

The Bush administration made a major error in how it approached the growing field of electric vehicles during treaty negotiations. The agreement would allow for a 10 year phase-out of the 8 percent Korean tariff on hybrid electric passenger vehicles and the 2.5 percent U.S. tariff. This is not a fair deal for U.S. electric car exports. It's bad enough that the current Korean electric car tariff is more than three times the U.S. tariff. This agreement would lock in place for 10 years Korea's electric car tariff advantage as it is phased out. Why in the world would we agree to that?

It is as if you beat me up eight times a day and I beat you up two times a day and you expect me to be happy when you reduce that beating to seven times per day—that is still not much of a deal for me.

It is a stubborn thing this image some people have of free trade. It is like a blind faith belief that any trade agreement is automatically good for the United States. This seems to hold true no matter how many American jobs may have been lost as a result of unfair trading practices by our trading partners and no matter how bad a deal a specific free trade agreement might be for certain sectors in the United States. The response always seems to be the same for those that criticize an unbalanced free trade agreement: they call the critics protectionists.

The protectionism enmeshed in the U.S.-Korea trade relationship is protectionism by Korea. Until 1989 Korea did not even allow imported autos into its market. Once it did officially allow imported vehicles into its market, Korea found other, less visible ways of keeping them out, including maintaining tariff and nontariff barriers, such as discriminatory taxes based on engine size, unique standards, inadequate regulatory transparency, and inadequate ability of stakeholders to provide input at an early stage into the development of regulations and standards.

When it comes to automotive trade with Korea, the numbers tell the story. Korea has free unfettered access to the U.S. market and we have extremely limited access into Korea's market.

Last year Korea shipped 476,833 autos to the United States. And while Korea relies on exports to support its domestic auto makers, Korea remains one of the most closed auto markets in the world. In a market of almost 1.5 million annual vehicle sales, the U.S. exported just 5,878 autos to Korea last year. And it's not just American autos that are being kept out. Vehicles made in Korea account for 94 percent of the Korean market—only 6 percent of vehicles sold in Korea are imports. That is lower than every other developed country except Japan. In the U.S., over 41 percent of our auto market is made up of imports. In Germany that number is 55 percent, in Mexico it is 57 percent,

and in Spain, Canada and Italy it is over 70 percent or higher.

Korea's protected automotive market provides a huge source of profit and jobs for Korea and, in contrast, it is a huge source of trade deficits and job loss for the United States. About 74 percent of the \$10.6 billion U.S. trade deficit with South Korea is in automotive trade.

So to those who say we are protectionist when we complain about this, I respond that we are not the protectionists and we have not protected our automotive market. The nearly 500,000 Korean-made vehicles that come into the U.S. market each year validate this point, as does our 2.5 percent auto tariff compared to Korea's 8 percent auto tariff and numerous non-tariff barriers that keep our vehicles out of Korea.

Despite efforts by the U.S. Government for over a decade to open the Korean auto market, Korea has successfully kept its market closed. Auto-specific agreements negotiated in 1995 and 1998 failed to make any progress in opening Korea's automotive market. Although the previous agreements were intended to sweep away some of the most overt non-tariff barriers, Korea quickly replaced them. For instance, the year after the 1998 auto-specific agreement was signed committing Korea to, "Not take any new measures that directly or indirectly adversely affect market access for foreign passenger vehicles" Korea introduced three new and unique auto safety standards: front tow hook, headlamp, and remote keyless entry. In the 3 years after that, Korea introduced seven more auto safety and emissions regulations. And in the 4 years after that, Korea introduced another seven, and the list continues. Our protests were for naught.

Any trade agreement with South Korea should level the playing field for U.S. auto exports. Unfortunately, the pending agreement, reached more than 3 years ago but now being renegotiated, leaves South Korea with the effective ability to use rules and regulations to continue limiting automotive imports into the Korean marketplace. Korea has used such rules and regulations before to discriminate against imported vehicles and they will be used again unless we have a strong mechanism to remove them. This agreement does not include such a mechanism to deal with any new nontariff barriers, such as auto safety standards or emissions regulations that Korea could introduce once the current draft agreement is entered into and approved by the Congress.

The agreement is strongly opposed by Ford and Chrysler because the agreement does not ensure that South Korea will not take measures to impede access of imported U.S. made cars. GM is neutral on the agreement because it gained access to the Korea

market by buying Daewoo, not by exporting cars to Korea from the United States.

Ensuring fair access to the Korean market would have an important impact on our auto industry's drive to regain its competitive strength and health. We need to fight for American jobs, not let them go overseas as a result of poorly negotiated trade agreements. We need to find a way to gain meaningful access to Korea's auto market and so far this trade agreement has not achieved that goal.

CLAIMS RESOLUTION ACT OF 2010

Mr. BAUCUS. Mr. President, I rise today regarding the Claims Resolution Act of 2010. It is a rare day in the Congress that we have an opportunity like this to end, once and for all, decades-old injustices and water related claims against the government so that we can move forward together. I am proud that the House of Representatives passed the Claims Resolution Act, which passed the Senate by unanimous consent on Friday, November 19.

The Claims Resolution Act of 2010 includes the Cobell settlement, which settles claims resulting from mismanagement of trust accounts of close to 300,000 American Indians.

It includes the Pigford settlement, which settles discrimination claims by black farmers against the USDA.

It settles water related claims of tribes in Arizona, New Mexico, and Montana.

The bill is fully offset.

Each settlement in this package has its own history—each compelling in its own regard—that has brought us to this day of resolution. I want to focus in particular on the Cobell settlement and the Crow Water Compact, which are both so important to Montana.

Tribal members comprise over 6 percent of Montana's population. American Indians live in every county in Montana, and our State has several counties where more than half of the population is comprised of tribal members. Nine percent of Montana's land base is located within the boundaries of our State's seven Indian Reservations.

The Cobell settlement resolves the class-action lawsuit brought by Native American representatives and lead plaintiff Elouise Cobell, a member of the Blackfeet Tribe in northwestern Montana, against the U.S. Government. This case dealt with the mismanagement of Indian trust assets by the U.S. Government.

In 1887 the Federal Government allotted tribal lands to individual Indians in parcels between 40 and 160 acres. The Department of Interior was supposed to hold these parcels in trust for a period of 25 years and then turn them over to the individual Indians. The Department of Interior has held these allotments in trust until the present day.

During the 123 years since 1887, these lands have become highly fractionated as successive generations of Indian owners bequeathed the land to their children.

Today the Department of the Interior holds about 56 million acres of land in trust for individual Indians. These 56 million acres generate approximately \$357 million annually in coal sales, timber sales, oil and gas leases, and grazing leases. This \$357 million is supposed to be dispersed to the over 230,000 Indians who have an interest in various parcels.

In the Cobell case, the plaintiffs sought a historical accounting of what individuals were owed and the Department of Interior contended that it could not provide such an accounting.

This case has been going on for 14 years, leaving the plaintiffs without resolution of their claims and diverting attention and resources away from other projects in Indian Country. On December 8, 2009, Secretary Salazar and the plaintiffs agreed to a \$3.4 billion settlement. It is a testament to both sides in this litigation that a fair agreement has been reached.

The Claims Resolution Act of 2010 provides the funding needed to implement this settlement. I am proud of the diligence and focus with which Eloise Cobell pursued justice in this case. I am proud that she is a Montanan, proud of the result, and proud of the Congress for doing the right thing.

I am just as proud of the action we took with regard to the Crow Water Rights Settlement Act of 2010. The Crow Tribe has a membership of approximately 12,000 people. About 7,900 reside on the Crow Indian Reservation in Montana. It is the largest of Montana's seven reservations, comprising approximately 2.3 million acres. The current reservation was established by the Treaty of Fort Laramie with the United States dated May 7, 1868. At the time of its establishment, the reservation comprised nearly 5.9 million acres in both Wyoming and Montana. However, over time the reservation was reduced by nearly 3.6 million acres. The last cession of Crow land, in 1904, included what came to be known as the Ceded Strip, 1 million acres on the north side of the reservation.

There are a number of large streams that flow through the Crow Indian Reservation, including the Bighorn River and its tributaries, one of which is the Little Bighorn River. Another significant stream on the western portion of the Crow Indian Reservation is Pryor Creek and its tributaries.

The Crow Tribe Water Rights Settlement Act of 2010 ratifies the Crow-Montana Water Rights Compact, which was adopted by the Montana State Legislature in 1999. It establishes tribal water rights and settles claims against the government. The bill provides for funding that will be used to more fully de-

velop tribal water resources. This water compact was endorsed by the administration—one of the first to receive this level of consensus and support.

I commend the tribe and the administration, particularly Chairman Cedric Black Eagle and the Commissioner of the Bureau of Reclamation, Mike Connor, and their respective teams for their hard work on this. I also want to thank the Senate Indian Affairs Committee, Chairman DORGAN and Ranking Member BARASSO, for their work reaching consensus. Finally, I want to thank my colleague from Montana, Senator JON TESTER, who has worked so hard to push this through the Senate.

This was truly a bi-partisan effort with cooperation here in the Senate from Senator BINGAMAN, Senator KYL, Senator DORGAN, and Senator GRASSLEY, all of whom worked together and compromised so that we could come together today and do the right thing.

With the House passage of this bill, we are settling decades-old injustices and claims against the government. We are bringing our Nation closer together. I am proud to stand here today, having been a part of making this happen, and I look forward to the day that we see President Obama's signature on this bill.

TRIBUTE TO GREYSON BUCKINGHAM

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Greyson Buckingham for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Greyson is a native of Wyoming and graduated from Jackson Hole High School. He currently attends Georgetown University, where he is majoring in history and government and minoring in Spanish and philosophy. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Greyson for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO IAN LOWE

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Ian Lowe for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Ian is a native of Wyoming and graduated from Campbell County High School. He graduated from the University of Wyoming, where he majored in international studies and environment. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Ian for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO ROBERT DALEY

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Robert Daley for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Robert is a native of Pennsylvania and graduated from Governor Mifflin Public High School. He graduated from American University, where he majored in political science. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Robert for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO MAX WEISS

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Max Weiss for his hard work as an intern in my Rock Springs office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Max is a native of Wyoming and graduated from Rock Springs High School. He attended Leiden University where he received his master's of clinical psychology. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Max for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.