and greater integration into the world economy. Our neighbors to the south can hope it will represent a first step toward increased prosperity, transparency, and stability for the Latin American region as a whole.

This agreement demonstrates what Congress and the administration can achieve when we work together. I hope we can build on the success of this agreement to heal the wounds of previous battles and I hope we can begin to recreate a consensus for trade liberalization going forward.

But the Peru agreement is only one step in this process. Enactment of a robust and modernized trade adjustment assistance program should be our next focus, certainly before this Congress considers additional free trade agreements. We cannot express support for trade agreements unless we fulfill our responsibility to ensure that trade-displaced workers, whether in manufacturing or the services sector, are able to retrain and retool for the 21st century economy. I look forward to working with my colleagues and with the administration on trade adjustment assistance reauthorization very soon.

For all these reasons, I am pleased to support the United States Peru Trade Promotion Agreement Implementation Act and I urge my colleagues to support it as well.

Mr. President, I suggest the absence of a quorum and ask unanimous consent the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MARTINEZ. Mr. President, I rise this morning to speak on the proposed free trade agreement with our friend and neighbor to the south, the country of Peru. This is, I believe, a critical piece of legislation. The approval of this agreement would do wonders to advance United States interests in the region. This is a treaty that should be approved because it is good for our bilateral relations with this very important country, it is good for our overall relations with the region, but most of all we should approve this treaty because it is good for the United States

economy and it is good for Florida's economy, it is good for bilateral relations, and it is good for our overall security posture in the region.

The legislation will make trade with Peru a two-way street, will benefit small and medium-size businesses, and will reduce barriers to services and to investments.

Over two-thirds of total U.S. exports are manufactured goods, so agreements that remove tariff and nontariff barriers in foreign countries benefit all American manufacturers, large and small.

Implementation of this agreement would raise a total of U.S. merchandise exports to Peru by over \$1 billion in the first year. This agreement will add over \$2 billion per year to the U.S. gross domestic product. Further, this agreement contains groundbreaking enforceable core labor and environmental provisions. I know these are important.

It is not just is it good for business, but is this something that is going to also speak about our core values when it comes to labor standards? Is it something that we believe will further the condition of the world as it relates to the environment?

This agreement includes provisions that will enhance both of those. For the first time, future administrations will have the right to take dispute action if labor or environmental issues become a problem. So this will have enforcement mechanisms built in. Never has this been the case with any of our previous trade agreements.

So we have made maybe a marker, maybe a breakthrough in a way that we can have more of these trade agreements come to pass that are good for our country, that are good for our economy and that of our neighbors, but yet give people the sense of assurance that environmental and labor rights are going to be protected.

The first year of implementation will boost Florida's total economic output by \$140 million, create more than 900 jobs in the State I represent, and increase workers' earnings by \$35 million.

In the next decade, it is estimated that Florida's total economic output would increase by more than \$760 million per year. Exports to Peru would support more than 4,900 jobs and increase workers' total personal income by more than \$180 million a year. Fifty-four percent of all U.S. high-tech goods exported to Peru are made in Florida. Twenty-three percent of all U.S. exports to Peru are made in Florida. Florida is the hub for transportation, trade, finance, insurance, and several other professional services provided to companies from all over the world doing business in Peru. More than half of all Peruvians visiting the United States come to Florida.

Peru's democracy has successfully weathered serious security and political challenges to its institutions over the last decade. But it is a democratic

country, and democracy has proven strong, and it has proven that it can, in fact, withstand challenges from all sides.

The decision by newly elected President Alan Garcia to support the United States-Peru TPA marks a turning point in our bilateral relations and political stability by providing for a secure and predictable framework for investors, protections for intellectual property rights and worker rights, and an innovative process for public scrutiny regarding the enforcement of environmental regulations.

Peru's democracy has successfully weathered serious security and political challenges to its institutions by the fact that elections are now repeatedly held and that, in fact, these elections have an outcome that is honored by all of the citizens of Peru which shows us they are a country strongly on the path to democratic institution building.

But a great part of this is also economic success. We cannot just build democratic institutions; the people must believe by following the faith of democracy, by following the path of trade and partnership with the United States they can also better their lives; that, in fact, the false prophets who would preach to the people of Peru that the path to their better future lies in antagonism to the United States, lies in the path of socialism, which has been proven to be a failure throughout the world wherever tried, is to allow them an opportunity to have a successful future by following the path of trade and partnership with the world of beliefs in the globalized economy that all of us can benefit from if it is done right, and if it is done with the right provisions.

The fact is, at this point in time, we are at a significant crossroads in our relations with Latin America. It is an area of the world that as long as things are going fine oftentimes we choose to ignore. But at the current moment in time, we find that in agreeing to this proposal for and altering the trade agreement with Peru that we would be rewarding the democratic institutions that have maintained Peru over the last decade, but also we would be telling them: We want to trade with you. We want to do business with you.

As we enhance the job creation in my home State of Florida, as I have said, as well as in the United States, there is no question that we will also be enhancing job creation in Peru itself; that those people in Peru who aspire to a better life, who aspire to an opportunity perhaps to own their own small business, who aspire to have an opportunity to maybe have more yield and output from their agricultural production, those who benefit from the opportunities of trade and investment will all see the benefits and the fruits of this partnership with the United States.

Now it is good for Peru. But broadly speaking, trade agreements are good

for America, and they are good for our relations with the region. So, therefore, I would say we should approve this agreement today, we should vote in favor of our trade agreement with Peru, but we should not stop there. We should soon also see progress on our trade agreement with Panama and our trade agreement with Colombia.

The template of this agreement, while we have additional protections as well as enforcement methods for labor and environmental rights, is the template that we should use in moving forward the Panamanian Free Trade Agreement and the Colombian Free Trade Agreement. We have no closer friends or neighbors than Panama and Colombia. We have no better friends in the region than the Government of President Uribe, where in partnership with now two consecutive administrations, the United States has taken a bold step forward in saying: We will help you, Colombia, to get rid of the narcoterrorists in your country. We will help you to achieve a better life and a more secure future for your own people by helping you to defeat the people who will sow terror on your streets and in your highways.

In that we have made tremendous progress. As we have done so, we have diminished the amount of illicit and illegal drugs from Colombia that are entering the United States and poisoning our American streets. But we have done more than that. We have also helped them pacify their country. Their country is in a huge turnaround. Their country has tremendous economic growth. The Colombian people can now freely travel the country. That is a result of the good efforts of the United States working in partnership with the Colombian Government.

Colombia has a bright and tremendous future. Forty million people are in the country of Colombia. It is a very diverse country. From the coast of the Caribbean to the Andes and the interior, it is a country of resourceful and tremendously ingenious people who would benefit tremendously from the opportunity of having a free-trade agreement with the United States.

It is a free-trade agreement that will create jobs in America, that will also enhance the opportunity for the same kind of economic growth and job creation that I have talked about with Peru.

The Panama agreement is a much smaller agreement. Panama increasingly has become the trading hub of the Americas through the Panama Canal. And we now know that for more than a couple of decades, Panama has been in charge and has been running its own canal in a very successful way. Now they are enhancing it by expanding it.

The banking system, from Asia to the Americas, seems to be at a crossroads through Panama. It is a country with which we should have a trade agreement. We have one that is there.

It is teed up. We should move it forward. It should be the next one we approve, with Colombia coming along not long after. But these are tremendously important. These countries look to these agreements as a way forward, as a way of enhancing their partnership with our country, and rejecting other ideologies.

You know we might as well talk about this. I think it is very important. On Sunday we had a very startling event occur in the region. Venezuela held an election in what was a proposal from an increasingly authoritarian leader, Hugo Chavez, to become essentially President for life. It was essentially to give him the authority to rule by decree, to declare a state of emergency and essentially suggest that all of the institutions of the country be suspended and he would be the sole ruler.

It also went further, and it said the country would take a socialist path. Now, this is only the latest excess by a leader who is excessive in many ways, his rhetoric and his action. But this latest excess was rejected by the people of Venezuela.

I congratulate the people of Venezuela for taking this bold step in the direction of not a single authoritarian person in charge of the government but one who would allow a more democratic future for the people of Venezuela. The people of Venezuela courageously went to the streets, courageously demonstrated against tremendous oppression and repression by the Venezuelan authorities, and continued to insist that they have a free vote on Sunday, and they did.

They rejected the overreaching of President Chavez. But this ideology that President Chavez preaches, the failed ideology that was preached by Fidel Castro that has taken Cuba on the path of destruction, disaster, and desolation is now trying to be inflicted on the people of Venezuela, where they are now seeing the same kind of food shortage we have seen in Cuba for almost a half a century beginning to manifest itself in a country that is so oil rich it is ridiculous.

The fact is, we see in the path to bilateral trade agreements with the United States a rejection of these failed ideologies, a rejection of the Chavez way, and a welcoming of a partnership with the United States, one that allows independence and democratic institutions to flourish, while at the same time improving the lives of the people of the region.

I urge my colleagues to look forward also to the Colombian and Panamanian trade agreements. They should be coming. We need to proceed to move those forward. They are tremendously important for these countries. Let's engage in this friendship, but let's take care of first things first and today resoundingly approve the free-trade agreement with Peru that is good for America, good for our Nation, but also good for Peru, and for our relations with the region.

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.

Mr. SALAZAR. 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. SALAZAR. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes as in morning business.

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

Mr. SALAZAR. Mr. President, I come to the floor today to make a very simple statement; that is, about our food security in America.

For all of my life—as a farmer and a rancher and attorney general—I have recognized importance of food security for America. On my desk in my Senate office here in Washington, DC, there is a sign that says: “No Farms, No Food.”

It is important for all of us in this Chamber to recognize the importance of the food security of the United States of America by moving forward with the passage of the 2007 farm bill.

As the Presiding Officer well knows, the Agriculture Committee, under the leadership of Senator HARKIN and Senator CHAMBLISS, worked very hard—worked for weeks and weeks and months and months—to come up with what is a very good farm bill. It is a very good farm bill that invests in the nutritional needs of our country. It is a very good farm bill that helps us unveil the clean energy future of America and helps us grow our way to energy independence. It is a very good farm bill that invests such as no other farm bill ever has in the conservation opportunities we need to protect our land and our water in America. It is a very good farm bill in all respects, and it is paid for. It is a farm bill that is paid for.

We have been on this farm bill now in the Senate for the last several weeks, since before Thanksgiving, and have not been able to move ahead. The majority leader, Senator REID, has propounded a proposal where we would move forward with a set of discrete amendments, giving the Republicans 10 amendments, having the Democrats have 5 amendments and 2 additional amendments would be considered. It seems to me that is a very eminently fair proposal, and I would ask my colleagues, both on the Democratic side and the Republican side, to stand behind that procedural framework so we can get onto the farm bill and get this farm bill across the finish line.

It is my view the people of America deserve no less from this Senate, and I am very hopeful we will be able to come to that agreement very soon.

RECESS

Mr. SALAZAR. Mr. President, I ask unanimous consent that all time be

yielded back and that the Senate now stand in recess until 2:15 p.m.

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

Thereupon, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Vermont is recognized.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT—Continued

Mr. LEAHY. Mr. President, I ask unanimous consent that the vote that was scheduled for 2:15 occur at 2:30, and the 15 minutes between now and 2:30 be equally divided in the usual fashion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise in opposition of the Peru Trade Promotion Agreement. While the Peru Trade Promotion Agreement includes important labor and environmental provisions, I do not believe that it represents a large enough departure from the failed NAFTA-style free trade model to merit my support.

Instead of fast-tracking new trade agreements through Congress, we need to take a deep breath and assess the impact of our failed trade policies and take the country and our economy in a better direction.

We should focus on fixing the problems created by NAFTA and other trade agreements, extending trade adjustment assistance for displaced workers, reinvigorating our domestic economy, and creating jobs for hard-working Americans.

The inclusion of labor and environmental protections in the Peru deal is an important and positive development, but without an administration willing to enforce these provisions, the promises ring hollow.

The Bush administration has an abysmal record when it comes to enforcing trade regulations, and it is not a stretch of the imagination to assume that their unwillingness to enforce regulations will extend to Peru.

Without strong enforcement of these important labor and environmental provisions, they are nothing more than words on a piece of paper.

Already we are seeing the Peruvian government backtrack on the spirit of the environmental provisions included in the agreement. International environmental groups have documented a number of recent actions taken by Peru's government that provide a serious cause for alarm.

As an example, in September, a law was proposed to remove half a million acres from the Bahuaja-Sonene National Park and devote the area to oil and gas exploration and exploitation. The Superintendent of Peru's natural protected areas determined that excluding the zone from the national park would violate both the Peruvian

Constitution and Peru's trade promotion agreement obligations. The whistleblower in this situation was immediately fired from his post.

And in July, Peru offered concessions for oil and gas exploration and exploitation for over a fifth of the Peruvian Amazon rainforest despite a report by the national ombudsman determining that elements of this process were illegal.

What we are seeing with these recent developments in Peru related to environmental protections is that despite increased enforcement mechanisms in the free trade agreement for labor and for the environment, the NAFTA model perpetuates a "race to the bottom" that has become the unfortunate hallmark of free trade agreements.

When trade agreements are used only as a tool to provide cheap labor for American companies, everyone loses. The United States can be a leader in the global economy if we promote fair trade that creates sustainable markets for American goods and services, protects the environment and improves wages and standards of living for American and foreign workers.

Mr. LEAHY. Mr. President, as chairman of the Committee on the Judiciary, which has jurisdiction over our Nation's intellectual property laws, I feel compelled to comment on the intellectual property chapter of the United States-Peru Trade Promotion Agreement.

In the Trade Promotion Authority Act of 2002, Congress instructed the administration to negotiate agreements with other nations that, among other things, reflect a standard of protection for intellectual property "similar to that found in United States law." In many respects, the intellectual property chapter of the Peru Trade Promotion Agreement meets that goal, for it will require Peru to raise its standards of protection for our intellectual property.

I am concerned, however, that some aspects of the intellectual property chapter prescribe the rules for protection so specifically that Congress will be hampered from making constructive policy changes in the future. The art of drafting the chapter is in raising intellectual property protections to a standard similar to ours, without limiting Congress's ability to make appropriate refinements to the intellectual property law in the future. The flexibility necessary for the proper balance is found in many provisions of the intellectual property chapter, for which I commend the U.S. Trade Representative. Other provisions, however, are too fixed and rigid, and may have the perverse effect of restricting the Congress's ability to make legitimate changes in United States law, while keeping our international commitments. I expect that in the future, with improved consultation between the Committee on the Judiciary and the Office of the United States Trade Representative, we can avoid these concerns.

Our trade promotion law also instructed the administration to negotiate agreements that provide strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property. This, too, is an objective I support. Under our laws, many such new technologies and consumer devices rely, at least in part, on fair use and other limitations and exceptions to the copyright laws. Our trade agreements should promote similar fair use concepts, in order not to stifle the ability of industries relying on emerging technologies to flourish.

Finally, a longstanding priority of mine has been the promotion of affordable, lifesaving medicines to address the public health problems afflicting many, primarily developing Nations—particularly those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics. The United States made such a commitment in the 2001 Doha Declaration; I was pleased that the U.S. Trade Representative reaffirmed this commitment in May and that Peru's rights to promote access to medicines is preserved in this agreement.

There is much in the intellectual property chapter of this free trade agreement that I support. I look forward to the Judiciary Committee's being consulted by the Office of the U.S. Trade Representative earlier, and more frequently, in the future, so that we can continue to improve on these issues.

Mr. KOHL. Mr. President, when voters gave Democrats control of Congress, they wanted a new direction on trade policy. They wanted trade agreements that would hold our trading partners to the same labor and environmental standards expected of U.S. companies. And they wanted trade agreements that would level the playing field for U.S. businesses. Democrats listened.

I am supporting the Peru FTA because it is a new model for trade agreements that includes enforceable labor and environmental protections. For the first time, the U.S. will have the right to hold a trading partner accountable if labor or environmental issues become a problem.

The Peru FTA benefits Wisconsin companies and workers. Wisconsin exports to Peru have increased from \$9.3 million in 2002 to \$43.5 million in 2006. This agreement will help trade between the U.S. and Peru flourish and keep businesses and jobs in Wisconsin, something I couldn't say about several previous trade agreements. Further, the Peru FTA eliminates the current 10 percent tariff on U.S. goods entering Peru. This will remove barriers to Wisconsin exports and make Wisconsin businesses even more competitive.

The Peru FTA is the first step in a new direction for trade policy that will enforce labor and environmental standards and help U.S. businesses gain access to new markets.

Mrs. MURRAY. Mr. President, I rise today to discuss H.R. 3688, the United States-Peru Trade Promotion Agreement. Washington State is extremely trade dependent, and this agreement will have direct impacts to my constituents at home, particularly farmers growing asparagus. In addition, I am concerned about existing labor practices for miners in Peru.

The domestic asparagus industry has been economically injured by the Andean Trade Preference Act's, ATPA, extended duty-free status to imports of fresh Peruvian asparagus. There has been a 2000-percent increase in Peruvian asparagus imports into the U.S. since ATPA was enacted. The asparagus industry suffered the greatest negative impact from the ATPA, according to the U.S. International Trade Commission's analysis of the agreement. The effects of the agreement to Washington State's asparagus industry were dramatic.

Prior to the ATPA, there were over 55 million pounds of asparagus canned in Washington State, roughly two-thirds of the industry. By 2007, all three asparagus canners in Washington relocated to Peru. As asparagus production fell, I fought to provide assistance for these hard-working men and women whose industry had been devastated.

To mitigate the impacts to growers, I tried to get them trade adjustment assistance. I have secured funding over the past several years to conduct research on a mechanical harvester to make this labor-intensive crop less costly to produce. Most recently, I helped secure \$15 million in the farm bill for a market loss assistance program for asparagus growers. This funding will help farmers who have continued to grow asparagus despite the challenges ATPA has presented. I am hopeful that this program will help growers continue to invest in asparagus.

Many of our asparagus growers have turned to other crops, and this Peru trade bill will help them, along with many other farmers in Washington State. While I have serious concerns about the continued effects on the asparagus industry in the U.S. and in Washington State, overall this bill will have a positive impact for agriculture in Washington State.

I would also like to note my concern about labor practices for miners in Peru and the unintended negative impact that this agreement may have on them.

A report by the Congressional Research Service indicates that while Peru endorses the International Labor Organization's core labor standards in the PTPA, concerns remain about their compliance with and the enforcement of these standards. I was discouraged to learn that while Congress was considering the PTPA, the Peruvian Government stalled in its efforts to secure statutory protections for miners and declared it illegal for metal miners to continue striking in support of stronger labor laws.

As chair of the Senate HELP Subcommittee on Employment and Workplace Safety and an advocate for labor rights and workplace protections, I am concerned that the Peruvian Government's most recent actions do not convey a good-faith effort to reform its labor laws. I have worked tirelessly to ensure that miners in our own country have the safety protections on the job that they deserve. In light of the tragic mine disasters in West Virginia, I was proud to help write and pass the landmark MINER's Act last year. Miners put their lives on the line every day to provide for their families, and we must work to ensure they have a respected voice at the table and that their rights are protected.

While I believe this agreement will ultimately do more good than harm, I hope my colleagues will join me in encouraging the Peruvian President, Congress, and Labor Minister to fulfill their promise and pass much needed labor reform legislation without hesitation.

As you may know, Washington State is the most trade dependent State in the Nation. From apples to potatoes to Microsoft and Boeing, we rely heavily on international trade. This trade agreement, when taken as a whole, will do more to bolster the economy of my State and the Nation, and thus merits support.

Mr. LEVIN. Mr. President, in my view, the United States has pursued failed trade policies for the past 20 years or more. This failed trade policy is reflected in our record trade deficits with the world. This failed trade policy has led us to accept a one-way street in trade where we allow too many countries access to our markets without insisting that they give us reciprocal access to theirs.

I have opposed trade agreements when they were in the same failed mold as our past trade policy, when they clearly were not requiring a more level playing field for U.S. manufacturers, farmers, and service sector employees, and when they failed to insist on basic internationally recognized labor and environmental standards. However, I have supported trade agreements that leveled the playing field and that did include strong and enforceable internationally recognized labor and environmental standards.

I particularly commend the work of my brother, Representative SANDER LEVIN, chairman of the House Ways and Means Trade Subcommittee, and others, for substantially improving the Peru Free Trade Agreement by reopening this agreement to incorporate enforceable worker rights and environmental standards in the body of the agreement. This is something Democrats have been working to include in trade agreements for over a decade. I agree with my brother who has characterized this groundbreaking achievement as, "an historic breakthrough on trade by amending pending U.S. free trade agreements to incorporate a fully

enforceable commitment that countries adopt and enforce the five basic international labor standards, subject to the same dispute settlement mechanism and remedies as other FTA obligations."

This breakthrough is surely of critical importance. For the first time in any FTA, the labor chapter requires both the United States and Peru to adopt and maintain domestic laws to implement the five core standards incorporated in the 1998 ILO Declaration on Fundamental Principles and Rights at Work. These include, one the right to organize; two, the right to bargain collectively; three, prohibitions on forced labor; four, protections for child labor; and five, freedom from employment discrimination.

The agreement also requires for the first time that the United States and Peru adopt and maintain domestic laws to implement the obligations in the seven multilateral environmental agreements that both the United States and Peru are party to. All of these added obligations are subject to the same dispute settlement mechanism that applies to all other FTA obligations.

Peru is a small economy and makes up less than 1 percent of overall U.S. trade, and in 2006 was only our 43rd largest export market. Furthermore, 98 percent of U.S. imports from Peru already enter the United States duty free under the Andean Trade Preferences Act and the General System of Preferences. The Peru FTA will at least give American exports a more level playing field in Peru by allowing them to enter Peru duty free, which is currently not the case, although Peruvian products already enter the U.S. duty free.

As a rule, I do not like the idea of trade agreements coming up under fast-track procedures because it limits Members of Congress to an up-or-down vote with no chance to amend or improve it. Thankfully, we did not extend fast-track authority. In this case, my brother, SANDY LEVIN, and others successfully amended this agreement through an historic bipartisan agreement which vastly improved the agreement. The changes that were made represent an important break with the failed and flawed trade policies of the past and signify a better approach to trade that supports American workers and protects the environment. For all of these reasons I will vote for the Peru Free Trade Agreement implementing legislation.

Mr. FEINGOLD. Mr. President, the Senate will soon be voting on the first measure to implement a trade deal since the announcement last spring by the administration and some Members of Congress of an agreement to facilitate the consideration of trade legislation.

The centerpiece of that agreement was to be the inclusion in future trade agreements of meaningful labor standards. In fact, because last spring's an-

nounced agreement was only a set of principles, and not actual language, the Peru Trade Promotion Agreement bill before the Senate is the first opportunity to review the details of that agreement.

I will touch on the new labor provisions included in the Peru agreement shortly, but the agreement is far more than just provisions overseeing labor standards. And in those areas, the trade agreement with Peru comes up short. In fact, the agreement looks just like the provisions in other trade agreements that have been stamped out over the past decade and more by the NAFTA template—a failed model of trade that has helped ship millions of family-supporting American jobs overseas, while too often failing to produce the promised enhanced standard of living for the families of our trading partners.

Like those previous trade agreements based on the NAFTA model, the Peru agreement contains language identical to the devastating foreign investor rights provisions of NAFTA that undermine federal, state, and local protections for the environment, health, and public safety.

Like those previous trade agreements based on the NAFTA model, the Peru agreement renders meaningless our longstanding common sense government procurement policies, including the Buy America law which requires that taxpayer dollars be used by the federal government to purchase American made goods and services when they are a reasonable option.

Like those previous trade agreements based on the NAFTA model, the Peru agreement undercuts pro-environmental policies such as recycled content requirements, and undermines our ability to require imported food to meet our safety standards. As the consumer advocacy group Public Citizen has noted, the Peru trade agreement includes NAFTA provisions that require the United States "to treat imported food the same as U.S.-produced food, even though more intensive inspection is needed to compensate for Peru's weak domestic regulatory system."

And like those previous trade agreements based on the NAFTA model, the Peru agreement includes NAFTA provisions that undermine the right to affordable medicines for poorer countries established in the World Trade Organization's Doha Declaration.

With all of this NAFTA baggage included in the Peru agreement, one might ask if there is any reason to believe this agreement won't just reproduce the same disastrous results we have seen from failed trade policies over the past two decades.

And that brings us to the new language included in the Peru agreement stemming from the deal announced last spring between a number of Members of Congress and the administration.

Regrettably, and perhaps predictably, that new language does not live

up to the billing it received at the time of the announcement. In fact, according to an analysis done by Professor Mark Barenberg of Columbia University, the new labor provisions are actually weaker than current law. Professor Barenberg compared the proposed new labor provisions with those of trade deals already in effect, and found that the Peru agreement undermines existing trade laws, which Barenberg states are already “weak, unreliable, and inadequate to the task.”

For example, the Barenberg report notes that under current law, “if Peru fails to comply with internationally recognized labor rights, then the United States can impose unlimited sanctions against Peru, can provide benefits to Peru in any area of foreign relations, or can withdraw special trade benefits in whole or in part, to ensure that Peru comes into compliance. The U.S. can target specific sectors, products, or actors. The U.S. can impose sanctions or withhold benefits until those specified actors comply.”

But under the U.S.-Peru agreement, “if Peru fails to comply with the vague labor “principles” or with Peru’s domestic labor law, Peru can choose to pay the United States only half the monetary value of the trade benefits that accrue to Peru as a result of the violations—creating a cost-benefit incentive for Peru to commit violations. If Peru chooses this monetary penalty, then the sanction is not targeted on any sector or any actor. The Agreement establishes no system of positive benefits (carrots) to Peru for compliance.”

The Barenberg report gives another example. Under existing law, “if Peru fails to comply with internationally recognized labor rights, then private parties in the United States, such as workers and labor unions, have the right to petition the President to impose sanctions or take other measures against Peru to ensure compliance.”

But, while private parties, including trade unions are allowed under section 301 of the Trade Act to file petitions with the President, alleging that a trading partner has violated a trade agreement, under the U.S.-Peru Agreement, private parties are given “no right to directly initiate complaints against Peru for violating its obligation to enforce the vague labor “principles” or domestic labor law. Only the President may bring such complaints—and, in fact, the President has never filed a complaint under the labor-rights provisions of any bilateral trade agreement.”

Here is still another example. Under existing law, “if the President decides that Peru is failing to comply with internationally recognized labor rights, he can impose sanctions. He need not gain the approval of another decision-maker.”

By contrast, under the U.S.-Peru agreement, “if the President decides that Peru is failing to comply with

vague labor “principles” or domestic labor law, he cannot impose sanctions. He can only file a complaint that may lead to international arbitration to determine whether Peru stands in violation. Hence, the decision to impose sanctions must be taken by two decision-makers, rather than one—the President and a panel of international arbitrators. And international arbitrators will apply international law, which holds that an obligation to adhere to the vague labor principles does not entail an obligation to adhere to actual labor rights, let alone adhere to any concrete performance measures or indicators.”

As others have noted, Professor Barenberg’s report may explain why no major labor, environmental, human rights, or consumer protection groups have endorsed the Peru agreement.

Our trade policies of the past two decades have been disastrous. They have contributed to the loss of several million family-supporting jobs in this country. They have left communities across my State devastated, and I know the same is true in communities around this country.

Our trade deficit is still out of control, as we send more and more of our wealth overseas, much of it in the form of factories that provided entire communities with decent, good-paying jobs. I hold listening sessions in each of Wisconsin’s 72 counties every year. This is my 15th year holding those listening sessions, listening to tens of thousands of people from all over Wisconsin. I completed my 1000th of those sessions just about a year ago, and I can tell you that there is nearly universal frustration and anger with the trade policies we have pursued since the late 1980s. Even among those who would have called themselves traditional free-traders, it is increasingly obvious that the so-called NAFTA model of trade has been a tragic failure.

I voted against NAFTA, GATT, and permanent most favored nation status for China, in great part because I felt they were bad deals for Wisconsin businesses and Wisconsin workers. At the time I voted against those agreements, I thought they would result in lost jobs for my State. But, as I have noted before, even as an opponent of those trade agreements, I had no idea just how bad things would get.

Nor does the problem end with the loss of businesses and jobs. The model on which our recent trade agreements have been based fundamentally undermines our democratic institutions. It replaces the judgment of the people, as reflected in the laws and standards set forth by their elected representatives, with rules written by organizations dominated by multinational corporations. Food, environmental, and safety standards set by our democratic institutions are subject to challenge if they conflict with those approved by unelected international trade bureaucracies. Even laws that require the gov-

ernment to use our tax dollars to buy goods made here, rather than overseas, can be challenged.

We cannot live in isolation. We are in a global economy, and it makes good sense to have reasonable trade agreements with those who want to trade with us—trade agreements that have broad-based support and that will provide broad-based economic benefits to all sectors of our economy and the economies of our trading partners. That is not what we have now, and we shouldn’t pass another bill to implement one of these flawed agreements until we can straighten out the twisted trade model that has done so much damage to the personal economies of thousands of families across the country.

Mr. HATCH. Mr. President, I rise today to discuss the U.S.-Peru Free Trade Agreement, FTA. As my colleagues are aware, I am a strong proponent of free trade, having voted for every trade agreement that has been negotiated during my 31 years in this body.

Despite that fact, I have concerns over some recent changes to the Peruvian agreement and, more specifically, the deal that was struck between the administration and the congressional Democrats on May 10. Specifically, the changes to the intellectual property rights, IPR, and labor chapters of this agreement will, I believe, become more relevant when we as a nation begin to negotiate future free-trade agreements with deserving nations.

It is my sincere hope that I am wrong and that we will not in the near future face serious challenges to our national labor laws as a result of this agreement. Unfortunately, we will not have to wait, however, to realize the devastating effects that the new trade deal will have on our IPR concerns.

The labor chapter of the U.S.-Peru Free Trade Agreement could put U.S. Federal and State labor laws at significant risk. Several provisions of the labor chapter of the U.S.-Peru trade agreement create an unacceptable risk that the United States will be required to change important provisions of U.S. Federal and state labor law or be subject to trade sanctions. Given that the purpose of the May 10 agreement was to ensure that Peru adopted strong labor provisions, not the United States, Congress’s implementation of this agreement should provide an explicit safe harbor for U.S. labor law.

Peru FTA requirement to adopt “fundamental labor rights” puts right-to-work, freedom of association and other major U.S. labor provisions at significant risk. Article 17.2 of the Peru FTA requires both Peru and the United States to “adopt and maintain in its statutes and regulations, and practices there under, the following rights as stated in the International Labor Organization ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) (ILO Declaration) where it affects trade between the

countries. These rights are freedom of association, recognition of collective bargaining, elimination of forced/compulsory labor, effective abolition of child labor, prohibition of worst forms of child labor, and elimination of employment discrimination.

The Peru FTA does not provide any definition of these fundamental rights, leaving the interpretation of what constitutes “freedom of association” or “collective bargaining” to a dispute settlement panel appointed by the U.S. and Peruvian Governments.

Given the agreement’s reference to the ILO declaration, it is widely expected that such a dispute settlement panel would in fact look at and rely at least partially on the standards of the relevant ILO core conventions associated with these rights, much as the ILO does each year in its followup reports required by the ILO declaration. The recent push by House Democrats to have Peru enact very detailed changes to its treatment of—contract laborers as part of its implementation of the agreement an issue not specifically addressed in the Peru FTA—confirms the wide range of issues subject to this chapter.

The United States, which has only ratified two of the eight ILO core conventions, faces substantial risk that a panel will find that U.S. labor law violates the Peru FTA, requiring the U.S. to change its law or face trade sanctions. Key U.S. laws subject to that risk include:

State right-to-work rules, which standard labor market analysis and several other countries, such as Canada, find imposes an improper restraint on the ability of workers to bargain collectively or to strike, as nonunion workers have the authority to vote on whether to strike;

U.S. prohibitions on the admission to unions of persons connected with the Communist Party or the Klu Klux Klan given that ILO standards require the admission of all applicants;

U.S. prohibitions in the National Labor Relations Act, NLRA, on the inclusion of supervisors in union, which is required by ILO conventions;

Exclusive bargaining rights provided under the NLRA, which are in conflict with ILO standards requiring minority unions be allowed to function;

Various Federal and State laws that place reasonable and balanced limits on the right to strike, which are in conflict with the ILO conventions’ prohibition on virtually all restrictions on the right to strike;

U.S. laws permitting the permanent replacement of striking workers, which the ILO has indicated may pose a risk to the effective enforcement of the right of collective bargaining when it occurs on an extensive basis;

Fair Labor Standards Act minimum age of 14 and state laws where there are no minimum ages for children working in agriculture contravenes the ILO minimum age convention; and

Lack of equal remuneration or comparable worth rules.

The Peru FTA is likely to require State labor law changes as well. By requiring the adoption of these rights at the Federal level, the Peru FTA in combination with the U.S. Constitution’s Supremacy Clause, Article VI, section 2, is also expected to require any changes made at the Federal level to preempt conflicting State law. As a result, State right-to-work rules or lower minimum age standards would face significant risk of being overturned by dispute settlement panels.

The Peru FTA requires parties to promote migrant worker rights. Annex 17.6 requires the United States and Peru to engage in a wide range of capacity building work. While much of it could be useful, its obligation to promote migrant rights, without regard to the legal status of a migrant, creates a troubling requirement that the United States would be promoting rights for illegal immigrants at odds with Congress’s direction. For years, I have been a steadfast supporter of fair intellectual property laws that are appropriately enforced. The Constitution itself provides for the creation of intellectual property, and it has been the process used by brilliant U.S. innovators to develop, market, and sale groundbreaking new products for years. In the sea of red trade deficits we have faced for so many years now, IP and the innovative U.S. products that use its protection have been one of the few areas where the U.S. has a trade surplus.

Traditionally, trade agreements have strengthened American innovation abroad. However, with the newly renegotiated text found within the U.S.-Peru FTA’s IPR chapter, we see that we have walked back from the rigorous IPR protections found in previous agreements in favor of weakened provisions. These changes mainly affect one of America’s most productive industries, that of pharmaceuticals.

The U.S.-Peru FTA weakens IP protection in three ways:

First, the agreement does away with patent linkage. Linkage requires a country, before it approves a generic medicine for sale, to ensure that the brand-name medicine is no longer under patent. Without linkage, governments can help facilitate patent infringement. Linkage doesn’t hinder access to medicines, and it is not about compulsory licensing. It is about protection of basic patent rights. The proposed changes replace this simple enforcement procedure with a complex one. I don’t see what that accomplishes.

Second, the changes shorten the period of data exclusivity for innovative medicines, authorizing a shorter period than we require here in the United States. This change is not only unfair to U.S. innovators but devalues the incentive for launching new drugs in developing countries. Here is why. In developing countries, it is often difficult to enforce patent rights. But data protection is effective and relatively easy

to administer. It often provides the only real protection biopharmaceutical companies have when they invest significant resources to launch new products. You take away the protection and you take away the incentive to launch. It is hard enough to get companies to launch medicines quickly in these countries because the markets are so small. If you shrink data protection, you effectively shrink the market even further.

Finally, the new template no longer requires countries to add time to patent terms for pharmaceuticals to make up for undue delays in marketing approval or patent grant. We require patent restoration here in the United States, so why not abroad? Because, critics argue, patent terms are long enough as they are. But without patent term restoration, we actually go the other direction. Without patent term restoration, the effective patent term could actually shrink significantly.

From what I understand, the Democrats insisted on the changes to the IPR chapter in order to grant greater access to medicines for developing nations. What is ironic to me is that these changes will do just the opposite.

All of these changes were ostensibly part of an effort to promote access to medicines to poor people. A noble goal. But what is so absurd about this is that the changes may actually have the opposite effect and harm U.S. competitiveness in the process.

Why would we backtrack on IPR? Some may say that we are rich enough so that we can afford to give away the fruits of our ingenuity. But that is like saying we are rich enough to voluntarily close down our factories so that our competitors can have a chance. We don’t have that luxury.

Some say backtracking on IPR is necessary to help the poor and sick. That, too, is wrong. IPR is all about incentives. If you protect IPR, then people will have a stronger incentive to develop new and innovative products and bring them to market faster. If you don’t protect IPR, then those incentives are greatly diminished. Here is what we might expect with weak IPR protection:

There would be less incentive to launch products early in developing countries. Innovative companies would have less reason to show up when their technology could immediately be copied and sold by others who made no contribution to the R&D.

If there were fewer brand-name launches, there would be fewer generics. As brand-name medicines go off patent, generic medicine companies can rely on the safety approvals and market secured by the research-based companies, making more generics available to more people. Without the brand-name company securing the safety approvals and creating the market, fewer generics can enter the marketplace, and fewer people will get the medicines they need.

As a result, the poor would not have access to the newest and most effective medicines.

It is easy and convenient to use IPR as a scapegoat for poor health care systems. The reality is that access to medicines is helped, not hindered, by strong IPR protections. Problems in access to medicines are most often due to other factors, such as poor infrastructure, taxes, tariffs, an ineffective health care system, and different government funding priorities. By pointing at IPR, we divert attention from these much more critical problems. In sum, the changes we have foisted upon Peru are harmful not only to U.S. interests, but also to the very interests they purport to serve.

I applaud the USTR and her staff on their hard work in negotiating this agreement, especially in the area of intellectual property rights. However, I know there are several Senators in this body who represent States that contain numerous innovative companies that benefit from strong intellectual property laws and enforcement. While the overall agreement strengthens American IPR, it does so in a way that is not as vigorous as agreements in the past.

Millions of jobs across the country depend on these laws.

I know firsthand that many countries around the world would like nothing more than to see the U.S. intellectual property laws and enforcement diminished. Why? Because they want to exploit us.

They want to be able to steal our inventions.

They want to be able to ripoff our best and brightest ideas. They want our taxpayers to fund billions of dollars of extremely important research and then take it from us for free.

I have been assured by the administration that the issues that I have raised today will never become a problem for the United States. While I am confident that my concerns remain valid, I am unwilling to stand in the way of the President's trade agenda. The Peruvian trade agreement will provide needed trade benefits to many Utah businesses that exported \$7.7 million worth of goods in 2006, not to mention the overall benefit of the agreement to the U.S. economy as a whole.

Therefore, I will reluctantly vote for the U.S.-Peru FTA before us today. However, I will not give up on improving future trade agreements in the critical areas of labor and intellectual property rights.

Mr. KYL. Mr. President, I have never opposed a free trade agreement, FTA, although I have sometimes had reservations or concerns about different elements of the agreements.

I believe free trade encourages economic growth, improves living standards by making a wider variety of goods and services available at more affordable prices, and creates good-paying jobs. In fact, exports from the U.S. account for more than 10 percent of our annual gross domestic product and one

in six manufacturing jobs are related to exported products.

I also understand that the benefits of trade accrue not only to Americans, but also to workers in other countries; but this is also to our benefit. The more free trade encourages economic growth and job creation around the world, the more demand there will be for high-value American products and services. Trade fosters closer economic relations with other countries and those economic ties generally lead to improved political relations, which benefits our national security.

For these reasons, I have been a strong, consistent, and vocal supporter of free trade. And for these reasons, I take my vote against the Peru FTA today extremely seriously. I have decided to oppose the Peru FTA not because I have any quarrel with Peru or because I am in any way opposed to expanding our bilateral trade relations with Peru. In fact, I strongly support the original Peru FTA.

My opposition to the Peru FTA is rooted entirely in the agreement reached by the U.S. Trade Representative, USTR, with Members of the other body in May of this year. That agreement forced the U.S. to renegotiate the Peru, Panama, and Colombia FTAs to add new requirements for labor and environmental protections and weakened traditional trade agreement protections for certain U.S. intellectual property, IP, related to pharmaceutical products.

I am concerned about the labor and environment provisions, but I am simply puzzled by the intellectual property changes. I am not sure what my colleagues hoped to gain by weakening standard protections for U.S. intellectual property through this trade agreement. I see no reason why U.S. legislators would want to weaken the ordinary protections that are normally accorded to pharmaceutical intellectual property in our bilateral trade agreements. Peru did not, in the course of negotiations, ask us to weaken the IP requirements. Peru was perfectly willing to abide by the greater protections of the original FTA.

If the goal of these changes was to provide better access to lifesaving medicines in Peru, I worry that their effect could have the exact opposite result. Countries with weaker IP protections will have a difficult time encouraging U.S. companies to do business there. Respect for private property—including intellectual property—is essential to encouraging innovation. Without assurances that new and creative products and services will not be stolen by unscrupulous competitors or forcibly devalued by governments, there is a reduced incentive to take the economic risks that are necessary to achieve groundbreaking inventions.

And why should we expect that those who want to weaken protections for U.S.-owned intellectual property will stop at pharmaceuticals? Are computers, movies, music, and other prod-

ucts that involve valuable U.S. intellectual property next? U.S. intellectual property is one of our most valuable exports; it is not in the national interest of the United States to unilaterally weaken protections for it.

I would like to share some statistics that underscore my concern for protecting U.S. intellectual property. First, IP-related industries provide some of the highest quality jobs in the U.S. According to some studies, IP-related jobs pay as much as 40 to 50 percent more than jobs that are not dependent upon intellectual property. That means that devaluing U.S. intellectual property will hurt U.S. workers. Further, economists estimate that over 50 percent of U.S. exports depend upon intellectual property protection of some sort, up from below 10 percent 50 years ago. My colleagues know that theft of U.S. intellectual property is rampant overseas, costing U.S. companies many billions of dollars annually and costing the U.S. economy high-paying jobs. We should use FTAs to enhance protection for U.S. intellectual property, not weaken it.

Finally, I want to explain to my colleagues that I made my concerns known to the USTR on several occasions. When I first began hearing that the USTR might renegotiate the various Latin American FTAs to secure support in the other body, I made sure the USTR knew of my strong concerns about weakening IP protections. As the discussions progressed, six members of the Finance Committee wrote a letter to the USTR in May of this year outlining our very serious concerns with all of the areas under renegotiation: labor, environment, and intellectual property. Finally, when the USTR, Ambassador Schwab, came to meet with members of the Finance Committee this fall I again expressed my concerns about weakening the standard protections that had been traditionally accorded to IP in our other FTAs. Because the administration apparently made no attempt to address our concerns or to assure us that other actions could be taken to enhance protections for valuable U.S. intellectual property, I am compelled to oppose the Peru FTA.

I urge my colleagues to give additional thought to whether it is wise to unilaterally weaken the intellectual property protections we normally include in FTAs. These provisions better not be included in future FTAs or I will work for their defeat.

Mr. LIEBERMAN. Mr. President, I rise today to support the legislation to implement the United States-Peru Trade Promotion Agreement. The agreement promises to significantly strengthen our commercial and non-commercial ties with Peru and represents a new era for U.S. free trade agreements.

This agreement will significantly increase our goods trade balance with Peru. As a result of U.S. unilateral preference programs, about 98 percent

of imports from Peru presently benefit from duty-free treatment. The agreement will move beyond one-way preferences to reciprocal commitments. Immediately, 80 percent of the consumer and industrial products our firms export to Peru will be duty free; remaining Peruvian tariffs will phase out over 10 years. The International Trade Commission estimates that, upon the agreement's full implementation, U.S. exports to Peru will increase by \$1.1 billion, while U.S. imports from Peru will increase by \$439 million. Exporters across our country depend on world markets. In my home State of Connecticut, this agreement will open an important new market for our manufactures of transportation equipment, machinery, and electronics, among other products.

The gains are likely to be even more significant for America's service industries. Take, for instance, the insurance industry, which has played a vital role in Connecticut's economy. The agreement will enable U.S. insurance companies to establish a presence in Peru while ensuring strong regulatory transparency, including license approval within 120 days. Similarly, Connecticut's vibrant financial services industry stands to benefit from the agreement's robust financial services chapter. Among other benefits, the chapter's provisions will enable U.S. asset managers to provide cross-border portfolio management services, even without establishing a physical presence in Peru.

But the agreement's implications transcend commercial boundaries. It will strengthen our alliance with Peru, a key ally in Latin America, contribute significantly to Peru's economic development, and extend our commitment to transparency and rule of law in Latin America.

The most recent free trade agreement this Chamber considered was with Oman in 2006. Consistent with my longstanding record of supporting trade as good for America's economy, and economic development in Arab and Muslim countries as important for peace in the world, I voted in favor of legislation to implement the Oman FTA. But during consideration, I voiced my concerns about the Oman FTA's labor provisions, announcing in this Chamber that: "I will not continue to support future free trade agreements unless the Administration becomes serious about negotiating labor and other improvements. . . ." By including basic worker rights recognized by the International Labor Organization, with full enforceability equal to all other provisions, I am satisfied that the Peru FTA addresses my concerns.

The inclusion of strong labor provisions, as well as unprecedented inclusion of multilateral environmental agreements, means this agreement's significance will extend beyond Peru. Indeed, this FTA represents a strong standard for our future bilateral free trade agreements. I applaud House

Ways and Means Chairman RANGEL and House Trade Subcommittee Chairman LEVIN for achieving consensus with the administration to address these key issues.

I have high hopes for expanding our trading relationship with Peru and for continuing to responsibly open markets across national borders. And I look forward to working with my Senate colleagues to enact legislation implementing FTAs that the administration has already signed with Colombia and Korea.

Mr. MCCAIN. Mr. President, I strongly support H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act, PTPA.

The agreement before this Chamber today stands as another important milestone in the development of our relationship with Peru. The pending trade bill will help level the commercial playing field and solidify a genuine bilateral partnership based on free and fair trade that benefits not only Peruvians, but also U.S. workers and businesses. Ratification will also demonstrate to the people of Peru that we stand by them as an important democratic ally in a strategically vital region of the world.

As it currently stands, 98 percent of goods imported from Peru already enter the United States duty-free. If this agreement is passed and fully implemented, 80 percent of U.S. exports of consumer and industrial goods and over two-thirds of agricultural exports will gain duty-free access to the Peruvian market of some 29 million citizens. The agreement also contains provisions that address intellectual property rights, electronic commerce, customs and trade facilitation, and these provisions will reduce barriers to investment. The U.S. currently exports nearly \$2 billion in goods to Peru, a figure certain to grow as a result of increased access to this vibrant South American market.

While the economic benefits we will enjoy as a result of passing the PTPA are important, we must not ignore the political benefits as well. Peru stands as a shining example of the potential for democracy and open markets in South America. Following free and fair elections in 2006, Peru's economy continues to grow at an impressive rate of 8 percent annually, and its poverty rate has been on the decline since 2001. It is also important to recognize the assistance the Peruvian government has provided the United States in combating drug trafficking, countering regional security threats, and providing for our energy needs. Implementation of this agreement will lead to greater prosperity and development for the Peruvian people, helping to strengthen their nation and our relationship with them.

I have long advocated for economic freedom and open markets. Free trade has long served to promote economic growth, generate jobs, raise wages and lower prices for American workers and

consumers. I believe in the ingenuity and resilience of the American worker and am not afraid of their ability to compete successfully in the global marketplace. America is home to the best and the brightest, and should have the opportunity to play a significant role in an increasingly globalized marketplace. By passing this agreement, we will reaffirm our commitment to nations that share our interest in open markets, economic freedom, and democracy.

I urge my colleagues to support swift passage of this important agreement.

Ms. CANTWELL. Mr. President, I would like to briefly address H.R. 3688, the Peru Trade Promotion Act. While this agreement stands to provide significant benefits to our country's agricultural industry, it comes with unfortunate consequences for our country's asparagus growers. My home State of Washington is one of the top asparagus producing States in the country. However, since the passage of the Andean Trade Preferences Act, Washington has lost 21,000 of its 30,000 acres dedicated to asparagus and all three of Washington's asparagus canning facilities have now moved to Peru. This is the reason that I worked so hard to include a \$15 million Market Loss Program dedicated to asparagus growers in the Senate's version of the 2007 farm bill. This program will support domestic asparagus producers, helping them plant and harvest more efficiently and remain competitive in the international market. In the past 17 years, the \$200 million Washington asparagus industry has been reduced to a \$75 million industry. To say that I am concerned about this trade agreement's effect on Washington's asparagus farmers would be an understatement. I implore the Senate, as it continues negotiations on the farm bill to support these hard working individuals remain competitive in our international economy.

With that said, the Peru Trade Promotion Act stands to significantly benefit the majority of farmers both in Washington and throughout our Nation. Under this agreement, Washington businesses will increase their exports to Peru by an estimated 45-62 percent and will immediately eliminate significant tariffs on many key goods. For example, Washington leads the Nation in potato exports and the current tariffs, now reaching up to 25 percent, will be eliminated immediately on most potato products. Washington's wheat farmers, whose exports are currently valued at over \$314 million, will benefit greatly by the elimination of the 17-percent tariff on wheat. Washington's third largest industry, beef, has much to gain from the elimination of the 25-percent duty on beef. Dairy, our second largest farm industry will benefit from the elimination of a tariff system that has reached as high as 68 percent for dairy products being exported to Peru. Perhaps the most significant impact for Washington, however, will be for our

fruit growers. Washington ranks as the second largest fruit exporter in the Nation, bringing in \$833 million for the State. Duties on fruit exported to Peru are currently 25 percent and would be immediately eliminated under the PTPA—a huge win for Washington and its fruit growers. Peru is a new growth market for Washington's fruit industry and the elimination of these tariffs will make our fruit much more competitive in the export market.

Given the significant benefits the vast majority of farmers in my State stand to reap from the Peru Trade Promotion Act, I will vote in favor of it, despite my grave concern for its effect on our asparagus industry. As PTPA is implemented, I will continue to fight to support asparagus growers through the Market Loss Program included in the Senate farm bill or any other means available to me and I strongly urge this body to do the same. The PTPA will benefit many, but it is up to us to assist those whose livelihoods are affected in the process of its implementation.

Mr. ALLARD. Mr. President, I rise today to voice my support and will vote for the Peru Free Trade Agreement.

On November 18, 2003, the administration formally notified Congress of its intent to initiate negotiations for a Free Trade Agreement, FTA, with Peru. The United States and Peru announced a bilateral deal on an FTA on December 7, 2005, after resolving certain agriculture and intellectual property rights issues, as was signed April 12, 2006. The Peruvian Congress approved FTA legislation on June 28, 2006 by a vote of 79–14. Legislation to implement the Peru FTA was submitted by President Bush on September 27, 2007 and this legislation was approved by the Senate Finance Committee by voice vote on October 4. On October 31, the House Ways and Means Committee approved implementing legislation (H.R. 3688) by a vote of 39–0. The full House voted to approve the Peru FTA by a vote of 285–132 on November 9, 2007.

U.S. trade with Peru has doubled over the past 3 years, reaching \$8.8 billion in 2006. More than 5,000 U.S. companies export their products to Peru, and over 80 percent of these are small and medium-sized companies that stand to benefit significantly from U.S.-Peru Trade Promotion Agreement, PTPA. According to the American Farm Bureau Federation, after full implementation of the agreement, U.S. agricultural exports to Peru will increase by more than \$700 million per year.

According to the Department of Commerce-International Trade Administration, when the agreement enters into force, U.S. farmers and ranchers will also become much more competitive by benefiting from immediate duty-free treatment of 90 percent of current U.S. agricultural exports. Key U.S. agriculture exports such as cotton, wheat

soybeans, high-quality beef, apples, pears, peaches, cherries, and almonds will be duty free upon entry into force of the Agreement. Peru will phase out all other agricultural tariffs within 17 years.

According to the United States Department of Agriculture, USDA, exports of farm products boost Colorado's farm prices and income. Such exports support about 10,100 Colorado jobs, both on and off the farm in food processing, storage, and transportation. Agricultural exports amounted to \$852 million and made an important contribution to Colorado's farm cash receipts in 2006 that totaled nearly \$5.6 billion. The State of Colorado depends on world markets and exported shipments of merchandise to 197 foreign destinations in 2006 totaling \$8.0 billion. This is an increase of 44 percent over the 2002 level of \$5.5 billion.

The USDA further states that as a leading source of farm cash receipts at nearly \$3.3 billion, Colorado's ranchers and beef industry benefit from exports in a number of ways. For instance, Peru will immediately eliminate the 25 percent duties on the beef products of most importance to the U.S. beef industry—Prime and choice cuts. Peru will provide immediate duty-free access for U.S. exports of standard quality beef through the establishment of an 800 ton tariff-rate quota.

The dairy industry in Colorado is the second largest source of state farm cash receipts. Our dairy producers will benefit immensely from the PTPA. Peru will immediately eliminate its system of variable levies facing U.S. exporters. Also, Peru will immediately eliminate tariffs on whey. And, all Peruvian duties on dairy products will be eliminated within 17 years, with duties on some dairy products eliminated earlier.

The corn producers are Colorado's fourth largest source of farm cash receipts. Colorado corn producers will benefit under the PTPA by eliminating its system of variable levies facing U.S. exporters. Under the current system, tariffs can be as high as the WTO ceiling of 68 percent on some corn products. Moreover, all currently applied duties on crude corn oil will be phased out over 5 years; and on white corn and other corn products within 10 years.

The pork producers are Colorado's seventh largest source of farm cash receipts. Peru will phase out all duties, which are currently as high as 25 percent, on fresh, chilled, and frozen pork within 5 years.

There are other markets that Colorado will benefit from as this agreement becomes a reality. The elimination of Peruvian tariffs on products such as computer and electronic products, machine manufacturers and chemical manufacturers will provide a competitive boost to Colorado companies.

This historic agreement will provide a level playing field for American workers and farmers, ensuring that the

United States gets the full benefit of trade with this dynamic market. In the early 1990s, the United States unilaterally opened its market to Peru, and nearly everything imported from Peru enters the U.S. market duty free. However, when Americans sell their goods to Peru, they face average tariffs of 11 percent for manufactured goods and 16 percent for agricultural goods. PTPA is meant to correct this unfair trade imbalance by eliminating nearly all tariffs on U.S. exports to Peru within a few years. The U.S. International Trade Commission estimates this agreement will add \$1.1 billion to U.S. exports and \$2.1 billion to U.S. GDP. U.S. farmers and ranchers must continue to find a way to stay competitive in today's world market.

I urge my colleagues to join me today in supporting passage of the United States-Peru Trade Promotion Agreement Implementation Act.

Mr. REID. Mr. President, the Senate will finish consideration of the U.S.-Peru Free Trade Agreement today, with a vote this afternoon. Before getting into the merits of the FTA, I wanted to take a moment to discuss a broader issue. It is very unfortunate that the Bush administration's only policy towards Latin America has been to negotiate free trade agreements.

I just returned from leading a bipartisan delegation to Latin America and last year I headed a similar delegation to different Latin American countries, including Peru. What we heard repeatedly there in almost every country we visited was that the Bush administration had neglected the region.

And, in fact, they are right. We have cut development assistance, eliminated programs, and repeatedly overlooked our neighbors to the south. In the place of a robust and comprehensive policy of engagement, exchange, aid, and a variety of trade tools, we have a simplistic, singular policy of free trade agreements.

The Bush administration's narrow approach has been harmful in many ways. We have left a vacuum of diplomacy and engagement in many areas, which has allowed unconstructive forces space to expand influence. And our free trade strategy has been very divisive in many of the countries—a foreign policy that divides rather than unites.

I support engagement with Latin America; I strongly support being a better neighbor, but I do not support this narrow policy tool that the Bush administration has fixated on.

The Peru Free Trade Agreement is the first agreement that incorporates the new provisions on labor rights, the environment, and access to medicines from the May 10 agreement with Speaker PELOSI, Congressmen RANGEL and LEVIN, and Chairman BAUCUS.

These changes are significant. For the first time ever a trade agreement will include an enforceable obligation for each country to respect core, internationally recognized labor standards.

I hope that this new provision will have a dramatic impact over time.

If they are faithfully enforced, they can help to reduce inequality and establish broader middle classes in the developing countries with which we have free trade agreements. I applaud these and other changes that were part of that May 10 agreement.

While the May 10 agreement is very important, I have generally opposed free trade agreements for several reasons.

First and foremost, I think that for many years now, U.S. trade policy has been one dimensional—we have had one agreement after another, yet so many other aspects of economic policy have been absolutely neglected.

While we have approved new FTAs with 12 different countries since 2001, we still do not have an adequate trade adjustment assistance program. Studies show that those workers who lose their job due to trade on average see a substantial cut in wages in their next job. We need to do a better job of ensuring that these workers do not get left behind before we move forward with more and more agreements.

While we have approved all of those new FTAs, the Bush administration has absolutely fallen down on the job when it comes to enforcement of trade agreements. The Clinton administration brought on average 11 cases per year against foreign trade barriers at the WTO. The Bush administration has brought only a few more than 11 cases total over the last 7 years. The Clinton administration was very aggressive in using other tools of trade policy to fight against unfair trade and unjustifiable trade barriers. The Bush administration has taken numerous measures to weaken U.S. fair trade laws. The Bush administration has been impotent in responding to China's currency manipulation. The continued inaction on this critical issue has led to a situation that could destabilize global financial markets and economic prospects. While the May 10 agreement includes important new labor provisions, the Bush administration has repeatedly demonstrated that it will not enforce them.

It is hard for me to see how I can go home and tell my constituents that I want to support more and more trade agreements when the present administration has refused to aggressively support U.S. rights under our current trade agreements.

Finally, I remain concerned that U.S. free trade agreements have hurt many American workers and unwittingly caused problems in some of our free trade partners. The U.S. has lost about 3 million manufacturing jobs since 2001. Many of these jobs have gone overseas, replaced by imports from low-wage countries.

These lost jobs are offset by lower prices, no doubt. But a lost job has a more profound impact than our statistics account for. A lost job means a strain on a family. Large concentrations of lost jobs mean strains on com-

munities and local and State governments.

Also, as we saw in Mexico after NAFTA, these FTAs can be harmful to communities in our trading partners. More than a million Mexican farmers lost their land and livelihood after NAFTA. NAFTA was supposed to end illegal immigration to the U.S.; instead by pushing poor rural farmers off their land, it helped cause an explosion of illegal immigration.

So I recognize that this FTA reflects major improvements from the previous model. But, I still see many holes in U.S. trade policy that need to be filled. So, reluctantly, I oppose the agreement.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and the time during the quorum call be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 3 minutes on each side.

Mr. DOMENICI. I yield myself 1½ minutes.

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

Mr. DOMENICI. Mr. President, I rise late in the debate because I know it is an important issue, and I find myself wanting to say to the people of Peru that this Senator who comes from the State of New Mexico, where almost half our people speak Spanish—a commonality between our two countries—would expect that I show the appropriate concern for the people whom this treaty will benefit. That is why I am here. It is entirely proper that the United States show more concern and more consideration and have more relationships of mutual benefit with the countries of Central and South America, without a doubt.

I would like to have a few words from this Senator spread on the record to show that with what I have said, I concur. With this treaty, be it not the best because those who look at it from the standpoint of the best find fault here and there, it is as good as we are going to get and we ought to approve it. My vote will show up in favor, and that will be because I understand it. I understand what it means, and I am for the principles and the expected effect of this treaty.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. DOMENICI. 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. DURBIN. 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. DURBIN. I ask for the yeas and nays on the vote previously scheduled.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "nay."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 77, nays 18, as follows:

[Rollcall Vote No. 413 Leg.]

YEAS—77

Alexander	Domenici	McConnell
Allard	Durbin	Menendez
Barrasso	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feinstein	Murray
Bennett	Graham	Nelson (FL)
Bingaman	Grassley	Nelson (NE)
Bond	Gregg	Pryor
Brownback	Hagel	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Cantwell	Inhofe	Schumer
Cardin	Inouye	Sessions
Carper	Isakson	Shelby
Chambliss	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Thune
Corker	Levin	Vitter
Cornyn	Lieberman	Voivovich
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Wyden
Dole	Martinez	

NAYS—18

Akaka	Feingold	Reed
Boxer	Harkin	Reid
Brown	Klobuchar	Sanders
Byrd	Kyl	Stabenow
Casey	Leahy	Tester
Dorgan	McCaskill	Whitehouse

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The bill (H.R. 3688) was passed.

Mr. CARDIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, with today's passage of the United States-

Peru Trade Promotion Agreement Implementation Act, we have taken a long-overdue step to strengthen our relationship with Peru, a close friend and important ally in Latin America. This agreement will result in new economic opportunities for U.S. farmers, manufacturers, and service providers, and I am pleased that the Senate has finally voted in favor of its implementation.

None of this would have been possible without the leadership of two of our United States Trade Representatives, Susan Schwab and her predecessor, Rob Portman. I want to thank Ambassador Portman for his hard work at the negotiating table that resulted in a solid agreement that will level the playing field for U.S. producers and exporters. And, I want to thank Ambassador Schwab for her dedication and perseverance that culminated in the May 10 bipartisan trade compromise, which set the stage for today's successful vote. Also meriting special mention for their tireless efforts are the Assistant United States Trade Representative for the Americas, Everett Eissenstat, and his predecessor, Regina Vargo.

Here in the Senate, I want to begin by thanking the chairman of the Finance Committee, Senator MAX BAUCUS. He is a true leader on trade and on the committee. And he is supported by a strong staff. That starts with the Democratic staff director on the Finance Committee, Russ Sullivan, and the deputy staff director, Bill Dauster, who were critical to the process. I also want to thank his chief international trade counsel, Demetrios Marantis, as well as the other members of the Democratic trade staff, Amber Cottle, Janis Lazda, Chelsea Thomas, Darci Vetter, and Hun Quach, and two individuals serving on detail to Senator BAUCUS, Russ Ugone and Ayesha Khanna.

Of course, I am grateful for the outstanding effort of my staff as well. First, my chief counsel and staff director, Kolan Davis, merits special mention. His legislative expertise has been instrumental in moving countless bills and this is no exception. I also want to thank my chief international trade counsel, Stephen Schaefer, as well as David Johanson, David Ross, and Claudia Bridgeford Poteet. And, I want to thank John Kalitka, who is on detail to my office from the U.S. Department of Commerce.

Finally, I want to thank Polly Craighill and Margaret Roth-Warren of the Office of the Senate Legislative Counsel for their hard work on this legislation. As always, Polly's patience and expertise have been invaluable in producing a top-notch bill. Margaret is a relatively recent addition to the office and already she is proving herself a very strong asset to our legislative team.

Today's vote is long overdue. The May 10 compromise was expected to pave the way for quick consideration of all four of our pending free trade agreements, as well as the renewal of trade

promotion authority. That hasn't happened as quickly as I would have liked. Still, today's vote is a critical first step, and I hope we can use this vote to build momentum toward implementing the next agreement in line, which is our trade agreement with Colombia. We should move the Colombia trade agreement as soon as possible, and I will work hard toward that outcome in the 110th Congress.

Mr. KERRY. Mr. President, today the Senate voted to approve H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act. In July of 2006, I opposed this agreement when it came before the Senate Finance Committee because it lacked enforceable labor standards—standards that Peru's President Alejandro Toledo indicated a willingness to support. What a difference a year makes. As a result of a landmark bipartisan agreement reached in May of this year, and for the first time ever in a free trade agreement, our agreement with Peru encompasses meaningful and enforceable labor and environmental protections.

The labor chapter of the agreement requires both the United States and Peru to adopt and maintain domestic laws to implement the five core standards incorporated in the 1998 ILO Declaration on Fundamental Principles and Rights at Work: (1) the right to organize; (2) the right to bargain collectively; (3) prohibitions on forced labor; (4) protections for child labor; and (5) freedom from employment discrimination. The environmental chapter requires both the United States and Peru to adopt and maintain domestic laws to implement the obligations in seven multilateral environmental agreements to which both the United States and Peru are parties. I have long championed the inclusion of enforceable labor and environmental standards in free trade agreements, and I supported the agreement today because of these chapters. It is imperative that our trading partners be held to high labor and environmental standards, and I would not stand in support of this agreement had these provisions not been included.

The Peru Free Trade Agreement is a landmark achievement that makes these provisions fully enforceable—subjecting these provisions to the same dispute resolution system that applies to the commercial provisions of the agreement. I urge the President, along with the office of the U.S. Trade Representative, to hold Peru's government accountable to these provisions. By ensuring that these standards are fully enforced, the President can solidify this agreement with Peru as a model for dealing with future trading partners.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morn-

ing business, with Senators allowed to speak for up to 10 minutes each.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized.

LIHEAP

Mr. COLEMAN. Mr. President, winter is fast approaching. The Senator from Minnesota was out there with his snow blower and shovel already this weekend. We had from 6 to 10 inches of snow in some portions of the State, 6 inches in the metro area. It was minus 2 when I woke up one day in the Twin Cities, in St. Paul. I traveled around the State. I think it was around minus 8, minus 9, and that is not getting cold yet. In that weather, we actually button the top button but no more.

The reality for many families is cold weather has a lot of people deeply concerned about their ability to keep the heat on. Most of us look forward to the coming of the holiday season as a time we get together with loved ones. For many Americans, this holiday season comes at a time when the cost of energy is skyrocketing. It is raising the level of anxiety as to whether they are going to be able to pay these ever-rising heating costs.

I will never forget a hearing I held for the Permanent Subcommittee on Investigations. I actually did a hearing on the issue of energy costs in my home State last year. I got a chance to listen firsthand to folks who, last year, were impacted by rising energy costs. They bear down on young and old alike.

I had the opportunity to meet Deidre Jackson, a single mother, working professional, and college student who saw her heating bill go through the roof. Meanwhile, Lucille Olson told a story familiar to many seniors of the struggle balancing the high cost of health care, prescription drugs, with heating bills that represented 30 percent of her monthly income. Unfortunately, for many seniors, this is not a balancing act that is easily maintained. Stories abound of grandmothers and grandfathers having to choose between food, medicine, clothing, and heat. This should not happen in America in the 21st century.

It is for stories such as these that we have the Low Income Home Energy Assistance Program—LIHEAP—to provide heating and cooling assistance for folks who are struggling to get by. To many Americans, LIHEAP is a real lifeline. More than 70 percent of families receiving LIHEAP assistance have

incomes of less than 100 percent of the Federal poverty level. That is about \$21,500 for a family of four. These are truly families who cannot afford to see their heating bills double. In fact, the majority of households have at least one member who is elderly, disabled, or a child under 5 years of age. These are the most vulnerable.

Unfortunately, current Federal funding levels are only sufficient to meet the needs of about 16 percent of the eligible households. Many States are trying to meet the needs of more households by providing smaller benefits to each household. Meanwhile, rising energy prices are rapidly reducing the purchasing power of program grants. This is a bad combination. In other words, folks in need are receiving less assistance while the cost of heating increases. Again, this is simply an untenable situation.

Consider that home heating prices are projected to reach almost \$1,000 a year for a typical family, representing an increase of almost 80 percent from the average cost during the winter of 2001–2002. It is in just 5 years that we have seen this incredible 80-percent increase in cost. In fact, data show we are looking at heating costs rising 15.2 percent this year and record levels for heating oil, propane, and electricity. Experts predict that Minnesotans who use heating oil will probably see an increase in their bill of 47 percent higher than last year's level. Meanwhile, the cost of natural gas, which most Minnesotans rely on for their heating needs, is up 38 percent from the average cost during the winters of 2000 to 2005.

The heating oil crisis we are facing this year is certainly partially due to America's need to import more and more oil. I have always said there is a national security need to end our dependence on foreign oil. There is also a very focused need in terms of the impact it has on those who simply cannot afford to pay their heating bills. We need to end their dependence on foreign oil. At the same time, we have to make sure to take care of those families in need today.

We have the tools to produce clean and renewable energy here at home, and our heating crisis is only one of the many reasons we need to finish work on the bold energy package the Senate passed this summer and the strong farm bill we have before us now. Those are two important pieces of legislation. I hope we can overcome this partisan divide in Washington that kind of tears us apart and precludes us from getting things done.

I have sat with the Presiding Officer. We talked about renewables and energy and seeing if we can find common ground. We need it in Maryland, we need it in Minnesota, we need it in America. Unfortunately, as much as we would like to transform our energy production before this winter begins, we don't have that option. But we can make sure Americans having a tough

time getting by have the assistance they need to make it through a cold season. For many, it really is a matter of survival. The large percentage of increases in heating costs don't really hit home until you look at a utility bill. A lot of folks will see hundreds of additional dollars on their heating bills this winter. That is a huge expense for a family below the poverty level or for the elderly on fixed incomes.

I drive by a bus stop on Grand Avenue in St. Paul, about four blocks from my house. There is a bus that stops there that takes you to downtown St. Paul. On a cold winter day, I look as I drive by. There may be a senior, a working mom—and it is cold. I look at the cost of energy and realize we have an obligation to try to do the right thing. That is what LIHEAP is about.

In life, sometimes the unexpected happens. No matter how much we try, sometimes we just need a helping hand to get back on our feet.

During my hearings back home, I heard a story from a courageous woman from St. Paul, Lori Cooper, who, as a working professional, wife, and mother of a 21-month child, had to figure out how to make ends meet when her husband's health prevented him from working. With heating costs rising, LIHEAP was critical in helping her family make it through the winter.

Tragically, it is getting harder for States to help families like this one get through winters like this because the appropriation levels have not risen with the inflation since the 1980s. The Labor-HHS-Education bill that the Senate has produced includes a welcome increase, but it is still below the real amount provided 20 years ago. If you look at where we were 20 years ago and factor in inflation, we are below that today. This would be much less problematic if we were not dealing with skyrocketing heating costs, which is why this winter, as in the winter of 2005–2006, families need emergency LIHEAP assistance.

In 2006, I came to the floor with Senators COLLINS and SNOWE to make the case to this body that no one should have to make the choice between basic necessities and heat. Rising to that challenge, we delivered an increase of \$1 billion additional LIHEAP funding in 2006. Today, I proudly stand with my colleague from Vermont who, along with 17 Members, introduced the Keep Americans Warm Act to meet the heating crisis we will face this winter. This bill provides \$1 billion in emergency LIHEAP assistance in addition to the funding currently included in the Labor-HHS-Education appropriations bill.

I urge my colleagues to join the 19 of us who are standing behind this bill, who are committed to meeting this urgent need. It took a lot of work to get emergency LIHEAP assistance passed in 2006. We worked very hard. It was difficult. I know it will take a lot of effort this time as well, but I am certain this Senate can come together to aid

those who are struggling to provide the bare necessity of heat. I have faith in the potential of this body to act for the greater good, and I look forward to working together to pass this important piece of legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IRAN

Mr. HAGEL. Mr. President, yesterday the Director of National Intelligence, Admiral Mike McConnell, released the National Intelligence Estimate on Iran's nuclear weapons program. This NIE, which represents the best collective judgment of all 16 U.S. intelligence agencies, told us:

Our intelligence community has concluded with high confidence that Iran halted its nuclear weapons program in 2003.

This is a major reversal of the intelligence community's previous intelligence assessment in 2005 that Iran was determined to develop nuclear weapons. The NIE states that the nuclear weapons program was halted primarily in response to international pressure, which suggests that Iran may be more vulnerable to influence.

Perhaps most significant is the DNI's conclusion that some combination of threats of intensified scrutiny and pressures, along with opportunities for Iran to achieve its security, prestige, and goals might prompt Tehran to extend the current halt to its nuclear weapons program.

I commend Admiral McConnell and his colleagues for their decision to release unclassified conclusions based on this current intelligence. I do not believe we can overstate the importance of this new information.

The effects of this NIE will be felt here, at the United Nations, throughout Europe, across the entire Middle East, the world, and in Iran.

The NIE closely parallels many of the conclusions of the Internal Atomic Energy Agency, the IAEA, the international organization, with the most direct on-the-ground access to Iran's nuclear facilities. Once again, the facts appear to be bearing out the conclusions of the IAEA. This NIE, as well as the IAEA's analysis, should help inform and shape U.S. strategy on Iran.

President Bush has a responsibility to carefully consider the policy implications concerning Iran with this new information, and I know he will. He said in his news conference this morning that this new information which he has confidence in would be factored into our policy regarding Iran.

The United States must pursue a clear and strategic policy toward Iran

based on this new intelligence and fact-based assessment to avoid the disastrous mistakes of Iraq. Yesterday's NIE does not invalidate the effectiveness of previous efforts to use an international consensus of pressure on Iran. We must be careful not to run from one end of the pendulum all the way to the other.

As President Bush noted again this morning, the United States must continue to work with our friends and our allies to sustain an international consensus on Iran. I believe the President is correct: alliances, common purpose, common interests, focus, discipline.

Iran's objectionable words and actions are real, and they must continue to be addressed. That means a very clear-eyed and realistic sense of Iran and its motives. As I said in my November 8 CSIS speech regarding U.S.-Iran policy, the United States must employ a comprehensive strategy regarding Iran: Iraq, the Israeli-Palestinian issue, the Middle East, a regional comprehensive strategy.

Yesterday's NIE reinforces the need for directed, unconditional, and comprehensive engagement with Iran. The United States and the international community must use all—all—elements of our foreign policy arsenal in offering direct, unconditional, and comprehensive talks with Iran. The United States should be clear that all issues, our issues and Iran's issues, are on the table, including offering Iran a credible way back from the fringes of the international community, security guarantees, and other incentives.

We urgently need to adopt a comprehensive strategy on Iran that is focused on direct engagement and diplomacy backed, as diplomacy must always be backed, by the leverage of international pressure, isolation, containment, and military options.

The United States must employ wise statecraft to redirect deepening tensions with Iran toward a higher ground of resolution. That is what Annapolis was about last week. America is the great power here. Iran is not the great power. We must be the more mature country in testing the proposition that the United States and Iran can overcome decades of mutual mistrust, suspicion, and hostility.

That is diplomacy. Diplomacy is not talking to your friends; diplomacy is not giving another country bonus points for us talking to them. There is a reason for diplomacy. We should not squander this opportunity as we did in the spring of 2003 when we had an opportunity for an opening to explore talks with Iran.

This initiative, by the way, in 2003, came from Iran. We are witnessing a confluence of events in the Middle East and around the world that presents the United States with new opportunities. There are hopeful and positive recent developments: Progress on North Korea's nuclear weapons program; the recent regional meeting in Istanbul on Iraq; the momentum generated by last

week's Annapolis Middle East meeting where all Arab countries, including Syria, sat at the same table with Israel; and yesterday's NIE assessment.

Now is the time for America to act and to lead, and to lead boldly, with confidence, with our allies, focusing on a common purpose.

One dimensional optics, policies, and blunt black-or-white rhetoric, such as "you are either with us or you are against us" will not work, haven't worked, and will fall short of what is expected from American leadership in the eyes of the world.

The world faces challenges and opportunities today that carry with it implications well beyond this moment in time. American leadership is once again being called on at yet another transformational time in history to help set a new course, a new framework for a rudderless world drifting in a sea of combustible dangers.

In engaging Iran, the Middle East, and the world, we must be wide in our scope, clear in our purpose, measured in our words, and strong in our actions. Yesterday's NIE should not be overstated, but it also must not be undervalued in shaping future policy with Iran and in the Middle East.

Make no mistake, the NIE sets in motion a series of ripple effects that will have serious consequences. This should be welcome news for the United States and the world.

Mr. President, I thank you, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

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

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

RESPONSIBILITY TO GOVERN

Mr. BYRD. Mr. President, as Congress reconvenes this week after our observance of the Thanksgiving holiday, we find a brisk wind blowing through the streets of the Nation's Capital. As cold temperatures begin to grip the country, Americans are turning up the heat in their homes, but the elected leaders of our country should seize the opportunity to turn down the heat in Washington.

Three days ago, in his weekly radio address, the President placed the blame at the feet of Congress for the delays in enacting 11 of the 12 annual appropriations bills. But finger pointing does nothing—nothing, zilch—to solve the impasse, which began with White House threats to veto 10 of those funding bills. With 3 short weeks left in this session of Congress, it is time to close down the political posturing and recognize we have a responsibility to govern.

As the chairman of the Senate Appropriations Committee, it is clear to

me that Congress is working with great diligence to find a way around our budget conundrum. Working hand in hand with Members of the minority, we are crafting an appropriations package that I expect will garner bipartisan support. This package contemplates a reduction of \$10.6 billion from the spending levels approved by Congress in this year's budget resolution. And \$10.6 billion is a lot of money. In addition, various controversial matters, some of which have been the subject of veto threats, are eliminated.

Both Democrats and Republicans in Congress are attempting, in good faith, to find a way around the veto threat demagoguery that has been emanating from 1600 Pennsylvania Avenue for months. Now the White House needs to put aside politics and recognize it is time to govern in the responsible manner that is expected by the American people.

I urge the President—and he is my President, too, and I say it respectfully—to stop the stale veto threats that have been the albatross around the neck of responsible budgeting for months. The fact is the needs of this Nation have changed since the budget was submitted way back in February. That should come as no great surprise.

The Senate, on a bipartisan basis, has recognized these needs, and events have made them crystal clear.

The crumbling state of our infrastructure was punctuated by a deadly—and I mean deadly—bridge collapse in Minnesota. The Senate passed a bill containing funds for the bridge replacement and for repairing bridges across the Nation by a vote of 88 to 7. That was the responsible thing to do.

Soaring oil prices mean a cruel squeeze on low-income heating assistance. The Senate approved by a vote of 75 to 19 a bill providing increased heating assistance. That was the responsible thing to do.

Investigations into the treatment of soldiers returning from Iraq and Afghanistan have underlined greater demands on the VA health care system. Legislation to increase funding for our veterans passed the Senate by a vote of 92 to 1. That was the moral thing to do.

More money is needed to improve the security of our borders. An amendment to provide such funding passed the Senate 89 to 1. That was the smart thing to do.

In July, the administration released its latest National intelligence report that concluded al-Qaida has regrouped in Pakistan with the intention of attacking the United States again. The Senate passed a Homeland Security bill to increase funding for first responders by a vote of 89 to 4.

Rising crime rates in this country highlight the wisdom of additional funding for law enforcement. The Senate passed legislation providing such funding for cops on the street by a vote of 75 to 19.

The rising cost of food means that there must be more funding for the

Women, Infants and Children Program or 500,000 people will lose important nutritional support.

Yet despite all of these developments since the President submitted an inadequate spending proposal in February, the White House continues to demand an arbitrary and irresponsible ceiling on spending. The White House continues to stubbornly oppose bipartisan initiatives to invest money to solve the real problems that face the Nation.

Soon, the first session of this 110th Congress will draw to a close, but there is still time to craft an appropriations proposal that makes a sincere attempt to meet the President in the middle of the road. I thank Senator THAD COCHRAN and his ranking members for their efforts as we move forward in completing the fiscal year 2008 appropriations process.

So the choice is clear—as clear as the noonday Sun in a cloudless sky. The President and the Congress must recognize that the people of this country expect their leaders—that is us, the people downtown at the other end of the avenue and those across the Capitol—to actually govern and address the real problems facing the country.

Democrats and Republicans in Congress are willing to work to resolve differences and complete a fiscally responsible package of appropriations bills. But to do the people's business, the Congress must be joined by a White House willing, at last, to jettison its political posturing, stop its political posturing. The tyranny of the veto threat has already dangerously delayed the Nation's priorities for far too long.

I yield the floor and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TEMPORARY TAX RELIEF ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, the American people are about to see what the Democrats have tried to do all year and what we have been prevented from doing all year because of the obstructionism of the Republicans.

President Bush is out giving speeches that we have to do AMT. We have to take care of that. He is giving speeches all over the country. He gives press conferences talking about why we aren't doing AMT. Everybody watch. Here is why we aren't doing AMT. They do not want us to do it. They want, at the end of the year, to say: Look, the Democrats are not doing AMT. Everyone should understand we are not doing it because the Republicans, all 49 of them, backed by President Bush, don't want us to do it.

Mr. President, we have offered them a proposal. We will have a vote with a

60-vote margin on them all—on the bill the House has passed. The bill has passed. The bill passed by the House fully funds AMT. They won't let us vote on that. So I say: OK, let's vote on Senator LOTT's proposal, which just eliminates AMT. And then I say: Let's work on the proposal we have from the Finance Committee that has come from Senator BAUCUS and Senator GRASSLEY which has some extenders in it that we need to complete this year and then doesn't pay for the AMT. The Republicans don't want the AMT paid for. How much more fair could we be? We are giving them a vote on virtually everything dealing with AMT. But, no, they won't do that. It is the way it has been going all year long. We can't do the farm bill. We can't do anything around here, Mr. President. That is why we have had to file cloture 56 times. They have objected even to bills they agree with just to eat up time around here.

So I am not going to ask consent to move, as we have previously. I gave the Republican leader a proposal earlier today, as I have in the past, to do just as I have outlined, covering every possible facet of AMT—60 votes on all of them. But, no, no votes on any of them. So now I am left with no alternative but to file cloture on the only measure dealing with AMT that is now before this body.

For the life of me, I don't understand what they are trying to accomplish. What I have heard recently, in the last hour or so, is that now what they want to do is—we have certain tax provisions that are expiring in 2011—they want to vote on those. Now, that is 3 or 4 years away, and we have something that is expiring in a matter of weeks. How do those things tie together? They do not.

This is an effort to thwart the progress of our slim majority, 51 to 49. The Republicans want to go around saying the Democrats aren't doing the work of this country. Well, we have a long list of accomplishments we are very proud of, but also the American people understand that we are agents of change and the Republicans are agents of the status quo. That is what this is all about. They want things to stay the way they have been, and we want to change things, and not only in Iraq. We don't have another long-standing debate on that. We want to change the course in Iraq, and we want to change course in the way this country has been headed for the last 7 years—into the economic doldrums. And here today, what we want to do is finish a part of what we believe is an obligation to this country, and that is to make sure that when the first of the year rolls around, 19 million Americans don't have a tax increase. Everyone within the sound of my voice should understand, if that comes to be, it can go to 16th and Pennsylvania Avenue because that is what President Bush—he is the man who is pulling the strings on the 49 puppets he has here in the

Senate. That is too bad for the country.

I move to proceed to H.R. 3996. There is a cloture motion at the desk. I ask the clerk to report it.

CLOTURE MOTION

The PRESIDING OFFICER. The motion having been filed under rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 487, H.R. 3996, the AMT tax bill.

Harry Reid, Dick Durbin, Patty Murray, Max Baucus, Jay Rockefeller, Patrick Leahy, Daniel K. Inouye, Herb Kohl, Benjamin L. Cardin, Jeff Bingaman, Ted Kennedy, Carl Levin, B.A. Mikulski, Barbara Boxer, Debbie Stabenow, Maria Cantwell, Bill Nelson.

Mr. McCONNELL. Mr. President, reserving the right to object, and I will be.

Has the Senator not asked consent to go to the House-passed bill?

Mr. REID. No, I said I wouldn't do that. I am sorry if there was some confusion. I said I was not going to do that. I had been told by the staff that there would be an objection, so I indicated I was not going to do that. I apologize to my friend.

Mr. McCONNELL. May I ask the Parliamentarian, what is the state of play? On what was cloture just filed?

The PRESIDING OFFICER. The motion to proceed to H.R. 3996 was made, and the motion to invoke cloture was filed on that.

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I think we all can agree we should fix the AMT. We should have done it much earlier this year. Shortly, I am going to present a unanimous consent agreement based on a very simple proposition: Our time is running short; therefore, we should start the debate with the areas of broadest agreement and work from there.

So what can we all agree upon? We agree it is past time for Congress to act to ensure that 23 million American families do not face a major tax increase this year. While my side of the aisle believes we should permanently repeal the AMT, we are also prepared to ensure that middle-income Americans get tax relief this year.

We agree tax extenders are important to small business, to parents paying college tuition for their children, to teachers who buy classroom supplies with their own money. These issues are not controversial, and I believe a majority of the Senate supports them.

However, there is an area of strong disagreement. We disagree with the proposition that taxes must be permanently raised in order to extend current tax policy. By patching the AMT and extending other expiring provisions, we are simply maintaining the

status quo on tax policy. Why should some taxpayers be harmed when no single taxpayer will enjoy increased benefits?

So I recommend that we begin where there is a consensus—the AMT patch and tax extenders. We should require the controversial provisions, those raising revenues, be subject to 60 votes. In addition, my side of the aisle would like an opportunity for votes on our vision for tax relief and AMT reform, all of which we understand would be subject to 60 votes. Anything left at the end of the process would also be subject to 60 votes.

This would be a fair process for the short amount of time we have been given on this bill. Let's not tie up the Senate over disagreements; rather, we should build from areas of broadest consensus.

I do not anticipate the majority leader agreeing to the unanimous consent that I am going to now propound. I want to make sure he is engaged before I do that. Or maybe the chairman of the committee?

Mr. BAUCUS. The leader mentioned to me he had an urgent meeting he had to attend. It is up to the leader if he wants to propound his consent now or later.

Mr. MCCONNELL. I thank the Senator from Montana. I gather he is saying he will take care of the consent for their side? I thank the Senator from Montana.

I ask unanimous consent at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to consideration of H.R. 3996, the House-passed AMT bill, and it be considered under the following limitations: There be 1 hour of debate on the bill, equally divided between the two leaders or their designees, followed by a vote on a motion to invoke cloture on the bill; provided further, that if cloture is not invoked, then the only amendments in order to the bill be the following, and be offered in the following order: A substitute amendment to be offered by Senator MCCONNELL or his designee, which is to be an unoffset AMT extension and an unoffset extenders package; a Baucus or designee first-degree amendment to the McConnell substitute which is to be a set of offsets for the extender package; a Sessions amendment related to AMT and exemptions; an Ensign amendment which is an AMT repeal and extends other expiring provisions; a DeMint amendment which relates to AMT and flat tax; provided further, that there be an additional 2 hours for debate on the bill, equally divided between the two leaders or their designees; that there be a time limitation of 2 hours for debate on each amendment equally divided in the usual form, provided that each amendment would require 60 votes in the affirmative for adoption and that each amendment that does not require 60 votes then be withdrawn; I further ask that, notwithstanding the

adoption of any substitute amendment, the other amendments be in order, and finally that following the consideration of the above amendments, 60 votes be required for passage of the bill as amended, if amended.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a very interesting proposal. I think it is constructive. Now the Senate is engaging on this issue. At an earlier point, a couple or 3 weeks ago, the leader propounded a consent on this subject, and it was objected to and the Senate took no action. But here the distinguished minority leader is suggesting a process. He is suggesting a way, perhaps, to resolve this question. I think the basic implication of his suggestion is that we must and should very definitely pass legislation this year that prevents about 19 million Americans from paying the alternative minimum tax for tax year 2007 when they fill out their tax returns next year.

There are provisions which are interesting, which I have not seen until this moment—I daresay which I think the leader has not seen until this moment—which have to be worked out before I think there can be an agreement. But there may be something here, the beginnings of something so that we can work out an accommodation. I very much hope that is the case.

Over the next hours and day or two perhaps we can find a way to reach an agreement on what the procedure should be, what amendment will be offered by whom, et cetera.

I again thank the distinguished minority leader, but on behalf of the leader, on behalf of Senator REID, I must object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. Mr. President, I thank my friend from Montana. We will continue discussions in the hope we can get a result that is mutually satisfactory to virtually all the Members of the Senate in the very near future.

I yield the floor.

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

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

Mr. BAUCUS. Mr. President, I underline the urgency of curing this alternative minimum tax problem and also underline how strongly the Senators on this side of the aisle are attempting to get that legislation passed as soon as possible. We tried, on this side, to get AMT legislation up before the Senate and passed so that American taxpayers will not have to pay it. That was objected to by the other side. We made

many attempts. There were many suggestions by the majority leader to bring up legislation to prevent the alternative minimum tax from going into effect. They were all objected to by the other side. We are here again trying to get resolution.

The leader filed cloture on the House-passed bill so we can get a vote on the issue in an attempt to move the issue forward. I commend him for that. Again it was, in a sense, objected to by the other side because they offered just now a package which is somewhat in the right direction but also has complications in it which raise questions to the degree we can fully get AMT passed. But I want to underline the importance of this body passing legislation to prevent the alternative minimum tax from affecting about 19 million Americans. We all know this is a pernicious tax, it is a stealth tax. It was not intended to have this effect on so many middle-income Americans. Unfortunately, it has this effect because when it was enacted years ago it was not indexed, and each year more and more American taxpayers have to pay the alternative minimum tax. Soon we will get very much to the point where most Americans—I will not say most, but a vast number of Americans will have to pay the alternative minimum tax, and that is not what we want. We did not intend that. We are trying to get it solved.

There is another issue, and that is this: The IRS has sent the 2007 tax forms to the printer. They were sent to the printer on November 16. So each day that we dally here, each day the Congress does not correct this problem, it means it costs the Government more money to correct the forms, to correct the programs that it has to utilize when paying taxes online, whether it is various providers—it is the wrong way to do business.

It means a lot more frustration for taxpayers. Just think, if you are a taxpayer and you are beginning to figure out what your income tax is going to be, and suddenly out of the blue, Congress does not change this AMT, it causes huge problems. Just think of the withholding provisions. Americans have a certain amount of dollars withheld from their income as taxes every year, from every paycheck, for example. The calculation assumes the AMT, pretty soon, if it is not corrected—assume AMT will be corrected. If it is corrected, those changes have to be made on the taxpayers when they withhold.

I hope, again, we get this done. Senator GRASSLEY, the ranking member of the committee, and I have offered a proposal. We have a package we agree on, Senator GRASSLEY and I, to take up and pass legislation which says: OK, nobody has to pay AMT in 2007 who didn't pay it in the previous year. That is the tax year 2007. We are providing it doesn't have to be paid for. That is a big step. But I say that because it is

my judgment that because the President—because Republicans so adamantly said it cannot be paid for, and because we need 60 votes, that it will not be paid for. That is just a judgment I made. I suggest we bring up legislation, pass an AMT patch for 1 year, and also include the extender provisions which will be paid for.

That is where we are going to end up. Everybody knows that is where we are going to end up. If that is where we are going to end up, let's just do it, not go through this kabuki here, these games, not use this as leverage to offer amendments that are going nowhere and will never be enacted, that are just political. But we are unfortunately in a position where we are not yet free to pass legislation that we know at some point we are going to end up with; that is, AMT not being paid for and all the extenders paid for.

I again underline how much we on this side of the aisle are trying to get the AMT passed. Up to this point we are being blocked by the other side. We are going to keep trying. The earlier we get this passed the better because the forms can be sent out more quickly, the computer programs changed more quickly, and we are going to keep at it because it is the right thing to do. And, second, we are going to do it anyway. If it is the right thing to do and we are going to do it anyway, why don't we do it now?

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

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

(The remarks of Mr. CASEY pertaining to the introduction of S. 2407 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

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

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

The Senator from North Dakota is recognized.

MEDIA CONCENTRATION

Mr. DORGAN. Mr. President, about 2 hours ago, the Commerce Committee of the Senate took some action on a bill I offered along with my colleague, Senator LOTT from Mississippi. I wish to talk about the Media Ownership Act of 2007 for just a moment. I hope, perhaps,

the Chairman of the Federal Communications Commission may take note and watch what the Commerce Committee did.

This issue is very important. It has been around for a long time. It deals with media concentration. Some years ago—in 2003—the then-Chairman of the Federal Communications Commission, Michael Powell, rounded up two other votes and by a vote of three to two passed a new FCC rule allowing a relaxation of ownership limits for television and radio stations, and for newspapers, and here is what they concluded back then. It is almost unbelievable. They said it will be OK with them if, in the largest American cities, one company owned eight radio stations, three television stations, the newspaper, and the cable company—they would all be owned by the same company. They said that would be just dandy.

Well, the fact is, it was not fine with me, and I fought it. Senator LOTT joined me back then. We offered a resolution of disapproval of the FCC rule and it passed the Senate. In the meantime, the Federal court of appeals stayed the rule, and so the rule never went into effect. But it was unbelievable to me that the Federal Communications Commission thought that what we really needed in this country was more concentration in the media.

Well, the idea is not dead. The current Chairman of the Federal Communications Commission came up recently with an idea of relaxing ownership rules, and he announced—in an op-ed piece in the New York Times and then in a press release he was going to propose a new set of rules that relax the ownership restrictions. So he said: We are going to announce the rule in November, and I am going to ask for a final FCC vote by December 18.

He says his proposed rule is a real compromise. It is going to allow the ownership of the newspaper and a television station in each of the 20 largest markets in our country. These top 20 markets, by the way, cover one-half of the population of America. He will relax the ban that exists on cross-ownership between newspapers and television stations.

Now, I do not know that anybody is lying awake at night in this country thinking about our most serious problems and deciding that one of the biggest problems in America is that newspapers are not allowed to buy television stations. We have a cross-ownership ban for good reason, in my judgment, but apparently the Chairman of the FCC has been lying awake thinking: We have to fix this. So he has come up with a rule that says: Well, let's let newspapers buy television stations.

We just passed a bill, S. 2332, over in the Commerce Committee that would stop what the FCC is doing and would not allow them to proceed with the December 18 date. It would require that the American public be allowed to weigh in on these issues. We say in our

bill that passed unanimously in the Commerce Committee that you have to have a process that is fair to the American public. You cannot decide to announce, "Here is my rule," in November, and then drive it through to a conclusion in December.

The Chairman says: Well, but we had six hearings around the country. We did this. We did that. None of those hearings would have given people an opportunity to comment on this rule because the rule did not exist when he held the hearings. He waited until the hearings were all done and then announced the rule and then has tried to jam this home by December 18. That is what the Chairman is trying to do. It is unfair, and it makes no sense.

With respect to concentration in the media, let me say this: I do not think it has served this country's interest to have the concentration in radio and television, and it certainly does not serve this country's interest to decide that we ought to allow the newspapers now to buy the television stations. I think that concentration is injurious to this democracy. We need the free flow of information.

It is interesting, most of what people will see, hear, and read in America today—Tuesday, December 4—will be controlled by about five or six major corporations with respect to television, the Internet, radio, and the newspapers. About five or six major corporations in this country have a substantial amount of control of what kind of information is available to the American people. And some believe there needs to be greater concentration?

We held a hearing recently in the Senate Commerce Committee, and the Parents Television Council, which is considered to be on the right side of the political spectrum, came and weighed in with opposition to the proposal by the Federal Communications Commission. The witness was from Los Angeles. He said: I have in my office in Los Angeles, CA basic advanced tier cable where I get 48 channels. But he said: That isn't 48 different voices. Then he went down the list of who controls those channels—Time Warner, etc. He just went down the list of the 4 or 5 or 6 big companies that control those 40-some channels.

So it goes back to what I have said for long time. When the FCC is trying to relax these ownership rules, they say: Well, you now have a lot more choices. You have more channels. You have more networks. You have more Internet sites. My response was: Yes, there are more voices from the same ventriloquist. Really, this country is not, in my judgment, served well by a Federal Communications Commission that is just hell bent on deciding: We need to have greater concentration in radio, television, or newspapers.

Now, take a look at what has happened with radio concentration. In one town in North Dakota—a town of about 40,000 or 50,000 people—one company

bought up all of the radio stations—all 6 of them. All six commercial stations were bought by one company from Texas. Does that make sense? It does not to me. The FCC said it was just fine. So what happens with respect to news-gathering in that town? Well, you end up with fewer newspeople because when one company owns all the stations, they just consolidate it all.

There is a real dispute about the story I'm about to tell you and I do not know that anybody has ever gotten to the bottom of it. I have seen so many different stories. Late at night—at 2 in the morning—a train came through Minot, ND, and with anhydrous ammonia cars, derailed, went off the tracks, split some anhydrous ammonia cars, and this deadly plume enveloped the city at 2 a.m. It caused a death, and caused many injuries. Many went to the hospital. It caused great fright among the population, not knowing what was happening. We discovered later it was a great danger to the population. Well, the emergency broadcast function somehow did not work. But notwithstanding the fact the system did not work, the townspeople could not get anybody to answer the telephone at the local radio station. All the commercial stations were owned by the same company from another State. One wonders, what if those stations were owned by individual operators who lived in town? Do you think they would be able to track somebody down? I think so.

Now, the Chairman of the Federal Communications Commission is galloping off to relax media ownership rules because he thinks that is really what is necessary. I met with him today, and I said: What is really necessary—he knows this because Senator LOTT and I have both told him—is to do first things first; one, do a proceeding on localism to find out: How has all of this concentration affected localism? That is, we provide free licenses to use the airwaves for television and radio, in exchange for which they are responsible to serve local interests.

So do we know what they are doing? No. The Chairman of the Federal Communications Commission has admitted to me they do not know how many stations are using a service called voice-tracking. I will give you an example of voice tracking:

You are driving down the road on a bright Tuesday morning in Salt Lake City, UT, and you have the radio on and after the song ends, the disc jockey comes on and says, "It is a great morning here in Salt Lake City. We have the Sun coming up over the mountains. We have a blue sky. We have a light 5-mile-an-hour wind. We are going to have a wonderful day, aren't we?"

It turns out the guy is broadcasting from a basement studio in Baltimore, MD, pretending he is in Salt Lake City, simply ripping information from the Internet to say: It is a bright, sunny day here in Salt Lake City. That is called voice tracking. Does that serve

local interests? It sure does not. So how many stations do this? How prevalent is that practice? Don't know. Neither does the FCC.

How about starting a proceeding on localism to find out whether those who are using the public airwaves, free of charge—airwaves that belong to the American public, not the licensees—how about finding out how they are serving local interests? Or how about a proceeding dealing with public interest standards because there are public interest requirements for the holding of a license for television and radio broadcasting?

How about first things first? Why the rush to provide more concentration allowing cross-ownership of television stations with newspapers? The Chairman would say: Well, I am not trying to do more concentration in radio and television; I am trying to allow newspapers now to begin buying television stations. Why? Well, he said the newspapers are not doing very well. I said: When did it become the job of the Federal Communications Commission to be the bookkeeper for newspapers? My understanding about newspapers is they used to have a higher profit margin. Now it has dropped to 16 to 18 percent profit margins—pretty good profit compared to all other industries. All of a sudden, the FCC thinks the newspapers are having financial trouble and so they should relax the rules to allow cross-ownership? I just think it is wrong.

Senator LOTT and I offered the Media Ownership Act of 2007 today in the Commerce Committee. That bill was agreed to unanimously.

My hope is that the Chairman of the Federal Communications Commission is watching and listening because this Congress, on a bipartisan basis, says no to further relaxing the controls on cross-ownership. And this Congress, on a bipartisan basis, I feel, strongly believes we have too much concentration in the media. The Chairman of the Federal Communications Commission believes, apparently, we need more. He is just dead wrong.

My hope is that in the coming couple of weeks he will understand that it would not be the best course for the Federal Communications Commission. It would be wise for the Chairman to decide not to advance to a December 18 final vote on the rule he is proposing. It is not in the public interest. It is not doing what the FCC should do. My hope is he will instead open a public-interest proceeding and open a localism proceeding and finish them to their conclusion and do a good job on them. That would be a public service for this country.

Mr. President, I yield the floor and make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL INTELLIGENCE ESTIMATE

Mr. DORGAN. Mr. President, this morning I had an opportunity, which I rarely have, to watch the entire press conference of President Bush at the White House. The press conference dealt largely with the subject of the National Intelligence Estimate that came out yesterday about the issue of a nuclear weapons program in Iran. The NIE that came out indicated that—to the surprise of certainly myself and many others—the country of Iran abandoned its nuclear weapons program 4 years ago, in 2003. I was surprised, and many others were, because we have heard from this administration repeatedly about the threat posed by Iran's nuclear weapons program including some weeks ago when President Bush raised the specter of a "World War III."

Now we learn the nuclear weapons program they indicated Iran was involved in was discontinued 4 years ago. That comes from our National Intelligence Estimate, which is a cumulative assessment of all our intelligence agencies.

It raises, I think, some very important and troubling questions. The questions are not new questions, actually. It is: What did this administration know? What did they understand? What did they find out and when? The American people, and certainly this Congress, has been treated to a very generous conversation by the President and his administration about the specter of the nuclear weapons program in Iran and how it must be stopped. I don't disagree at all with the contention that the behavior of Ahmadinejad and of some of the terrorist elements in Iran and others is far outside the norm and is troublesome to this country. But that is not what I am talking about.

I am talking about the question of a nuclear weapons program and the relentless language by this administration about the nuclear weapons program that was being pursued by the country of Iran.

The intelligence community now says that is not the case and has not been the case since 2003. I wonder if the administration knew, if Mr. Hadley knew—I heard his briefing—did the President know about this new assessment when 5 or 6 weeks ago he was giving another of his speeches and raising the specter of World War III in connection with a presumed or alleged nuclear weapons program by the country of Iran. The American people certainly didn't know what the National Intelligence Estimate had disclosed to us. We are told the Intelligence Community came to this conclusion sometime

around this summer. Mr. Hadley originally said the intelligence folks alerted the White House and indicated that the President should back off a bit. He certainly did not back off.

The reason I raise these issues is because I remember back about 5 years ago going to a room in which top-secret briefings were offered to Members of Congress as a leadup to the war in Iraq. I remember directly the Vice President, the National Security Chief, now the Secretary of State, Condoleezza Rice, I remember the discussion by the head of the CIA, I remember the top-secret material that was told us, which turns out not to have been accurate as a leadup to the Iraq war.

I remember when Secretary Powell, then-Secretary of State, went to the United Nations and made the case describing things we had previously been told about in many cases in top-secret briefings.

For example Powell talked about the danger of the mobile biological weapons labs that supposedly existed in the country of Iraq.

It turns out the mobile biological weapons labs did not exist. It turns out the mobile biological weapons laboratory story was from a fabricator from the country of Iraq, a former taxicab driver in Baghdad, as a matter of fact, someone who was telling this to the German intelligence community. And someone in the German intelligence community wondered whether this person was credible and expressed doubts about the person's credibility to the American intelligence service. They nicknamed this man "Curve Ball."

So from a single source, a man named Curve Ball who, among other things, used to drive a taxicab in Baghdad, the world is treated by Secretary Powell to a presentation at the United Nations saying Iraq has mobile biological weapons laboratories which are a danger to all of us. It turns out not to have been true, a fabrication based on a single source without credibility.

None of us were told that at the time, of course. The world wasn't told that. We were just told that Iraq had mobile biological weapons laboratories. We were told Iraq was buying aluminum tubes for the purpose of reconstituting their nuclear capability. The world was told that by Secretary Powell. It turns out that was false as well. And it also turns out that even as we were told that information, the administration knew there were others inside the administration who did not believe it, and yet that information was imparted to us as a set of facts that represented the danger coming from the country of Iraq.

We were told that Iraq was attempting to purchase yellowcake from Niger for the purpose of reconstituting a nuclear capability. We discovered only later that the documents on that were fraudulent. We discovered they were forgeries. Again, the information given the Congress was inaccurate.

Yellowcake from Niger, aluminum tubes, mobile biological weapons laboratories—not accurate, not true. It was presented to the Congress as fact, presented to the American people as fact prior to the Iraq war.

There has been a great deal of discussion and also concern in the country, in this Chamber, about whether this administration is preparing to do something with respect to the country of Iran, and that has been heightened by the language President Bush used recently, including language that said "World War III" in the context of the danger of a nuclear weapons program in the country of Iran. That statement was about 5 or 6 weeks ago.

We now know that the National Intelligence Estimate, representing all of the intelligence agencies in this country, has indicated that the nuclear weapons program of Iran that has been discussed so much by the administration was discontinued in 2003.

I think there are serious credibility questions. The President held a press conference today that seemed to suggest that, well, there is no real issue here. There is a very big issue, I say to the President, a very big issue. This country needs to take action internationally to develop strategies based on what we know to be the truth, not what someone alleges to be true. This country needs to have good information, information that is not fabricated by a man named Curve Ball who used to drive a taxicab. This country deserves better than that.

In my judgment, this country has been failed in many ways, some by the intelligence community, some by the administration, perhaps some by Congress. But we certainly deserve straight answers. We deserve the best intelligence that is available.

Look, the fact is we face a challenging and difficult world. One part of that world is the country of Iran. I do not by being here tonight suggest that Iran's behavior is not troublesome, or that they are not a danger in their neighborhood. They are. But I have always believed that the constructive approach to dealing with Iran and, yes, other circumstances around the world is through diplomacy and negotiation and aggressive diplomacy at that. This administration does not believe that is the right course. But I do believe that facing the world that we face, a very challenging world, a war against terrorism, this country will be protected by good intelligence, by an intelligence community that works.

I appreciate the fact that yesterday we were told finally that the Iranians are not at the moment engaging in a nuclear weapons program. They discontinued that in 2003. They say they have high reliability with respect to that conclusion. I appreciate the fact that we are getting that conclusion at this point. And if that is a valid conclusion, if that is the result of good intelligence—and I certainly hope our intelligence service has improved because

they got it wrong about 5 years ago. We need to be well served by the best intelligence service we can be capable of producing.

I know today there are men and women risking their lives as members of our intelligence community. My thoughts are with them. I want the best they can give us. And if yesterday's National Intelligence Estimate gives us opportunities to better understand what is happening in that region, then that advances our knowledge.

I will say this: I think this Congress and this administration need to have some straight talk about credibility because there are serious credibility issues with respect to this issue that at this point have not been answered at all, certainly were not answered in the President's news conference today.

The safety of this country hinges on our ability to have good intelligence. This war on terrorism is not a bunch of words, it is real, and there are too many victims out there in this country today who understand that reality. The way to protect our country in the future is to have a good understanding of what is going on in the world, have good intelligence, have good information, and take steps to protect ourselves. But it does not serve this country's interest by ratcheting up the rhetoric and talking about World War III with respect to a country that the administration has alleged up to now has had a nuclear weapons program, only to find out that nuclear weapons program was discontinued 4 years ago.

This Congress and this administration needs to have an aggressive conversation about credibility. We actually represent the same country. I am sure we want the same result. We want to protect this country. We want a foreign policy that deals with reality and a foreign policy that deals with truths that exist out there in a very challenging world.

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.

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

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

HONORING OUR ARMED FORCES

SERGEANT KENNETH R. BOOKER

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from Vevay, IN. SGT Kenneth Raymond Booker, 25 years old, died November 14th in Mukhisa, Iraq. Sergeant Booker died of injuries he sustained when an improvised explosive device detonated near his vehicle. With an optimistic future before him, Kenneth risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Kenneth graduated in 2000 from Switzerland County High School in southeastern Indiana. Shortly thereafter, he joined the Army, happy at the prospect of serving his country. As a member of the 82nd Airborne division from Fort Bragg, NC, Kenneth served in Afghanistan and Iraq. His exemplary service earned him an assignment in military intelligence at Fort Lewis, WA. Kenneth, however, preferred working in the field to an office and requested to transfer back to infantry.

Joining a Stryker Brigade Combat Unit at Fort Lewis, Kenneth returned to Iraq for his third deployment. Kenneth was a member of the 2nd Battalion, 23rd Infantry Regiment, 4th Stryker Brigade Combat Team, 2nd Infantry Division. He will be remembered by his friends and family for his clever sense of humor, his love of hunting and target shooting, his outgoing nature, and above all, his outstanding dedication to his country. Kenneth is survived by his father, SSG Charles Booker; his mother, Becky Graham; and his brother, Kaleb Daniel Booker.

Today, I join Kenneth's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Kenneth. Today and always, Kenneth will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Kenneth's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kenneth's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of SGT Kenneth Raymond Booker in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kenneth's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Kenneth.

NATIONAL BIBLE WEEK

Mr. ENSIGN. Mr. President, I rise to speak on behalf of the National Bible Association and the most influential force ever known to mankind, the Holy Bible.

Each day, about 168,000 Bibles are sold, given away, or otherwise distributed in the United States. November 18 through 25 was National Bible Week, which, along with the National Bible Association, I hope increased that exposure to help spread the Good News contained within its pages.

The timing of National Bible Week couldn't be more appropriate since it encompasses the Thanksgiving Holiday. As you know, Thanksgiving commemorates the story and the plight of the Pilgrims, who fled to the New World to escape religious persecution and joined with their new neighbors to give thanks for offering their friendly aid and for coming to their rescue in a dire time of need. Like the Pilgrims, the Bible recounts numerous cases of religious persecution of the children of Israel and the extreme hardships suffered by many over thousands of years. But the Bible also gives us hope, and the comfort of knowing God will help us to persevere and endure.

The theme of neighborly assistance and thanks, as well as the many other valuable and moral lessons or guidance for treating one's neighbor and fellow man, are imparted in the Bible and even served as a moral compass to our Founding Fathers. The Judeo-Christian Bible became the cornerstone of our Constitution and the Bill of Rights.

As we now find ourselves in the midst of the Christmas season, National Bible Week should serve as an important reminder to always turn to the Bible, recognize its wisdom and Divinely inspired words, and reflect on its meaning in our own lives, especially in how we interact with and treat our neighbors.

Beyond serving as a personal moral compass on how to become a better person and neighbor, the Bible reassures us of God's infinite love for His creation. I encourage you to pick up and read the Bible and become awed by the history, lessons, and adventures found within its pages. As we celebrate National Bible Week, let us share the positive message of the Holy Bible with our families, friends, and neighbors.

ADDITIONAL STATEMENTS

HONORING JUDGE CLYDE MIDDLETON

• Mr. BUNNING. Mr. President, it is with great admiration and respect that I take this time to recognize a dear friend and one of Kentucky's most distinguished citizens, Judge Clyde Middleton, on his 80th birthday.

Born January 30, 1928, Judge Middleton achieved a commendable record of public service to Kenton County and the Commonwealth of Kentucky. A

graduate of the U.S. Naval Academy and a retired Navy captain, he later earned an MBA from my alma mater, Xavier University, and a juris doctor from Chase College of Law in northern Kentucky. Judge Middleton served with distinction as a Kentucky State senator and judge executive of Kenton County, and still today is very active in his community. He and his wonderful wife Mary are the proud grandparents of four grandchildren.

Mr. President, I am honored to have had the opportunity to recognize the dedication of Clyde Middleton to his community, and ask you to join me in honoring him on his birthday.●

REMEMBERING SALLY L. SMITH

• Mr. HAGEL. Mr. President, on December 1, America lost a great and innovative educator and a wonderfully decent human being when Sally Smith passed away this week at the age of 78. Sally was the founder and director of one of America's most important teaching institutions, the Lab School in Washington, DC.

Sally was a New York City native, and longtime resident of the District. She graduated in 1950 from Bennington College, and received a master's degree in education from New York University in 1955. In 1967, inspired by her own son's difficulties in learning, she founded the Lab School.

Beginning with just her son and three other students, the Lab School has now grown into an internationally renowned school for students with learning disabilities. Sally's fundamental belief was that all children, no matter what the disability, have the potential, ability and ingenuity to learn. Sally created a unique and innovative learning environment where students are given the tools and encouragement needed to fulfill their goals. She also provided through the Lab School the resources needed for others to teach students with disabilities.

In 1976, Sally became a professor at the School of Education at American University, where she ran the master's degree program specializing in learning disabilities. The Lab School serves as the primary training site for most graduate students in the program. Sally is the author of 10 books on education. Her teaching techniques have been showcased in a four film series on PBS.

My wife Lilibet and I are privileged to have been actively involved with the Lab School over the last 11 years, and we came to know and admire Sally. She was an American original and represented the best of our society.

Like all of Sally's many friends, Lilibet and I offer our prayers to the Smith family. She leaves the world a better place than she found it. She will be missed by that world.

Sally is survived by her sons, Randall, Nick and Gary Smith; a sister; and one granddaughter.●

TRIBUTE TO STAN GARNETT

• Mr. HARKIN. Mr. President, in a few days Stan Garnett will retire from the Food and Nutrition Service of the U.S. Department of Agriculture, after 35 years of tremendous service to people in our Nation and elsewhere in the world.

Stan's experience and dedication to fighting hunger and malnutrition extends beyond his 35 years with the Department of Agriculture. Following his graduation from college, Stan answered President Kennedy's call to service abroad and spent 2 years in the Peace Corps in the Philippines. Thereafter, he joined Catholic Relief Services and spent 6 years administering food assistance programs in Southeast Asia and in Africa under tremendously difficult circumstances. He often traveled by helicopter in battle zones in Vietnam to deliver food assistance to war refugees, and he also provided food aid in Nigeria during the tragic Biafran conflict.

Following his work overseas, Stan returned to the United States and joined the Food and Nutrition Service of the U.S. Department of Agriculture in 1971. Over the years, Stan held many different positions within the Food and Nutrition Service, the majority of them pertaining to legislative and regulatory policy in Federal child nutrition programs. Throughout his career, Stan served with accomplishment and, not surprisingly, continued a steady ascent in the ranks at the Food and Nutrition Service of the Department of Agriculture, eventually serving as the Director of Supplemental Food Programs and Director of the Child Nutrition Division.

Stan fulfilled those positions with great competence, but with integrity and humility as well. In 9 cases out of 10, Stan knows more about the issue at hand than anyone else in the room, but he never acts as if this is the case. Stan treats everyone equally—Members of Congress, members of his own staff, and the many people across the country who for so long have relied on Stan's expertise to help them operate child nutrition programs in their own communities. Stan is known by all who come in contact with him as a generous and caring administrator who is trusted by all.

After 35 years of Federal service, there is no question that Stan has certainly earned a much-deserved retirement. His absence will certainly be acutely felt, both within the Department of Agriculture and here in Congress. However, I have no doubt that one of Stan's biggest contributions is to leave child nutrition programs in the hands of capable colleagues who have benefited, as I have over the years, from his tremendous expertise, and who will ensure a smooth transition as new leadership assumes his responsibilities.

In so many respects, the Stan Garnett who will retire this year is strikingly similar to the Stan Garnett who

took up President Kennedy's call to service by entering the Peace Corps as a young man. His commitment to ending hunger and to promoting the economic security and nutrition of low-income families is as strong today as it was as a bright-eyed college graduate. Just as important, he has imparted this same idealism and commitment to numerous young people who have had the privilege to work with him over the years. To those who question what a career in public service can accomplish, I ask only that they look to Stan's career. What they will see in him is not just 40 years of service, but a call to action. I have no doubt that, because of his incredible commitment, Stan is a remarkable inspiration and example of heeding this call to action and public service. •

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 which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on November 30, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3963. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on November 30, 2007, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3983. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to

law, the report of a rule entitled "Importation of Live Swine, Swine Semen, Pork, and Pork Products from the Czech Republic, Latvia, Lithuania, and Poland" (Docket No. APHIS-2006-0106) received on November 28, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3984. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Chile to Export Poultry and Poultry Products to the United States" (RIN0583-AD25) received on December 3, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3985. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the report of two violations of the Antideficiency Act; to the Committee on Appropriations.

EC-3986. A communication from the Acting Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Commodity Credit Corporation; to the Committee on Appropriations.

EC-3987. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, nine Selected Acquisition Reports for the quarter ending September 30, 2007; to the Committee on Armed Services.

EC-3988. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Patent Rights—Ownership by the Contractor" (DFARS Case 2001-D015) received on November 30, 2007; to the Committee on Armed Services.

EC-3989. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Filing Requirements for Suspicious Activity Reports" (RIN3133-AD23) received on November 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3990. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "FCU Bylaws" (12 CFR Part 701) received on November 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3991. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II" (Docket No. R-1261) received on November 14, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3992. A communication from the Assistant Secretary for Housing, Federal Housing Administration, transmitting, pursuant to law, a report entitled "Annual Report to Congress on Initiatives to Address Management Deficiencies Identified in the Audit of FHA's Financial Statement for Fiscal Year 2006 and 2005"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3993. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II" (RIN1557-AC91) received on November 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3994. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intent to impose new foreign policy-based

export controls on QRS11 Micromachined Angular Rate Sensors; to the Committee on Banking, Housing, and Urban Affairs.

EC-3995. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards; Advanced Capital Adequacy Framework—Basel II" (RIN1550-AB56) received on November 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3996. A communication from the Deputy General Counsel (Administration and Management), National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Foreign Patent Licensing Regulations" (RIN2700-AD35) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3997. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Prineville, Oregon" (MB Docket No. 07-39) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3998. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Boswell, Oklahoma and Detroit, Texas" (MB Docket No. 06-200) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3999. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Midway, Falmouth, Owingsville, Danville, Wilmore, and Perryville, Kentucky" (MB Docket No. 05-248) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4000. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992" (FCC 07-190) (MB Docket No. 05-311) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4001. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Hemet, California" (MB Docket No. 07-1) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4002. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Humboldt, Nebraska" (MB Docket No. 07-176) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4003. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Silverton, Colorado" (MB Docket No. 07-130) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4004. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Walden, Colorado" (MB Docket No. 07-174) received on November 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4005. A communication from the White House Liaison, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on November 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4006. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 85 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area to Allocate Pacific Cod Among Harvesting Sectors; Correction" (RIN0648-AU48) received on November 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4007. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the Maritime Administration for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-4008. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (RIN0648-XD44) received on November 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes" ((RIN2120-AA64) (Docket No. 2007-CE-038)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S92-A Helicopters" ((RIN2120-AA64) (Docket No. 2007-SW-32)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4011. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aquila Technische Entwicklungen GmbH Model AT01 Airplanes" ((RIN2120-AA64) (Docket No. 2007-CE-064)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4012. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and DA 40F Airplanes" ((RIN2120-AA64) (Docket No. 2007-CE-040)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4013. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-107)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4014. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-179)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4015. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries MU-2B Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-CE-007)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4016. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Gliders and Glaser-Dirks Flugzeugbau GmbH Model DG-800B Gliders" ((RIN2120-AA64) (Docket No. 2007-CE-058)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4017. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-031)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4018. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT9D-7R4 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. 2005-NE-53)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4019. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-097)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-251)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4021. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy Airplanes and Model Gulfstream 200 Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-065)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4022. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Amdt. No. 3230" ((RIN2120-AA65)(Docket No. 30563)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4023. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Docket No. 30565)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4024. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Docket No. 30566)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4025. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Docket No. 30567)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4026. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(Docket No. 30568)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4027. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" ((RIN2120-AA63)(Docket No. 30564)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4028. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-300, 747-400, 747-400D, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-159)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4029. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-042)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4030. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-204)) received on

November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4031. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Limited Model PC-6 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-CE-046)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4032. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Enstrom Helicopter Corporation Model F-28, F-28A, F-28C, F-28C-2, F-28C-2R, F-28F, F-28F-R, 280, 280C, 280F, 280FX, TH-28, 480, and 480B Helicopters" ((RIN2120-AA64)(Docket No. 2007-SW-09)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4033. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; M7 Aerospace LP SA226 and SA227 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-52)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4034. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes Equipped With Dowty Type R.352 and R.410 Series Propellers" ((RIN2120-AA64)(Docket No. 2007-NM-002)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4035. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Teledyne Continental Motors Reciprocating Engine Models IO-550-N, TSIO-520-BE, TSIO-550-A, TSIO-550-B, TSIO-550-C, TSIO-550-E, and TSIO-550-G" ((RIN2120-AA64)(Docket No. 2007-NE-33)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4036. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments" ((RIN2120-AA65)(Docket No. 30562)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4037. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments" ((RIN2120-AA65)(Docket No. 30560)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4038. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-238)) received on November 14, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4039. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319-100 and A320-200 Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-172)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4040. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. 2003-NM-286)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4041. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-300, 747-400, 747-400D, and 747 SR Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-210)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4042. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310-203, A310-204, A310-222, A310-304, A310-322, and A310-324 Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-005)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4043. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-162)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4044. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and A330-300 Series Airplanes; and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-278)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4045. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes and Model ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-528)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4046. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-081)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4047. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200B, 747-300, and 747-400 Series

Airplanes” ((RIN2120-AA64) (Docket No. 2007-NM-131)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4048. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Taylorcraft A, B, and F Series Airplanes” ((RIN2120-AA64) (Docket No. 2007-CE-057)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4049. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135BJ Airplanes” ((RIN2120-AA64) (Docket No. 2007-NM-041)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4050. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Aerospaiale Model SN-601 Airplanes” ((RIN2120-AA64) (Docket No. 2007-NM-024)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4051. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A300-600 Series Airplanes and Model A310 Series Airplanes” ((RIN2120-AA64) (Docket No. 2006-NM-257)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4052. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric CF6-80E1 Series Turbofan Engines” ((RIN2120-AA64) (Docket No. 2005-NE-12)) received on November 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4053. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the management plan relative to the St. Clair River and Lake St. Clair, Michigan; to the Committee on Environment and Public Works.

EC-4054. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the flood damage reduction and recreation project for the Roseau River, Minnesota; to the Committee on Environment and Public Works.

EC-4055. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, two Uniform Resource Locators for documents the Agency recently issued related to regulatory programs; to the Committee on Environment and Public Works.

EC-4056. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-4057. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality

Implementation Plans; Massachusetts; State Implementation Plan Revision to Implement the Clean Air Interstate Rule” (FRL No. 8496-6) received on November 20, 2007; to the Committee on Environment and Public Works.

EC-4058. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Certain Chemical Substances; Withdrawal of Significant New Use” ((RIN2070-AB27) (FRL No. 8340-8)) received on November 20, 2007; to the Committee on Environment and Public Works.

EC-4059. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Volatile Organic Compound Emission Standards for Aerosol Coatings” ((RIN2060-AN69) (FRL No. 8498-6)) received on November 20, 2007; to the Committee on Environment and Public Works.

EC-4060. A communication from the Deputy Director of Civil Works, Army Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule entitled “United States Navy Restricted Area, Key West Harbor, at U.S. Naval Base, Key West, Florida” (33 CFR Part 334) received on November 30, 2007; to the Committee on Environment and Public Works.

EC-4061. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, the report of a document issued by the Agency entitled “Technical Guidance for the Development of Tribal Air Monitoring Programs”; to the Committee on Environment and Public Works.

EC-4062. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Mohegan Tribe of Indians of Connecticut” (FRL No. 8491-7) received on November 13, 2007; to the Committee on Environment and Public Works.

EC-4063. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone: Revision of Refrigerant Recovery and Recycling Equipment Standards” (FRL No. 8493-5) received on November 13, 2007; to the Committee on Environment and Public Works.

EC-4064. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Centre County 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area’s Maintenance Plan and 2002 Base Year Inventory” (FRL No. 8494-2) received on November 13, 2007; to the Committee on Environment and Public Works.

EC-4065. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration’s processing of continuing disability reviews for fiscal year 2006; to the Committee on Finance.

EC-4066. A communication from the Senior Counsel for Regulatory Affairs, Office of Security Programs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Implementing Proce-

dures for Mandatory Declassification Review and Access to Classified Information by Historical Researchers, Former Department of the Treasury Presidential and Vice Presidential Appointees, and Former Presidents and Vice Presidents” (31 CFR Part 2) received on November 13, 2007; to the Committee on Finance.

EC-4067. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—December 2007” (Rev. Rul. 2007-70) received on November 27, 2007; to the Committee on Finance.

EC-4068. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2008 Standard Mileage Rate Revenue Procedure” (Rev. Proc. 2007-70) received on November 27, 2007; to the Committee on Finance.

EC-4069. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Trucking Industry Overview” (LMSB-04-1107-075) received on November 27, 2007; to the Committee on Finance.

EC-4070. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revision of Year of Change for a Pending Form 3115, Application for Change in Accounting Method” (Rev. Proc. 2007-67) received on November 14, 2007; to the Committee on Finance.

EC-4071. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Qualified Alternative Fuel Motor Vehicles and Heavy Hybrid Vehicles” (LMSB-04-1107-074) received on November 14, 2007; to the Committee on Finance.

EC-4072. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates” (Notice 2007-91) received on November 14, 2007; to the Committee on Finance.

EC-4073. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Foreign Tax Credit: Notification of Foreign Tax Redetermination” ((RIN1545-BG23)(TD 9362)) received on November 14, 2007; to the Committee on Finance.

EC-4074. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Motor Vehicle Industry Overview” (LMSB-04-0507-043) received on November 9, 2007; to the Committee on Finance.

EC-4075. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Areas in Which Ruling Will Not Be Issued” (Rev. Proc. 2008-7) received on November 20, 2007; to the Committee on Finance.

EC-4076. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Credit for Production of Low Sulfur Diesel Fuel" (Rev. Proc. 2007-69) received on November 20, 2007; to the Committee on Finance.

EC-4077. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Phase-out of Credit for New Qualified Hybrid Motor Vehicles and New Advance Lean Burn Technology Motor Vehicles" (Notice 2007-98) received on November 20, 2007; to the Committee on Finance.

EC-4078. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 3121(a)(5)(D) Final Regulation" ((RIN1545-BH00)(TD 9367)) received on November 20, 2007; to the Committee on Finance.

EC-4079. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Railroad Track Maintenance Credit" ((RIN1545-BE90)(TD 9365)) received on November 20, 2007; to the Committee on Finance.

EC-4080. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notification Requirement for Tax-Exempt Entities Not Currently Required to File" ((RIN1545-BG38)(TD 9366)) received on November 20, 2007; to the Committee on Finance.

EC-4081. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Returns Required on Magnetic Media" ((RIN1545-BD65)(TD 9363)) received on November 20, 2007; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-257. A collection of petitions forwarded by the Benefit Security Coalition relative to Social Security benefits; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1382. A bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

Mr. INOUE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the

Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nominations beginning with Steven C. Acosta and ending with Marc A. Zlomek, which nominations were received by the Senate and appeared in the Congressional Record on November 7, 2007.

*Coast Guard nominations beginning with Damon L. Bentley and ending with Tanya C. Saunders, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

*National Oceanic and Atmospheric Administration nominations beginning with Llian G. K. Breen and ending with Anna-Elizabeth B. Villard-Howe, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. SANDERS (for himself, Mr. COLEMAN, Mr. OBAMA, Ms. SNOWE, Mr. KERRY, Mr. BROWN, Ms. COLLINS, Ms. KLOBUCHAR, Mr. LUGAR, Mr. KENNEDY, Mr. SMITH, Mr. LEAHY, Mr. SUNUNU, Mr. BINGAMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. MIKULSKI, Mr. MENENDEZ, Ms. STABENOW, Mr. LIEBERMAN, Ms. CANTWELL, Mr. BIDEN, and Mrs. BOXER):

S. 2405. A bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981; to the Committee on Appropriations.

By Ms. SNOWE (for herself, Mr. CONRAD, Ms. COLLINS, and Mrs. LINCOLN):

S. 2406. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Finance.

By Mr. CASEY:

S. 2407. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; 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. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. KERRY, Mr. BIDEN, Mr. SCHUMER, Mrs. CLINTON, Mr. CARDIN, Mr. DURBIN, Mr. OBAMA, Mr. SMITH, Mr. MCCAIN, and Mr. LEAHY):

S. Con. Res. 58. A concurrent resolution welcoming First Minister Dr. Ian Paisley

and Deputy First Minister Martin McGuinness of Northern Ireland to the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor 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. 367

At the request of Mr. DORGAN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 415

At the request of Mr. BROWBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 838

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Montana (Mr. TESTER) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport

Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1000

At the request of Mr. STEVENS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1000, a bill to enhance the Federal Telework Program.

S. 1060

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1141

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1141, a bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes.

S. 1309

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1309, a bill to amend the Truth in Lending Act to prohibit universal defaults on credit card accounts, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1581

At the request of Mr. LAUTENBERG, the names of the Senator from Florida (Mr. NELSON) and the Senator from California (Mrs. BOXER) 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. 1829

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1829, a bill to reauthorize programs under the Missing Children's Assistance Act.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service work-

ers, communities, firms, and farmers, and for other purposes.

S. 1886

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1886, a bill to provide a refundable and advanceable credit for health insurance through the Internal Revenue Code of 1986, to provide for improved private health insurance access and affordability, and for other purposes.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. SANDERS) 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. 2129

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2129, a bill to amend the Internal Revenue Code of 1986 to establish the infrastructure foundation for the hydrogen economy, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2159

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2243

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr.

BROWNBACK) was added as a cosponsor of S. 2243, a bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2270

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) 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. 2304

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2304, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

S. 2341

At the request of Mrs. BOXER, her name 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. 2396

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2396, a bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program.

AMENDMENT NO. 3616

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3616 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. 3685

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3685 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. SANDERS (for himself,
Mr. COLEMAN, Mr. OBAMA, Ms.

SNOWE, Mr. KERRY, Mr. BROWN, Ms. COLLINS, Ms. KLOBUCHAR, Mr. LUGAR, Mr. KENNEDY, Mr. SMITH, Mr. LEAHY, Mr. SUNUNU, Mr. BINGAMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. MIKULSKI, Mr. MENENDEZ, Ms. STABENOW, Mr. LIEBERMAN, Ms. CANTWELL, Mr. BIDEN, and Mrs. BOXER):

S. 2405. A bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981; to the Committee on Appropriations.

Mr. SANDERS. Mr. President, I rise today to introduce the Keep Americans Warm Act, which provides an additional \$1 billion in emergency home heating aid under the highly successful Low Income Home Energy Assistance Program, otherwise known as LIHEAP. Most importantly, this \$1 billion in emergency home heating assistance would be in addition to the overall fiscal year 2008 appropriations for LIHEAP.

I am delighted this bill enjoys widespread bipartisan support from across the political spectrum. As a matter of fact, this legislation is being cosponsored by 23 of my colleagues—16 Democrats, 6 Republicans, and 1 Independent.

I would like to recognize all of the cosponsors this morning: both Senators from Minnesota, Mr. COLEMAN and Ms. KLOBUCHAR; Senator OBAMA; both Senators from Maine, Ms. SNOWE and Ms. COLLINS; both Senators from Massachusetts, Mr. KERRY and Mr. KENNEDY; Senator BROWN; Senator LUGAR; the senior Senator from the great State of Vermont, Senator LEAHY; Senator SMITH; Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee; Senator SUNUNU; both Senators from New York, Mr. SCHUMER and Mrs. CLINTON; Senator CASEY; Senator MIKULSKI; Senator MENENDEZ; Senator STABENOW; Senator LIEBERMAN; Senator CANTWELL; Senator BIDEN; and Senator BOXER.

Mr. President, the reason this legislation is being cosponsored by so many of my colleagues is simple: Skyrocketing home heating prices in New England, the Northeast, and the Midwest, are already stretching household budgets beyond the breaking point.

In the wealthiest country on the face of the Earth, not one family should go cold this winter. That is not what America is supposed to be about. Not one senior citizen should have to choose between heating their homes or paying for their prescription drugs.

I am afraid if we do not act, and act aggressively, that is what is going to happen all across this country. While the official start of winter is still about 3 weeks away, home heating prices in Vermont and in other parts of the country are already going through the roof.

According to the Central Vermont Community Action Council, many Vermont families have been paying an

incredible \$3.47 a gallon for heating oil and as much as \$3.71 a gallon for kerosene this year. Nationwide, heating oil prices are already up 90 cents from last year, or more than double from where they were 4 years ago. Further, the price of kerosene has also increased by 50 cents a gallon from last year.

These rapidly rising energy prices right now are bad enough; but the overall projections of what people will pay for energy over the course of this winter is frightening.

The National Energy Assistance Directors Association has projected that the typical household using heating oil will pay \$2,157 to heat their homes this winter—a 47-percent increase from what they paid last year. Those using propane will pay \$1,765 this winter, or 30 percent more than what they paid 2 years ago.

Before we got back into session this week, the debate over LIHEAP was between an 11.6-percent increase from last year, as included in the fiscal year 2008 Labor-HHS conference report, and the President's budget proposal of a 21-percent cut—cut—from last year.

While the level of funding for LIHEAP included in the Labor-HHS conference report is a good starting point, even if this level eventually becomes law, it would still be 31 percent below the \$3.2 billion provided in fiscal year 2006.

Making matters worse, the President vetoed the Labor-HHS conference report, insisting on a \$379 million cut to LIHEAP, among other things.

We hear a lot of talk in Washington about family values. Well, to my mind, a family value is that we do not let our fellow Americans go cold when the cost of home heating oil is exploding.

I thank all my colleagues. This legislation has brought forth widespread bipartisan support from Senators all across this country. Let us be aggressive and pass this legislation so that in this great country nobody goes cold this winter. Thank you.

By Ms. SNOWE (for herself, Mr. CONRAD, Ms. COLLINS, and Mrs. LINCOLN):

S. 2406. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I rise to introduce the Medicaid Emergency Psychiatric Care Act of 2007. Original cosponsors this bill include two of my colleagues on the Finance Committee, Senators CONRAD and LINCOLN, as well as Senator COLLINS. Our legislation will improve access to mental health treatment and remove an unfunded mandate on our nonpublic mental health treatment centers by allowing freestanding psychiatric hos-

pitals to receive appropriate reimbursement for emergency treatment.

According to the CDC, visits to hospital emergency rooms rose 20 percent in the past 10 years. This situation is exacerbated by a shortage of short-term inpatient psychiatric care facilities leaving psychiatric patients with a serious mental illness with nowhere to go. In fact, in 2003, there were 3.7 million visits to hospital emergency department for mental disorders. If treatment remains unavailable, patients could become homeless or be housed as criminal offenders.

The Emergency Medical and Labor Treatment Act, EMTALA, requires all hospitals, including psychiatric hospitals, to stabilize patients who come in with an emergency medical condition. However, an outdated Medicaid provision called the Institution for Mental Diseases, IMD, exclusion does not allow Medicaid reimbursement to nonpublic psychiatric hospitals for stabilizing care delivered to Medicaid patients between the ages of 21–64. This policy isolates adults with mental illnesses from all other Medicaid-eligible populations and contradicts the principles of equal treatment and insurance parity for treatment of mental illnesses.

When the IMD exclusion was created, individuals who were afflicted with mental health conditions often were institutionalized for an extended time. Today, hospitalization for common mental health concerns such as mild depression does not generally occur, thus removing the potential for abuse of the system. This exclusion burdens these facilities with an unfunded mandate and has caused severe financial burdens to psychiatric facilities—often amounting to millions of dollars a year. The IMD exclusion does not take into consideration the vast advancements that have transformed mental health services available today, and actually restricts access to critical mental health services for those who, by today's standards, are in the greatest need.

Emergency department overcrowding is a growing and severe problem in the United States, and dedicated physicians and nurses who work in emergency rooms are reaching a breaking point where they may not have the resources or surge capacity to respond effectively. Patients often face a long wait in the emergency room, sometimes for days, because there is no bed or other appropriate setting available. Tens of thousands of dollars every day are being spent inefficiently on extended treatment in emergency rooms that is not the most appropriate or clinically effective care. Passage of this bill will help relieve overcrowding in emergency departments and allow hospitals to provide the appropriate care these patients deserve.

By Mr. CASEY:

S. 2407. A bill to provide for programs that reduce the need for abortion, help

women bear healthy children, and support new parents; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to speak about members of the American family whom we all care about, and I think all of us do in this chamber and across America, but for whom we do not do nearly enough to support, and those members of the American family are pregnant women.

I remember, as so many others do in the life of the family the times my wife Terese learned that she was pregnant, and even through I, of course, cannot ever experience it directly, I knew and I know now through her and my sisters' experience that that moment is indelible, and it is unforgettable in the life of a woman, in the life of a family, the moment she finds out that she is pregnant.

For many women this is a moment, of course, of great joy. It is the moment where they learn they are pregnant and they appreciate the miracle of pregnancy. And perhaps it has been long awaited or in the case of a particular woman and her family, perhaps it is something of a surprise. But for many women, for many families, it is a welcome surprise.

Many of these women do not need help beyond what their families can provide them and what others may receive in terms of adequate support from our existing framework of support within this country, so they do not feel they have any great burden at that moment.

But there is another circumstance other pregnant women may face. And for those pregnant women, and for one, in particular, if we can imagine who that person is in the life, in our own lives, people we have known, for that woman the moment of discovery that she is pregnant unfortunately is not a moment of joy. For her it is a moment of terror or panic or even shame in some circumstances. She may be in a doctor's office or a clinic or she may be at home. But for her that moment begins a crisis, a real crisis in her life, in which she feels overwhelmingly and perhaps almost unbearably alone, all alone. She could be wealthy, middle income, or poor. Most likely, in our country, unfortunately, she would be poor. But whatever her income, that woman at that moment in that circumstance feels very simply all alone.

A pregnant woman may have an abusive spouse or boyfriend, for example, that person who is tormenting her at that moment, and that will continue.

At that moment for her, she is all alone with no help at all. Another pregnant woman may believe she cannot support or care for a new baby at this point in her life. She too is all alone. Another woman might believe her financial situation is so precarious that she cannot care for or raise a child. She may also feel alone and even helpless.

We know the staggering numbers in America today: 48 percent of all pregnancies are unintended; excluding

cases of after miscarriages, 54 percent of those unintended pregnancies end in abortion.

The response: "cannot afford a baby," is the second most frequently cited reason why women choose to have an abortion. And 73 percent of women having abortions citing this reason: "cannot afford a baby," cite this reason as a contributing factor in their decision.

So a woman who is facing the challenges of an unplanned pregnancy, that may be a crisis for her, does not need, does not need a lecture from a politician and does not need a clinical reminder that she just has a simple choice to make. The choice is never simple, never, and this woman needs support and love and understanding. She needs to be embraced in a time of crisis in her life, not sent on her way to deal with this question on her own.

She needs our help and she needs us to walk with her, not only through the 9 months of her pregnancy, but also for the early months and years of her child's life. We in the Congress, both House and Senate, both parties, need to address this issue in a comprehensive way that meets those needs that woman has in her life.

Some Members in this body for years, and up to the current day, have initiated good efforts. We should applaud those efforts and support them. In some cases there is support for them. But I believe neither political party is doing enough for pregnant women in America today—neither party.

While there is tremendous disagreement about how best to do this, there is one significant area of common ground. Despite all we hear in Washington, there is, on these questions, one area of common ground, one thing we all agree upon, and that is, we all want to reduce the number of abortions.

We all want to help as many pregnant women, as many families as we can. Many women who have had abortions do so very reluctantly. While choice is a term that is widely used in this debate, many women who face unplanned pregnancies do not feel, do not feel they have a genuine choice. And that is why for so many reasons I am introducing new legislation, the Pregnant Women Support Act. With this bill it is my fervent hope that a new dialog, a kind of common ground, will emerge on how we can reduce abortion by offering pregnant women real choices and real help.

Let me outline a couple of provisions of the bill. This bill will, first of all, assist pregnant and parenting teens to finish high school and prepare for college or vocational training. Next, it will help pregnant college students stay in school, offering them counseling as well as assistance with continuing their education, parenting support classes, and also childcare assistance.

Third, it will provide counseling and shelter to pregnant women in abusive

relationships who may be fearful of continuing a pregnancy in a crisis situation. It will establish a national toll-free hotline and a public awareness campaign to offer women support and knowledge about options and resources available to them when they face an unplanned pregnancy.

It will give women free sonogram examinations by providing grants for the purchase of ultrasound equipment. It will provide parents with information about genetic disability testing, including support for parents who receive a diagnosis of Down's syndrome. It will ensure that pregnant women receive prenatal and postnatal care by eliminating pregnancy as a preexisting condition in the individual health care market, and also eliminating waiting periods for women with prior coverage.

It will establish a nurse home visitation program for pregnant and first-time mothers as an eligible benefit under Medicaid and the State Children's Health Insurance Program, what we refer to here as SCHIP. We know it means Children's Health Insurance.

One example of this home visitation program is the nurse-family partnership, an evidence-based program and national model in which nurses mentor young first-time and primarily low-income mothers, establishing a supportive relationship with both mother and child. Studies have shown this program to be both cost effective and hugely successful in terms of life outcomes for both mothers and their children. This legislation will increase funding for the Women, Infants and Children Program, known as the WIC Program, providing nutrition assistance, counseling and education, obesity prevention, breastfeeding support, prenatal and pediatric health care referrals, immunization screening and referral, and a host of other services for mothers and their children.

Next, it will expand nutritional support for low-income parents by increasing the income eligibility levels for food stamps. It will increase funding for the childcare and development block grant program, which is the primary source of Federal funding for childcare assistance for low-income parents.

Finally, it will provide support for adoption as an alternative to abortion and make the adoption tax credit permanent. I introduced this bill with the deepest conviction that we can indeed find common ground. I believe we can transform this debate by focusing upon the issues that unite us and not the issues that divide us.

As most people know who cover the Senate and understand what happens here and where candidates stand, most people know this already, but I am a pro-life Democrat, and I believe life begins at conception and ends when we draw our last breath.

I also believe the role of Government is to protect, enrich, and value life for everyone, at every moment, from beginning to end. I believe we as a nation

have to do more to support women and their children when they are most vulnerable, during pregnancy and early childhood.

I also strongly support, and have for years, family planning programs, because they avoid sometimes those dark moments when a woman, often alone, faces a pregnancy she feels she cannot handle. I also support family planning programs precisely because they reduce the number of abortions.

But that is not the issue I address today. Today, with this bill, I am focused on the woman who is pregnant, and I am asking myself, and I think Congress and the administration, as any Congress and any administration has to ask themselves this fundamental question: For that woman who is facing that crisis in her life, we have to ask ourselves, as a Congress and as a society: What more can we do? What more can we do to help her? That is the question we must continually ask. I think if we ask that question today, the answer, unfortunately, is: Not enough.

We are not doing enough. I believe there is more common ground in America than we might realize on these questions, if only we focus on how we can truly help and support that woman who wishes to carry her pregnancy to term and how we can give her and her child what they need to begin healthy and productive lives together.

For the past 34 years, unfortunately, the issue of abortion has been used mostly as a way to divide people, even as the number of abortions remains and still remains unacceptably high. We have to find a better way.

I believe this legislation, the Pregnant Women Support Act, is a part of that better way. I believe we must look toward real solutions to the issue of abortion by targeting the underlying factors that often lead women to make the decision to have an abortion. This is precisely what this act, the Pregnant Women Support Act, will do.

I really believe when it comes to this issue of helping a pregnant woman, we need to consider what our obligations are. I think we can state it very simply: We need to walk in solidarity with her, in her pregnancy, especially when it is an unplanned pregnancy, and we need to support her and give her all the help we can at this time in her life.

That is exactly what this bill does for women who may find themselves in a position where they are facing one of the most difficult situations in their life. The woman who has no one to turn to for advice, for counsel, or for support, we have got to be there for her at that moment and for a long time thereafter.

I truly believe there are few things more terrifying than the prospect of supporting another human being when you have no support of your own. Unfortunately, far too many women face that decision, face that crisis.

So I believe reducing the number of abortions should not be a partisan

issue. It should not pit Republicans against Democrats. So what do I seek? I seek common ground, and I ask my colleagues on both sides of the aisle to join me in seeking real solutions that will unite us in providing life with dignity, before—before—and after the birth of a child, for a pregnant woman, for her family, and for her child. Surely, we must all agree that no woman should ever have to face the crisis of an unplanned pregnancy all alone.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 58—WELCOMING FIRST MINISTER DR. IAN PAISLEY AND DEPUTY FIRST MINISTER MARTIN MCGUINNESS OF NORTHERN IRELAND TO THE UNITED STATES

Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. KERRY, Mr. BIDEN, Mr. SCHUMER, Mrs. CLINTON, Mr. CARDIN, Mr. DURBIN, Mr. OBAMA, Mr. SMITH, Mr. MCCAIN, and Mr. LEAHY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 58

Whereas, on May 8, 2007, power was restored to the Assembly of Northern Ireland, opening a new chapter in the history of Northern Ireland;

Whereas Dr. Ian Paisley became First Minister and Martin McGuinness became Deputy First Minister of Northern Ireland;

Whereas Dr. Paisley and Mr. McGuinness have been working to solidify the peace agreement and to govern Northern Ireland effectively; and

Whereas Dr. Paisley and Mr. McGuinness are making their first trip together to the United States: Now, therefore, be it

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

(1) welcomes First Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States;

(2) commends Dr. Paisley and Mr. McGuinness for showing the world that it is possible to rise above decades of bitter sectarian violence to achieve peace; and

(3) expresses hope that Northern Ireland will continue to be peaceful and stable in the future.

NOTICE OF HEARING

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 and the Subcommittee on Energy of the Committee on Energy and Natural Resources will hold a joint hearing entitled, "Speculation in the Crude Oil Market." This joint hearing of the Permanent Subcommittee on Investigations and the Subcommittee on Energy will examine the role of speculation in recent record crude oil prices. Witnesses for the upcoming hearing will

include the Department of Energy's Energy Information Administration and energy market experts. A final witness list will be available Friday, December 7, 2007.

The subcommittee hearing is scheduled for Tuesday, December 11, 2007, at 10:00 a.m. in room 216 of the Hart Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 4, 2007, at 2:30 p.m. in order to conduct a hearing entitled, "The New Madrid Seismic Zone: Whose Fault Is It Anyway?"

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, December 4, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building, for the purposes of conducting a hearing.

Agenda

S. 1581, Federal Ocean Acidification Research and Monitoring Act of 2007; S. 2307, Global Change Research Improvement Act of 2007; S. 2355, Climate Change Adaptation Act of 2007; S. 2332, Media Ownership Act of 2007; Nominations for Promotion in U.S. Coast Guard (PN 1039 and PN 1055); and Nominations for Promotion in the National Oceanic and Atmospheric Administration Commission Corps (PN 1014).

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Developing a Comprehensive Response to Food Safety" on Tuesday, December 4, 2007, at 10:30 a.m. in SD-430.

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

COMMITTEE ON THE JUDICIARY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the

Senate, in order to conduct a hearing entitled "Electronic Prescribing of Controlled Substances: Addressing Health Care and Law Enforcement Priorities" on Tuesday, December 4, 2007, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Witness List

Panel I: Joseph T. Rannazzisi, Deputy Assistant Administrator, Drug Enforcement Administration, Office of Diversion Control, Alexandria, VA and Tony Trenkle, Director, Office of E-Health Standards and Services, Centers for Medicare and Medicaid Services, Baltimore, MD;

Panel II: Laura Adams, President and CEO, Rhode Island Quality Institute, Providence, RI; Kevin Hutchinson, CEO, Sure Scripts, Alexandria, VA; David Miller, Chief Security Officer, Covisint, Detroit, MI; and Mike A. Podgurski, R.Ph., Vice President, Pharmacy Services, Rite Aid Corporation, Camp Hill, PA.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 4, 2007, at 9:30 a.m., in order to conduct a hearing entitled, "Credit Card Practices: Unfair Interest Rate Increases."

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican Leader, pursuant to Public Law 100-696, announces the appointment of the Senator from Tennessee (Mr. ALEXANDER) as a member of the United States Capitol Preservation Commission, vice the Senator from Colorado (Mr. ALLARD).

WELCOMING FIRST MINISTER DR. IAN PAISLEY AND DEPUTY FIRST MINISTER MARTIN MCGUINNESS OF NORTHERN IRELAND

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 58 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) welcoming First Prime Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the concur-

rent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 58) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 58

Whereas, on May 8, 2007, power was restored to the Assembly of Northern Ireland, opening a new chapter in the history of Northern Ireland;

Whereas Dr. Ian Paisley became First Minister and Martin McGuinness became Deputy First Minister of Northern Ireland;

Whereas Dr. Paisley and Mr. McGuinness have been working to solidify the peace agreement and to govern Northern Ireland effectively; and

Whereas Dr. Paisley and Mr. McGuinness are making their first trip together to the United States: Now, therefore, be it

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

(1) welcomes First Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States;

(2) commends Dr. Paisley and Mr. McGuinness for showing the world that it is possible to rise above decades of bitter sectarian violence to achieve peace; and

(3) expresses hope that Northern Ireland will continue to be peaceful and stable in the future.

DECLARING OF A COMMERCIAL FISHERY FAILURE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 376 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 376) providing the sense of the Senate that the Secretary of Commerce should declare a commercial fishery failure for the groundfish fishery for Massachusetts, Maine, New Hampshire, and Rhode Island, and immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas the Secretary of Commerce may provide fishery disaster assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) if the Secretary determines that there is a commercial fishery failure due to a fishery resource disaster as a result of natural causes, man-made causes beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed to protect human health or the marine environment, or undetermined causes;

Whereas the Secretary of Commerce has not proposed or promulgated regulations to implement such section 312(a);

Whereas during 2007, the Governors of each of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island requested that the Secretary of Commerce declare a commercial fishery failure for the groundfish fishery under such section 312(a) and the Governor of the State of New Hampshire has indicated his intention of submitting a similar request;

Whereas since 1996, the Secretary of Commerce has had regulations in place that require significant restrictions and reductions on the catch and days-at-sea of New England fishermen in the groundfish fishery;

Whereas New England fishermen in the groundfish fishery have endured additional restrictions and reductions under Framework 42, which has resulted in many fishermen having just 24 days to fish during a season;

Whereas Framework 42 and other Federal fishing restrictions have had a great impact on small-boat fishermen, many of whom cannot safely fish beyond the inshore areas;

Whereas, as of the date of the enactment of this Act, each day-at-sea a fisherman spends in an inshore area reduces that fisherman's number of available days-at-sea by 2 days;

Whereas the Commonwealth of Massachusetts has provided information to the Secretary of Commerce demonstrating that between 1994 and 2006, overall conditions of groundfish stocks have not improved and that spawning stock biomass is near record lows for most major groundfish stocks;

Whereas the Commonwealth of Maine has provided additional information to the Secretary that between 2005 and 2006, total Massachusetts commercial groundfish vessel revenues (landings) decreased by 18 percent and there was a loss for related industries and communities estimated at \$22,000,000;

Whereas the State of Maine has provided information to the Secretary of Commerce indicating that since 1994, the impact of groundfish regulations have eliminated 50 percent of Maine's groundfish fleet, leaving just 110 active groundfish fishermen;

Whereas the State of Maine has provided additional information to the Secretary indicating that between 1996 and 2006, there was a 58 percent drop in groundfish landings in Maine and a 45 percent drop in groundfish revenue from approximately \$27,000,000 to \$15,000,000 and that between 2005 and 2006, groundfish revenues decreased 25 percent;

Whereas the State of Rhode Island has provided information to the Secretary of Commerce indicating that, since 1994, there has been a 66 percent drop in Rhode Island's groundfish fishery landings and, between 1995 and 2007, groundfish revenue decreased 20 percent from approximately \$7,500,000 to \$6,000,000;

Whereas the Secretary of Commerce rejected requests from Massachusetts, Maine, and Rhode Island to declare a commercial fishery failure prior to establishing any appropriate standard to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act; and

Whereas for centuries, growth in New England's commercial fishing industry has been intertwined with the history and economic growth of the New England States and has created thousands of jobs in both fishing and fishing-related industries for generations of New England residents: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Commerce should—

(1) reconsider the October 22, 2007 decision to deny the requests of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island for a groundfish fishery failure declaration;

(2) look favorably upon the request of the State of New Hampshire for a groundfish fishery failure declaration; and

(3) immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

CREATING AND EXTENDING CERTAIN TEMPORARY DISTRICT COURT JUDGESHIPS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 172, S. 1327.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1327) to create and extend certain temporary district court judgeships.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, earlier this year I introduced a bipartisan measure to address the emerging staffing needs of the Federal Judiciary, our coequal branch of government. This bill responds to discrete situations in five States regarding temporary judgeships. In May, the Judiciary Committee voted unanimously to report this bill. It is now December. That is a delay of over 6 months. This sustained delay can be attributed to a "hold" by a single Republican Senator.

I am glad that this hold has finally been lifted so that we can proceed. I am delighted that this bipartisan bill has finally been approved after such a needless delay. Had it been cleared for consideration earlier, the House could have acted before the Thanksgiving recess and the matter could be law. Instead, our proposal still needs to be considered by the House and presented to the President in order to take effect.

In order to address fluctuations in a court's caseload, Congress can authorize a judgeship on a temporary basis. These temporary fixes do not undermine the independence that comes with lifetime appointment to the judiciary because the judges who fill them are, in fact, appointed for life, like all Federal judges. The positions are temporary in the sense that when they expire the next vacancy in the jurisdiction is not filled, and the extra judgeship expires.

Last Congress, two of these needed temporary judgeships were allowed to expire. That was regrettable. One was in Nebraska and the other in California. That was unfortunate since they continue to have high case loads. This legislation restores the status quo

in these busy districts by reauthorizing these two temporary judgeships. I know that Senators FEINSTEIN, BOXER, NELSON and HAGEL have been concerned about these caseloads, and thank them for working with me and for cosponsoring and supporting this bill to restore those judgeships.

In addition, temporary judgeships in three other districts are close to expiration. Caseloads in Ohio, Hawaii and Kansas remain at a high level, and allowing their temporary judgeships to lapse would put a serious strain on courts in those jurisdictions. This legislation would extend each of the five temporary judgeships for 10 years. This will allow Congress some flexibility with regard to future judgeship needs. Senator BROWBACK has expressed his concerns about this to me, as has Mr. REGULA in the House. I thank Senators INOUE, AKAKA, ROBERTS, BROWBACK, VOINOVICH and BROWN for cosponsoring and supporting this bill to extend those judgeships.

Next year, I will work with my colleagues on both sides of the aisle to address judgeship needs in a comprehensive way. Indeed, I have asked six Senators who are members of the Judiciary Committee, three Democratic Senators and three Republican Senators, to serve as a task force and report a proposal to Senator SPECTER and me before the end of the year. I have asked Senator SCHUMER and Senator SESSIONS to head this task force, and look forward to their report next month.

The five districts affected by this bill, however, cannot wait until next year for action on this extension or their temporary judgeships may well expire in the interim. This legislation will act as a "patch," allowing these districts to effectively operate until we are able to determine what additional judgeships are needed throughout the Federal judiciary.

The measure is supported by the Judicial Conference of the United States, and I thank my colleagues for moving this legislation.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without further intervening action or debate.

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

The bill (S. 1327) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY JUDGESHIPS FOR DISTRICT COURTS.

(a) ADDITIONAL TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the eastern district of California; and

(B) 1 additional district judge for the district of Nebraska.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled.

(b) EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended—

(1) in the second sentence, by inserting "the district of Hawaii," after "Pennsylvania,";

(2) in the third sentence (relating to the district of Kansas), by striking "16 years" and inserting "26 years";

(3) in the fifth sentence (relating to the northern district of Ohio), by striking "15 years" and inserting "25 years"; and

(4) by inserting "The first vacancy in the office of district judge in the district of Hawaii occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled." after the sixth sentence.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2007

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 167, which is S. 863.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 863) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 863) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007".

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1040. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

“(b) A circumstance described in this subsection is any instance where—

“(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

“(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

“(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

“(c) In this section, the term ‘benefit’ means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

“1040. Fraud in connection with major disaster or emergency benefits.”

SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1343 of title 18, United States Code, is amended by inserting: “occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or” after “If the violation”.

SEC. 4. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1341 of title 18, United States Code, is amended by inserting: “occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief

and Emergency Assistance Act (42 U.S.C. 5122)), or” after “If the violation”.

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall—

(1) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

MEASURES INDEFINITELY POSTPONED—S. 2131, S. 2107, S. 2150

Mr. DORGAN. Mr. President, I ask unanimous consent the following calendar numbers be indefinitely postponed en bloc: Calendar No. 433, Calendar No. 490, and Calendar No. 492.

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

**ORDERS FOR WEDNESDAY,
DECEMBER 5, 2007**

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Wednesday, December 5; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed 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 leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, and the first half controlled by the majority and the final portion controlled by the Republicans; that at the close of morning business the Senate resume consideration of the motion to proceed to H.R. 3996, that the mandatory quorum required under rule XXII be waived with respect to the cloture motion filed.

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

ADJOURNMENT UNTIL TOMORROW

Mr. DORGAN. If there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Wednesday, December 5, 2007, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

NUCLEAR REGULATORY COMMISSION

GREGORY B. JACZKO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2013. (REAPPOINTMENT)

DEPARTMENT OF STATE

HECTOR E. MORALES, OF TEXAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE JOHN F. MAISTO, RESIGNED.

DEPARTMENT OF COMMERCE

JOHN J. SULLIVAN, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DAVID A. SAMPSON, RESIGNED.