

So we will be back after the caucuses have their meetings this afternoon in the hopes that they have resolved this issue, that they step out of the way and let us get this work done so our families—our families all across this country who work in the construction trades—can breathe a sigh of relief. They have enough on their plate. They cannot get good health care; they have problems sending their kids to school; the price of gas. We all know what has happened to our families. This would be one additional slap they simply do not deserve. They do not deserve any of this.

We say to our Republican friends, leave your politics outside the Chamber for this one.

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WEBB. Mr. President, I ask unanimous consent to speak for up to 10 minutes in morning business.

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

DEFENSE AUTHORIZATION

Mr. WEBB. Mr. President, today I am going to offer an amendment to the Defense authorization bill that will do two things. The first is it will extend the mandate or, shall I say, direct the President to negotiate the extension of the mandate we now operate under inside Iraq under the rubric of the United Nations. The second would be to place a restriction on the implementation of the strategic framework agreement that is now being negotiated inside Iraq to bring it inside the Constitution of the United States and require that the Congress of the United States approve this strategic framework agreement before it is actually put into motion.

The reality right now is, our justification for operating inside Iraq under international law will expire at the end of this year. For almost a year, this administration has been negotiating two separate agreements with the Government of Iraq. One is a strategic framework agreement; the other is a status of forces agreement that would take place under the umbrella of the strategic framework agreement.

This period of negotiation has been done largely without the involvement of the Congress. It will, if implemented, shape and direct the policy of the United States in Iraq for a good period of time—our security framework,

all these sorts of things that traditionally have taken place only inside a treaty. Under the Constitution, a treaty is required to be approved by a two-thirds vote in the Senate.

So we have two realities that have come together, that by the end of this year we need to address in some form or another. The first is we have to be operating under some proper international legal structure in order to maintain our forces in Iraq after December 31. The other is we need to be negotiating the right kind of bilateral future relationship between our country and the country of Iraq.

This amendment intends to resolve both of these situations in a way that is not disruptive, that is within the constraints of the Constitution, and it will allow us some time to get the right kind of strategic framework in place rather than our having to rush it, as we are seeing right now, to get something in place by the end of the year that is arguably not within the Constitution.

The first portion of this amendment basically says the President will direct the U.S. Special Representative to the United Nations to seek an extension of the multinational agreement that already is in place under the rubric of the Security Council of the United Nations. It also states it is the sense of Congress that this extension should expire within a year or earlier. It should expire at the end of next year, unless we have a strategic framework agreement in place, at which time it will expire earlier.

The second goes to the notion that this agreement must be approved with the consent of the Congress. I have not gone so far in this amendment as to say we should treat this agreement as we would treat a longer, more formal treaty, with the recognition that treaties sometimes get tied up for years, but that we should have a law by the Congress, a vote by a majority of the Congress, approving this major step forward in our relationship with the country of Iraq.

As it stands right now, I am a member of the Armed Services Committee. I am also a member of the Committee on Foreign Relations. We have not been shown one word of the actual document that is being negotiated. There are members of the Iraqi Parliament that have been shown portions of this document, if not all of it.

I think it is very important for us to give this agreement the time we can give it if we extend the mandate of the United Nations for a year but also to get the proper involvement of the Congress in this most important step into the future of our relationship with Iraq.

I hope my colleagues will support this amendment. I hope we can have bipartisan support on it. This is an amendment that goes to the propriety

of the constitutional process and also is intended to take the time constraints out of the negotiation of this agreement with Iraq.

I yield the floor.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 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 Missouri.

COLOMBIA

Mr. BOND. Mr. President, I rise today to talk about the remarkable success story in the fight against terrorism and narcotrafficking that I believe very strongly needs to be told. It is a story that has largely gone unnoticed because it has not taken place in the Eastern Hemisphere or east of here, where most of the world's attention is focused today. It comes, rather, from the Southern Hemisphere in a country where protagonists have surged ahead of narcoterrorists militarily, while simultaneously improving the overall security and safety of the civilian population. What is most important is they have done so while ensuring that protection of human rights and adherence to international humanitarian law are fully integrated into the daily life of every member of the security forces.

I am speaking about Colombia, of course. I visited there just a couple of weeks ago. I visited Bogota. I also visited Ecuador to find out what was going on in Latin America. I was greatly encouraged by the tangible evidence I saw in Colombia of a country in complete transformation. Most of us probably realize that just about 6 years ago, in 2002, as much as 40 percent of the area of Colombia was controlled by terrorist groups and ruthless narcotics trafficking. Many of my colleagues visited Colombia at the time and brought back grim reports, as they should have, of a country apparently descending into chaos, with a dim future, as Colombia was on the verge of becoming a failed state. The security situation was bleak, the economic outlook was decidedly negative, and drug trafficking threatened the very culture of Colombia and its people.

The situation had been slowly deteriorating in Colombia for decades. Even before the United States experienced the dramatic acts of terrorism of 2001 that would change our national perceptions forever, Colombians were dealing with an increasingly dangerous, deadly, and brutal form of terrorism that threatened to tear the

country apart. Drug cartels were controlling larger and larger swaths of territory and had turned Colombia into the world's leading exporter of cocaine. Much of the cocaine was finding its way into the United States. Insurgent groups we have come to know as the FARC or the ELN were turning Colombia into a war zone, negatively affecting the economy and threatening the very stability of the nation.

That was the situation in 1998 when former Colombian President Pastrana conceived Plan Colombia, a 6-year plan to end long-armed conflict, to eliminate drug trafficking, and promote economic and social development. As you may recall, the United States agreed to take a gamble and invest in Colombia. President Clinton, a Democrat, led the way, and he was followed by President Bush. Both were strong supporters. The good news is that since 1998, the United States has continued to be the principal contributor to the plan, mostly through the Andean Counterdrug Initiative but also through foreign military financing and the central counter-narcotics account of the Department of Defense.

Today, our mutual objectives in support of Plan Colombia have evolved from a strict counternarcotics focus to encompass counterterrorism activities as well. Our investment appears to have paid off with dividends. I am happy to report that with U.S. aid to Colombian security forces and assistance in trade preferences under the Andean Trade Preferences Agreement, or the ATPA, the Colombian people have been positively transforming their nation. We owe a great debt of gratitude, as the people of Colombia do, to President Alvaro Uribe because his programs and policies have dramatically improved the security situation in Colombia and demonstrated his personal commitment to being a strong and capable partner in fighting drugs, crime, and terror.

Since Uribe took office in 2002, the Colombian Government reports that homicides have dropped by 40 percent, murders of union representatives have been reduced by 80 percent, kidnappings have declined by more than 80 percent, and terrorist attacks are down by more than 70 percent. That is a pretty amazing set of numbers, Mr. President. They are evidence of nothing less than a complete turnaround that has given the people of Colombia hope and a new country to live in, one free from constant fear of killings and kidnappings.

Now, in July of this year, the world watched with admiration and amazement as President Uribe and his administration, with their security forces, scored an impressive triumph against the Marxist terrorists of the Revolutionary Armed Forces of Colombia, the full name of the FARC. Members of the Colombian military successfully rescued 15 hostages, including 3 Ameri-

cans, being held by FARC. They did it through guile, without any armed combat, and with great boldness and risk to the members of the participating team. Weeks later, more than 1 million Colombians marched in their nation's streets, calling on the FARC to release its remaining hostages and stop practicing terror.

Today, President Uribe's approval rating has soared above 90 percent, and the FARC, still holding 700 hostages, is now faced with increasing evaporation of its now limited popular support base.

As their security has improved, so has their economy. Last year, Colombia's economy saw the largest growth rate in nearly three decades, and unemployment and poverty are at the lowest levels in a decade. Improvements in security, stability, and economic development are adding to Colombia's reputation as a vibrant democracy with a history of free elections and solid opposition political parties.

Americans can be proud that U.S. assistance has been at the center of this historic turnaround. Americans can be prouder still of our partners in the Colombian Government who have ensured that while Colombian military and police forces have made significant strides against the FARC and taken back much of the territory once held by them, they have done so while completely overhauling their human rights programs, policies, and enforcement mechanisms.

In January of this year, the Colombian Minister of Defense released the integrated policy of human rights and international humanitarian law, a comprehensive policy that directs the integration of human rights and international law into all military instruction, stronger compliance and controls, legal defense of military personnel, specialized treatment of vulnerable groups, better integration with the civilian judiciary, and closer consultation with civil and international groups on human rights issues. The U.N. High Commissioner for Human Rights in Colombia called this a key step in promoting respect for human rights in the military.

I was told by members of our U.S. country team, at our embassy in Bogota, that this policy is a written encapsulation of the remarkable changes that have been made over the past several years in the Colombian security forces.

For example, the Defense Minister, Juan Manuel Santos, assigned seven colonels as inspector delegates for each division of the Army with authority to oversee investigations of human rights abuses committed by military personnel in their divisions, including the commanders. As a result, U.S. Embassy officials report impressive signs of progress in the suspension, arrest, or conviction of military and former mili-

tary violators of human rights, including several general officers and greater civilian access and handling of human rights cases involving the military.

In addition, the Colombian Army has now installed judicial coordination offices as well as operational legal advisers in all units to advise commanders on human rights and international humanitarian law, to coordinate with civilian judicial authorities, and to conduct liaison with national and international organizations about ongoing cases. These legal advisers are present during the planning of any military operation to ensure that the targets are legitimate, that civilian casualties are avoided, and that the human rights of any captured terrorists are protected. The armed forces have designated human rights officers in all their battalions to support human rights training and instruction at the lowest level of the military. Operationally, I am told the Colombian armed forces have changed the nature of their missions on the ground against the FARC. What may have once been pure military operations conducted to kill terrorists and seize territory have become surgical operations specifically designed to protect lives and gather evidence for prosecution of terrorists in the Colombian judicial system. Legal advisers and prosecutors are present during every operation to begin, at the earliest possible time in the operation, the difficult task of evidence collection and prosecution under the law.

Mr. President, this is nothing short of an amazing turn of events. I have to stress, however, the message our people on the ground and the Colombians themselves have delivered to me. They emphasize that while the turnaround is dramatic, they are not out of the woods just yet, and critical challenges remain.

The terrorist and paramilitary groups are weakened but not yet defeated. Violence still threatens all sectors of Colombian society and continues to cause displacement and economic hardship. Defense Minister Santos told me they have already come a long way, but they have a little ways yet to go until they can stand fully on their own two feet. In other words, in the season of football this fall, we would say they are on the 10-yard line, and they need our continued support to cross the goal.

As a result of our investment in and support of President Uribe and the Colombian Government, Colombia has emerged as possibly our most successful bilateral partner in Latin America. It would be hard to find a greater friend, a bolder leader, and one who has made more progress than President Alvaro Uribe. The Colombians have worked hard in fighting against terrorists and drug traffickers, and they have done everything we have asked of them.

Mr. President, since Plan Colombia began in 1999, the United States has given nearly \$6 billion in assistance to Colombia. Yet there is one more thing we can do to help them cross the goal line and ensure their success for the future. The Senate can and must cement America's long-term strategic partnership with Colombia by approving the one thing every Colombian official, every U.S. Embassy official, everybody we talk to who is in America—the U.S. businessman or others have told me that they must get—the free-trade agreement. This would be a great deal on several accounts for America.

Our two-way trade with Colombia reached \$18 billion last year, making Colombia our fourth largest trading partner in Latin America and the largest export market for U.S. agricultural products in South America. As a representative of an agricultural exporting State, we need to get into that country. We need to get into that country without tariffs making our products less competitive. Exports to Colombia, despite the tariffs that they impose, reached \$8.6 billion in 2007. The United States-Colombia Free Trade Agreement would open this growing economy further to U.S. goods and services. U.S. companies are already doing business with and in Colombia. There are 112 U.S. companies operating there. All seven of America's largest employers have active commercial relations with Colombia. The Colombia Free Trade Agreement would definitely benefit U.S. businesses. Upon entry into force of the agreement, over 80 percent, close to 90 percent, of U.S. exports of consumer and industrial goods to Colombia would enter duty free. U.S. farmers and ranchers would benefit by the immediate elimination of Colombia's duties on high-quality beef, cotton, wheat, soybeans, key fruits, and many processed foods.

Exports diversify our economy, shield it from shock in the domestic market, and help to close the trade deficit which we continue to hear so much about. According to the U.S. Chamber of Commerce, U.S. exports to free-trade countries are at twice the rate of non-free-trade countries.

Frankly, Mr. President, through the ATPA we already offer Colombia the advantages, the trade advantages, coming in largely duty free. The FTA with Colombia is one-sided. It knocks down their tariff barriers to our exports and I am at a loss to explain why we would not quickly approve it when our exporters, our farmers, our workers in manufacturing sectors, our people in the IT industry, and people working in the food industry, all have so much to gain. One might ask why the Colombians want this FTA when America would see most of the benefit. They gave me the answer to that question when I was in Bogota a few weeks ago. They believe the FTA will send a

strong signal that the United States remains committed to its friends and is supportive of a continuation of positive reforms in Colombia, such as those I have already mentioned.

On the flip side, they believe—and I am afraid from everything I have seen it is true—if we fail to do it, if we send an adverse message, if we do not approve the FTA, it would be bad news, for we would be, in effect, telling our best ally we are not as close a strategic partner as they thought, and Hugo Chavez, Raoul Castro, and other Marxists in the region will have their heyday ridiculing the Colombians for having turned to the United States. To continue to delay the United States-Colombia free trade agreement would be a refutation of our strong friendship of the Colombian people, a dismissal of the blood and treasure spent over the last decade to help Colombia and eliminate terrorism and improve its economy, and a signal to our allies that no matter how hard you cooperate with the United States you will be abandoned in the end. As the Colombians told me, if we do not approve the FTA, Hugo Chavez and Raoul Castro will rub their noses in it, saying: This is the way the devil pays his friends.

We saw another side of that yesterday in a good op-ed piece in the Wall Street Journal by Mary Anastasia O'Grady, "Latin Americans Want Free Trade." In that op-ed piece she pointed out what happened the last time we imposed tariffs, and when we cracked down on trade with Latin America. She quoted Sebastian Edwards that "protectionist policies based on import substitution were well entrenched and constituted, by far, the dominant perspective" in the downturn of Latin America. It:

... made a mess out of the region, and not only because spiraling tariffs and nontariff barriers blocked imports and destroyed the export sector. They also ... had a deleterious effect on politics too, as closed economies spawned powerful interests which seized not only on economic but political control and grew entrenched.

That is one of the reasons we have so many problems with so many countries in Latin America that are not realizing their full potential.

In sum, a Colombia FTA seems a simple but effective way to help solidify our image as a nation committed to helping our strategic allies in the world, in the Western Hemisphere, and standing shoulder to shoulder with us fighting those who attack our freedom. I urge my colleagues to consider seriously the importance of passing a Colombia FTA before this Congress ends in a few short weeks. This may be one of the few strongly bipartisan actions in the Senate before this session ends and, for our Colombian friends who know how important it is, this action would be unforgettable.

I ask unanimous consent that a copy of the Wall Street Journal op-ed piece

to which I referred as part of my remarks be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 8, 2008]

LATIN AMERICA WANTS FREE TRADE
(By Mary Anastasia O'Grady)

Of the two U.S. presidential candidates, one promises to expand international trading opportunities for American producers and consumers. The other pledges to raise the barriers that Americans already face in global commerce.

For Latin America, this is the single most important policy issue in the campaign. If Republican candidate John McCain wins, he says he will lead the Western Hemisphere toward freer trade. Conversely, Democratic candidate Barack Obama has promised that he will craft a U.S. trade policy of greater protectionism against our Latin neighbors. The former agenda will advance regional economic integration, the latter will further Latin American isolation.

Anyone who has read 20th-century history knows the seriousness of this policy divide. The last time Washington adopted a protectionist stance toward our southern neighbors was in 1930, when Congress passed the Smoot-Hawley tariffs. It took more than 50 years to even begin to climb out of that hole.

Many economists blame Smoot-Hawley for the depths of the U.S. depression. But Latin Americans have suffered even more over a longer period. Their leaders chose to retaliate at the time with their own protectionist tariffs, but the damage didn't end there.

In his 1995 book "Crisis and Reform in Latin America," UCLA professor Sebastian Edwards writes that though there was a brief period of liberalization in Argentina, Brazil and Chile in the late 1930s, it didn't last long. Adverse conditions brought about by World War II prompted the region's policy makers to restore tariffs, in the hope that protectionism would stimulate economic development.

"By the late 1940s and early 1950s," writes Mr. Edwards, "protectionist policies based on import substitution were well entrenched and constituted, by far, the dominant perspective." The U.N.'s Economic Commission on Latin American and the Caribbean, he adds, provided the "intellectual underpinning for the protectionist position."

Protectionism made a mess out of the region, and not only because spiraling tariffs and nontariff barriers blocked imports and destroyed the export sector. They also provoked an intellectual isolation as the information and new ideas that flow with trade dried up, along with consumer choice and competition. This had a deleterious effect on politics too, as closed economies spawned powerful interests which seized not only economic but political control and grew entrenched.

According to Mr. Edwards, it was only in the late 1980s and early 1990s that U.S. and Latin leadership (not counting Chile, which liberalized earlier) began to recognize the twin unintended consequences of this model—poverty and instability—and decided to act. "Tariffs were drastically slashed, many countries completely eliminated import licenses and prohibitions and several countries began negotiating free trade agreements with the United States."

Mexico and Canada signed the North American Free Trade Agreement with the U.S. in 1993, but the regional opening process continued well into this decade. A U.S.-Chile bilateral agreement kicked off in 2004. Five Central American countries and the Dominican

Republic signed their own FTA (CAFTA) with the U.S. in 2006. Peru's FTA with the U.S. was finalized in 2007. Colombia and Panama have signed agreements with the U.S. that are awaiting ratification by the U.S. Congress.

It is true that unilateral opening would have been a superior path. Yet for a variety of reasons—not the least the political attraction of reciprocity—FTAs have become fashionable. And there is no doubt that the agreements, warts and all, have aided in the process of dismantling trade barriers, strengthening the rule of law, and moving the region in the direction of democratic capitalism.

Mr. McCain wants the U.S. to continue its leadership role in opening markets in the region. He favors ratification of the Colombia and Panama FTAs, which the Democratic-controlled Congress is blocking. He also wants to lift the U.S.'s 54-cent tariff on Brazilian ethanol, and he wants to preserve NAFTA.

Mr. Obama would reverse regional trade progress. He supports House Speaker Nancy Pelosi's opposition to the Colombia FTA, even though it will open new markets for U.S. exporters. He promises to "stand firm" against pacts like CAFTA and proposes to force a renegotiation of NAFTA, which is likely to disrupt North American supply chains and damage the U.S. economy. By heaping new labor and environmental regulations on our trading partners, his "fair trade" proposal will raise costs for our trading partners and reduce their competitiveness.

Perhaps worst of all, his antitrade bias will signal the region that protectionism is back in style in the U.S., and encourage new trade wars. No good can come from that, for the U.S. or for Latin America.

Mr. BOND. 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 (Mr. SANDERS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now close morning business.

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report by title.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for

defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired and that the Senate now proceed to the consideration of Calendar No. 732, which is S. 3001, the Defense Department authorization bill, and that once the bill is reported, it be considered under the following limitations: that the only first-degree amendments in order be those that are germane to S. 3001 or to H.R. 5658, and that the first-degree amendments be subject to second-degree amendments which are germane to the amendment to which it is offered; that there be up to 10 additional amendments which are relevant to S. 3001 or to H.R. 5658 and have been agreed upon by the leaders—the leaders being Senators MCCONNELL and REID—with up to 5 amendments per side; that those 10 relevant amendments also be subject to second-degree amendments which would be relevant to the first-degree amendment to which offered; that upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage, it then be in order for the Senate to consider en bloc the following calendar items: Nos. 733, 734, and 735; that all after the enacting clause of each bill be stricken and the following divisions of S. 3001, as passed by the Senate, be inserted as follows: Division A: S. 3002; Division B: S. 3003; Division C: S. 3004; that these bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; further, that these items appear separately in the RECORD; provided further that the Senate then proceed to the consideration of Calendar No. 758, H.R. 5658, the House companion; that all after the enacting clause be stricken and the text of S. 3001, as amended and passed by the Senate, be inserted in lieu thereof; the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to; that upon passage of H.R. 5658, as amended, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without further intervening action or debate, and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object, and if I could just take a moment to explain why. As we have been discussing, we would like to proceed to the bill

under a regular order. In discussing the proposed amendments we have ready to offer, I think it is clear they are relevant, if not germane. In fact, the first few we have suggested I know are germane.

I think we would be better served to just begin the process of bringing up amendments and having debate and votes on those amendments than trying to get the approvals that would be necessary to agree to this rather cosmic unanimous consent request. That is why we object to it at this time, but I assure the majority leader that based upon the amendments we have already indicated we wish to bring forth, I would hope there would be a clear understanding of good faith on both sides that that is the way we intend to proceed. I do appreciate that the majority leader then would presumably set up a parliamentary procedure by which the majority would have to approve the offering of any Republican amendment thereafter, so the majority certainly would be protected in doing that. It would still be our intention to bring forth the right kind of amendments to deal with this legislation.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, maybe we can do indirectly what we can't do directly. That is, we are going to go through the procedure here to—and when I finish the procedural issues I am going to bring before the Senate, then the two managers, Senator LEVIN and Senator WARNER, will be, in effect, the gatekeepers. They won't be under the control of Senator MCCONNELL or Senator REID. These two very professional, experienced legislators will move through these amendments as quickly as they can. We all relish the time we used to move to this bill and other bills to have an old-fashioned legislative battle. I don't think—with all that is going on around the country today, including the Presidential election being in effect and all the other things going on politically—we can do that.

I hope, as I said, we can do indirectly what we can't do directly. It would be good for the country if we could finish this bill this week. It is so important. It has extremely important elements in it, including a pay raise for our troops, a good pay raise for our troops. This bill has things that are done to improve our military that only these two managers of this bill could lead based on their experience. I believe I am right when I say I think this has been—this is the 30th bill Senators LEVIN and WARNER have worked on together, the 30th bill. It would be a shame, as Senator WARNER leaves this great career in the Senate, that in his final year we don't do something that is as much of his legislative history as anything he has done in his career, and that is the Defense authorization bill. So I hope