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## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

O God of light, You are our guide. Thank You for Your gentle leading. You are a mystery but not a puzzle; profound but not incomprehensible; loving but not passive; patient and longsuffering but not weak and indecisive.

Lead our lawmakers today with Your wisdom. Show them how to use their talents and abilities for Your glory. Give them patience to wait on the unfolding of Your loving providence. Remind them that the hearts of world leaders are in Your Hands and that You direct the course of human history.

Help each of us to pursue Your friendship and to embrace Your love.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

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

### SCHEDULE

Mr. McCONNELL. Mr. President, today, the Senate will conduct a period

of morning business. Last night, we were able to reach a time agreement on the Oman free trade bill, and Senators are encouraged to use that time this morning and then on Monday. We will have 30 minutes of debate on the trade bill remaining for Tuesday's session, and Senators should expect a vote on passage before the policy luncheons on Tuesday. That will be the first vote of the week. We are also attempting to clear some nominations and treaties for today, and we hope to have an agreement on those for later this morning.

### EFFECTIVE TOOLS TO FIGHT TERRORISM

Mr. McCONNELL. Mr. President, I want to make a few observations about the war on terror, which certainly is an issue that has been front and center in the Senate and over in the House during the last few weeks.

There are really two issues. The first is, what are the tools the President needs to continue to effectively defend America?

We know that since 9/11 there have been no successful attacks on our country. We know before 9/11 they were at war with us. They tried to blow up the World Trade Center. They blew up our Embassies in East Africa. They blew up the USS *Cole* and killed 17 sailors. They were at war with us, but we were not yet at war with them.

Since we have been at war with them, we have not had a successful attack at home. Obviously, we are doing something very skillfully and very correctly. A part of that is the effective interrogation of terrorists and the effective surveillance of terrorists. Both effective interrogation and effective surveillance of terrorists prevent terror attacks and save lives. That has happened over the last 5 years.

Why does the President need these specific tools? Why does he need the bill he proposed? Intelligence leaders

have said, as recently as yesterday, that we will have to shut down a demonstrably effective program without these tools. We will lose the intelligence and the security the intelligence provides.

So what is next for us in debating these important issues to help protect Americans at home? Only one side of the argument has been prevalent in the last day or so. We will have an opportunity to fully define the two issues to which I referred. A floor debate will highlight important bright-line issues.

For example, do we provide sensitive classified information to terrorists? There has actually been the suggestion that somehow a fundamental sense of fairness would require that we hand classified information over to terrorist defendants. That will be one of the big issues confronting us in the Senate.

Do we shut down an intelligence program that we know—it's not in dispute—that we know has saved lives and protected Americans? Do we want our troops exposed to the vagaries and whims of international courts?

What about this idea that we should not define Common article 3 in the United States? Well, Common article 3 is going to be defined. We know that. The only issue is, who will define it? European courts are now defining it. Maybe the U.S. Congress and the U.S. courts ought to be the final word on defining Common article 3. So, as I said, the question is really not whether Common article 3 is going to be defined—it is going to be—but, rather, who will be defining that article.

Common article 3 was written back in 1949, almost 60 years ago. Some of its terms—like prohibiting “outrages upon personal dignity”—are inherently vague. As a result, foreign courts have been filling the void and doing that interpretation.

To give you an example, the European Court of Human Rights has declared as follows: merely having to wait on death row is “inhuman or degrading treatment of punishment.”

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



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That is a European court defining waiting on death row as being unacceptable. A European court has further said being in a cell with limited natural light is "degrading," and that having little activities to occupy a prisoner is "degrading."

Now, the U.S. Congress should not sit on its hands and let some foreign judge—some foreign judge—define the meaning of Common article 3 in a way that most Americans would object to and which would put our troops at risk. That is why I support the President's position on using the Detainee Treatment Act—Senator MCCAIN's act that we just adopted last year by a vote of 90 to 9 in the Senate—as the standard, use the McCain Detainee Treatment Act as the standard for defining Common article 3.

The DTA prohibits "cruel, inhuman, or degrading" treatment as defined by established standards of U.S. law. That is Senator MCCAIN's bill, which we adopted last year, defining what is appropriate treatment of detainees.

So these will be the issues we will have to argue and discuss in the full Senate with all 100 Members participating. We have not heard from a whole lot of our colleagues on the other side of the aisle yet, and I know they are going to want to participate in this debate and share their views about whether these standards should be determined by the U.S. Congress or by European courts.

What we do know for sure, without question—no ambiguity—is that the current program works and has saved us from terrorist attacks and prevented us from being attacked again at home for over 5 years. The President needs tools to conduct these programs effectively to protect Americans at home. His proposal for terrorist detainees is one of those important tools. We do not all agree at this point about how to go about this, and that is why the Senate is a great deliberative body, and we will have that discussion on the Senate floor. But at some point we will come together and, hopefully, do it in a way where the interrogation of detainees can continue.

We know the Director of the CIA said yesterday that under the armed services bill, that program will have to be shut down. We know it has worked. We know it has saved lives. We need to solve this problem for the American people so they can continue to be protected at home, able to go about their daily lives in a manner they have become accustomed to over the years in this great, free society.

Mr. President, I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Thank you, Mr. President.

#### DETAINEES

Mr. REID. Mr. President, I think my friend, the distinguished majority

whip, is talking about things that really do not exist. We have now in the Senate a bipartisan agreement on how to approach the Hamdan decision, the detainee problem. We had all Democrats and four Republicans—far more than a majority in the committee—who voted yesterday to bring the matter to the floor that would solve this problem.

It is not a problem at this point that has been solved by the European courts. It has been solved by the U.S. Senate. We certainly know that the document that has come from the Armed Services Committee is imperfect, and we can always try to work to improve that. I think we should move forward on this issue. I think there is certainly nothing in the mind of the American people or the American public that what the President has suggested is final.

Certainly, he is not infallible, as indicated by Colin Powell—four-star general, general in the Army, Chairman of the Joint Chiefs of Staff, Secretary of State for a number of years. He says the President's approach is wrong. He is not talking about the European courts determining what we should do. He is saying that the approach of Senator MCCAIN and others is the proper way to go.

I would also say—without a long discussion—we have the same situation at this stage in the Senate dealing with domestic spying. We have a bipartisan solution to this issue. Members of the Judiciary Committee, on a bipartisan basis, voted to bring a bill to the Senate. Again, I am sure that bill is not perfect, but it certainly is a bipartisan solution to a problem that exists, one that is in compliance with the Constitution of the United States.

Mr. President, the Iraq war has been a diversion on the war on terror, and that seems pretty clear.

#### TAX EXTENDERS

Mr. REID. Mr. President, changing subjects just for a minute, prior to the August recess, Republicans attempted to win support for their attempt to repeal the estate tax by attaching that to a flawed minimum wage increase that was only meant for show and not to actually accomplish anything. And they also tied to it popular tax provisions, referred to as extenders.

Now, keep in mind the extenders were all agreed to by Democrats and Republicans. They had agreed to this, and the only thing that was not there was the signature, and that was to take place at 8 o'clock at night in the Capitol. When people came back to sign the conference report, word had come from the White House: Do away with this agreement. So that is why they came up with the so-called Trifecta: estate tax repeal, extenders, minimum wage.

Republicans were very clear regarding their strategy. Representative ZACH WAMP of Tennessee claimed that

Democrats had been "outfoxed." Well, of course, this bill did not pass because it was flawed. It was so unfair to the American people that you would do away with all these important tax provisions for the middle class in an effort to get a repeal of the estate tax that would affect the richest of the rich: 8,100 Americans.

The strategy of holding the extenders hostage to their estate tax giveaway put these important provisions in jeopardy of not getting enacted ever. As if to emphasize this point, Senator JUDD GREGG said—and I quote—"[i]f you don't kill the hostage, there's no threat." How about that.

Now, Senator BAUCUS yesterday—on more than one occasion—requested unanimous consent to delink the extenders, which have broad bipartisan support, from the Republicans' ill-fated attempt to repeal the estate tax for a small number of the wealthiest families in America.

American families and businesses are paying the price for this Republican do-nothing Congress's failure to extend these tax breaks. Millions of families and individuals are facing higher taxes today as a result of this failure.

Mr. President, this is just not HARRY REID, a Democrat, speaking. Look what was said yesterday by the chairman of the Finance Committee, a Republican, CHARLES GRASSLEY of Iowa:

A delay of legislative beyond the anticipated recess date of September 29, 2006, will cause hardship, tax compliance problems and confusion for the millions of taxpayers who claim these widely applicable tax benefits.

According to a memo from Senator GRASSLEY's office, after consulting with IRS officials, the IRS contracts with several printers to produce 1040 and 1040A income tax return forms are in jeopardy. It also said that IRS must finalize the information it is to submit to these printers by October 15 in order to ensure forms will be printed in time and be distributed to taxpayers at the beginning of 2007; that if Congress has not passed extenders legislation by that time, the forms will omit lines instructing taxpayers to compute State and local sales tax, college tuition, or out-of-pocket classroom expenses into their tax liability.

American families and businesses are paying the price because of this do-nothing Congress. They refuse to extend important tax breaks. Families who recently took their sons and daughters to college now wonder whether the tuition deduction Republicans allowed to expire last year will get reinstated.

What are these tax extenders? The State and local sales tax deduction. In States all over the country which have an income tax, they are allowed to deduct that from their Federal income tax. Now that the Republicans failed to act in States where individuals pay sales tax, they are not able to do this.

The tuition deduction is another one which allows parents and students to deduct all tuition and related expenses

from their taxable income. It benefits 3.6 million taxpayers nationwide and 26,000 in Nevada.

The teacher classroom expenses provision gives teachers above-the-line deduction of as much as \$250. Mr. President, 8,100 people are seeking to benefit from the repeal of the estate tax, which is millions and millions of dollars. So why should we be concerned about some schoolteacher for \$250? Because \$250 is what teachers pay out of their own pockets to get supplies for the classroom that school districts don't pay for. They can deduct as much as \$250 for personal funds spent by them to buy classroom supplies. This benefits 3.3 million teachers nationwide and about 22,000 teachers in Nevada.

There are many other items that are important in these extenders.

America needs a new direction, one that puts the interests of the hard-working families ahead of special interests. How can we be working on the Oman Free Trade Agreement and let this go? I don't understand this. The priorities are upside down. We need a new direction, and we are not getting any direction from the administration or certainly from the Republican-dominated Congress.

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

#### MORNING BUSINESS

#### DO-NOTHING CONGRESS

Mr. DURBIN. Mr. President, I thank my colleague and friend from Nevada, Senator REID, for that statement because here on the closing day of this week's session, as we wrap up the second week of 4 weeks, it really is a time to reflect on what little time is left in this session, and when Senator REID refers repeatedly to a do-nothing Congress, it is understandable. Two weeks down and 2 weeks to go before the election and no budget.

This so-called fiscally conservative leadership in the Senate cannot produce a budget on how we are going to spend our money this year. They cannot produce a budget and, if I am not mistaken, I say to the Democratic leader, I don't believe a single appropriations bill has been signed into law at this point.

Mr. REID. That is right.

Mr. DURBIN. Here we are days away from the end of this fiscal year, and we have recorded in the last 6 years, under the Bush administration and the Republican-led Congress, the worst deficits in the history of the United States. We have an administration which inherited a surplus from the Clinton administration—several years of surplus and paying down the debt of America and strengthening Social Security—and they squandered it, wasted it. They turned their backs on it and allowed us to sink deeper and deeper into debt—a debt we ultimately will have to pay, a debt which, sadly, is being financed by foreign countries such as Japan, China,

Korea, and the OPEC nations. They are the mortgage holders of America's mortgage.

Who will pay off this mortgage? The young people of America, our children and grandchildren—as this Congress heaps debt upon debt, as this President has the dubious distinction of being the first President in the history of the United States of America to call for a tax cut during a war. The reason no other President has done it is because it doesn't make sense. You have the ordinary expenses of Government that are increased because of the war you must fight, and this President then says: Let's cut taxes while we are at it, digging a deeper hole for America's economy and America's future.

So there is no budget, not one appropriations bill signed by the President, no increase in the minimum wage—9 years now. For 9 years, this Republican President and Congress have refused to increase the basic wage for some of the hardest working people in America. It is \$5.15 an hour. That is what it has been. It has been 9 years since we have increased it.

Think about each of our own personal experiences, how the expenses of life have gone up in that period of time, and then put yourself in the shoes of a single mother I met in Rockford, who went through a brutal divorce. She luckily has custody of the children away from a father who mistreated them badly. She has them in her tiny house, and she has a minimum wage job. She has three kids, this mom, and she makes minimum wage. How does she make it? She goes to the local church, where they have a food pantry. She tries to get help from charities in the area. She looks for used clothing. She is trying to keep her family together. What kind of helping hand has this Congress given to her? None. For 9 years, we have said to her: Sorry, next year's salary will be the same as last year's.

I hope the cost of utilities doesn't go up or the cost of food or the cost of rent. Yet we know they continue to go up. So for 9 years, this Congress has failed to increase the minimum wage, and they are about to wrap up another session with that dubious distinction.

There is a footnote to this story worth noting. In that same 9-year period of time, Congress has voted itself a \$31,000 annual increase in salary. The Democratic caucus of the Senate has said that is the end of that story. There will be no increases in congressional pay until the minimum wage is increased. No excuses. Maybe that will focus the attention of our colleagues on a lot of people who are not as fortunate as those of us who serve here.

We have had no change in the ethics rules despite the scandals of the latest Congress, despite the resignation of the Republican leader in the House who is under indictment and investigation, despite the reports that other Members of Congress are going to plead guilty or are facing prosecution. Despite all of

this, there are no basic changes in the ethics rules that guide us here.

There is no effort to take a look at the way we finance political campaigns, which I think is at the root of this whole conversation. Unless and until we reach a point that we take the millions of dollars out of political campaigns and bring it back to a point where the average person can seriously consider running for office, until we do that, sadly, all of us who are mere mortals and not millionaires will be spending a lot of time with special interests and wealthy people that we should be spending with the folks we represent and those who don't have well-paid lobbyists roaming the halls of the Capitol.

There is no energy policy for America after the runup in gasoline prices that crippled family budgets, hurt businesses, and hurt farmers. Now the gas prices are starting to come down, and we can breathe a sigh of relief. Yet we know in the back of our minds that they can turn it on a dime and run the prices back up to over \$3 a gallon again. Why? We have no energy policy.

A President and Vice President from the oil patch have really avoided the obvious. We need to find a way to lessen our dependence upon oil, and particularly on imported oil. That means moving toward alternative energy sources. That means more fuel efficiency in our vehicles. For 3 of the last 4 years, I offered an increase in the CAFE standards so that the cars and trucks we drive in America are more fuel efficient, and I have lost every time, not only because of opposition from the other side but some within my own ranks. I think there is now a change, an awakening that we have to do something about this situation.

Of course, in this Congress, what have we done to increase the availability and affordability of health insurance and health care? Nothing. In fact, we have made it more difficult for the average family. We have decreased the benefits under Medicare and Medicaid, although we created the prescription Part D Program, which is, of course, a windfall for pharmaceutical companies. We didn't give the consumers of America the break they deserved. We have to find a way to make sure that Medicare Part D is affordable. To do that, Medicare should be able to bargain for lower drug prices.

My friend, Senator DORGAN from North Dakota, is in the Chamber. He has been working on this issue for a long time, the issue of drug importation from Canada and other places. I salute him for his success in bringing the issue forward. I share his frustration that we cannot seem to get the Republican leadership, which has promised time and again an opportunity for a vote, to actually have that vote and to change the law so that a lot of seniors and others across America can get affordable prescription drugs.

There is no effort here to make sure people who are vulnerable don't have

to worry about whether their health care or pensions will be there when it is time to retire. We just don't address that in this Congress. You see, sadly, these people cannot afford the lobbyists that other special interests can. Those articulate, well-paid, well-fed, well-dressed lobbyists who work right here in this building spend a lot of time in our faces. We need to talk to them because, frankly, they finance many of our campaigns. It is a sad reality that ought to change. It won't change until the leadership in Congress wakes up to the need for change, the need for a new direction on Capitol Hill.

Last Monday night, we had a commemoration of the fifth anniversary of 9/11. I guess about a hundred of us—Members of Congress—stood on the Capitol steps near the same place we stood 5 years ago as a Congress. There were some stirring remarks made, prayers said, and we closed with the singing of "God Bless America." As we sang "God Bless America," I thought for a moment that we needed to recapture the spirit of 5 years ago because we left that historic moment on the Capitol steps and Democrats and Republicans rolled up their sleeves in the House and Senate and said: What can we do to make America safe? In lightning fashion, we enacted a resolution which declared war on those who had attacked us.

I don't vote for war lightly, but I voted for that without hesitation, a war in Afghanistan, against al-Qaida, against the Taliban. It was the right thing to do. But today it is a war that we know has not been won. Five years later, it still has not been won. The ranks of al-Qaida on 9/11/2001 were estimated to be 20,000 worldwide. Today our intelligence sources say it is up to 50,000 and growing. The trend is in the wrong direction.

We wanted to turn the light out on al-Qaida when we voted for that resolution. We wanted to capture Osama bin Laden. We wanted to say to the world: You will pay if you attack the United States.

But today we are still fighting, and the commanders in Afghanistan tell us we are not doing as well as we should. We need more military forces. We need more of an effort.

Sadly, we may be losing that war, and we cannot afford to lose that war. Just a few months ago this administration announced it was disbanding the intelligence agency that was going to hunt down Osama bin Laden. Again, the Senators from North Dakota, Mr. CONRAD and Mr. DORGAN, came to the floor last week and offered an amendment that was adopted unanimously to refund that effort to go after Osama bin Laden.

I don't believe capturing him will end the war on terrorism. I don't think it will guarantee Americans are safe, but it certainly is something we should do as a Nation.

The PRESIDING OFFICER (Mr. ISAKSON). If the distinguished minority

whip will cease for a second, the previous Presiding Officer of the Senate did not announce what should have been announced, which is, under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. The distinguished minority whip has spoken in excess of 10 minutes. I want to make him aware that is why I stopped him, unless he asks unanimous consent to continue.

Mr. DURBIN. Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. Mr. President, I know my colleague is waiting to speak, so I will hold myself to that 5 minutes.

When we came back after 9/11, we gathered together on a bipartisan basis. We passed the PATRIOT Act. We initiated this military effort against those who attacked us on 9/11. There was a true spirit of bipartisanship.

Sadly, things broke down. They broke down when we invaded Iraq, and they haven't gotten well since. The President's decision to move forward with the invasion of Iraq with Great Britain by our side, but really with the American troops in the forefront, with the American taxpayers paying the bill, has divided us as a Nation. A majority of Americans today question whether that was the right decision. I question whether that was the right decision. I was one of 23 who voted against going to war. I did not believe the intelligence supported it.

Events that have happened since—we have lost 2,671 of our best and bravest and finest American soldiers. They have given their lives in that war in Iraq; 19,000 or more have returned seriously injured. We have spent over \$320 billion. We spend anywhere from \$1.5 billion to \$3 billion a week on a war with no end in sight.

We went through this administration's effort to redefine torture to abandon the Geneva Conventions that we had stood by for decades. We saw the scandals of Abu Ghraib and Guantanamo.

Arthur Schlesinger, Jr., a noted historian, said the issue of torture has damaged the image of America in the world more than anything in our history. That is a sweeping statement from a man who has spent his life measuring history and its impact on the world. He believes torture under the Bush-Cheney administration has damaged our reputation more than anything in our history.

Thank goodness Senator JOHN MCCAIN stood up and rallied us on a bipartisan basis by a vote of 90 to 9 to say torture is not part of America's policy. Yet again we are debating this issue, as the Bush administration comes to us and says: When it comes to the treatment of detainees, we cannot stand by the Geneva Conventions. We have to redefine it. And they go further.

The Bush administration insists that if anyone in the administration has been guilty of wrongdoing—the use of torture, cruel, inhuman, degrading treatment—they should be absolved from any criminal liability. What does that say to the world about our standards and values in the United States?

I am glad GEN Colin Powell spoke out yesterday. He hit the nail on the head. If this is a moral position we are taking to opposing terror, we cannot support the President's proposal for the treatment of detainees. And I salute, again, the four Republicans who stood up yesterday in the Armed Services Committee and had the courage to speak up and say there is a better way. There is a better way to protect America and not lose our values.

I hope we listen to them when we bring this bipartisan measure to the Senate floor. The same thing happened in the Senate Judiciary Committee. We are adrift when it comes to this wiretapping issue. We reported out three different bills. The committee couldn't make up its mind.

On one of the bills, we said to the President: You are Commander in Chief. You have the power to do what you wish. Another bill that Senator FEINSTEIN has introduced, which I support and is bipartisan, says take the FISA law, the bill that governs wiretapping, gives the President the time he needs to do what is right, go after al-Qaida, wiretap his conversations, stop terror before it occurs, but do it in the framework of the law. The Feinstein bipartisan approach is a sensible approach. It is one that honors the tradition of the rule of law in America.

We have two bipartisan approaches now to the treatment of detainees, as reported by the Armed Services Committee and to wiretapping as reported from the Judiciary Committee with the Feinstein amendment. Let's return to that spirit of 9/11/2001. Let's return to that bipartisan spirit and get this done and get it done right. At least we will be able to point to that achievement as this Congress draws to a close.

I salute my Republican colleagues who stood up for principle and values that we all should share in America. I hope this administration over the weekend will reevaluate their position. I hope they will move forward with us in a bipartisan fashion to make America safe but do it the American way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. I advise the Senator, the Senate is in morning business, with speeches limited to 10 minutes.

#### INDIAN HEALTH CARE

Mr. DORGAN. Mr. President, I want to speak about a subject that is very important dealing with Indian health. I believe there will be an attempt to

move legislation by consent in the Senate dealing with the reauthorization of the Indian Health Care Improvement Act. We have had difficulty moving that legislation. Senator McCain and I and others worked on completing the legislation. It has not yet moved. My hope is that it can move through the Senate without objection today.

I want to describe why it is important because in this country, there is a lot of noise about a lot of issues. People often talk about the noise of democracy. Sometimes that noise of democracy is a very welcome noise and wonderful sound, but there are other times when it is shrill and partisan and the noise of democracy is not such a comfortable noise.

In the midst of all the discussions about all of these issues, there are day-to-day issues that affect peoples' lives, especially health care. On Indian reservations in this country, there is a very special challenge with respect to health care. We have a trust responsibility for Indians and their health care. We don't meet that responsibility very well.

There is wholesale rationing going on with respect to health care for American Indians. Nobody likes to talk about it. Around 60 percent of health care needs of American Indians are being met, and about 40 percent of the needs are unmet. That estimate comes from the Indian Health Service. It is not one they advertise, but it is one you can pry out of them if you are persistent enough.

We spent twice as much money per person on health care for Federal prisoners than we do to support our trust responsibility of health care for American Indians.

Let me say that again. We have a responsibility for the health care of Federal prisoners because they are incarcerated. We spend twice as much per person for their health care than we do to provide the health care that we are responsible to provide to American Indians. That ought not be a source of pride for anybody in this Chamber or the other Chamber who is involved in the discussions about these issues.

Let me describe, if I might, through the stories of a couple of Native Americans, what they face with respect to health care and why there is such an urgency to pass the Indian Health Care Improvement Act. That reauthorization is long overdue, and I hope it will be accomplished today in the Senate.

Let me tell you about an 80-year-old elder who is a diabetic and living on an Indian reservation. This 80-year-old diabetic fell while tending to her garden and broke her leg in two places. The break was so severe that there was a bone sticking out of her ankle. This 80-year-old woman went to the hospital. The doctor sent her home with painkillers.

She then went to another hospital and was told the condition was not priority 1, which means "life or limb," and, therefore, she was not able to get care.

She went to a third hospital, limped in, and finally received some care—the third stop, with a bone sticking out of her leg.

What is this "life or limb"? It means that under what is called contract care for American Indians—one tribal chairman on a reservation in my State said, we understand: Don't get sick after June. If you do, there is not any money available to you. If it is not "life or limb," if it doesn't threaten your life or limb, we are sorry, you are out of luck; no health care service for you.

Another American Indian with diabetes called in for a prescription drug refill for insulin. He was told he should come in and get blood work done first. It was 2 weeks before he could get that blood work. So he was without the insulin he needed for almost 2 weeks. As a result, this person will likely require dialysis because he couldn't get his prescription filled in a timely manner.

This is a picture of a woman who said it was all right for me to use her picture. Her name is Lida Bearstail. Lida Bearstail went to a clinic because of knee pain. Her condition was one in which the cartilage had worn away in her knee so that the bones in her knee were rubbing against each other, causing her great pain and great discomfort.

If that happened to us or one of our families with our health care system, my guess is a doctor would recommend knee replacement surgery, and we would go in and have some knee replacement surgery. But her pain and her limb and the cartilage being gone and bone rubbing against bone was not deemed life or limb or a "priority 1" medical condition. She was just given pain medication. She tried a second time. Again denied.

The question is: What would happen with us? We would get knee surgery. What happens to Lida Bearstail? She limps, has trouble walking, and probably someday will not be able to walk. Knee surgery is not in her future. It is not life or limb, not a priority, not a priority for Lida.

Let me describe the circumstances of another woman. And she also has given me permission to use her picture. This is Ardel Hale Baker. I want to tell you about Ardel Hale Baker. A couple of months ago, she had chest pain—very serious chest pain—that wouldn't quit. Her blood pressure was very high. So she went to the Indian Health Service clinic, and she was diagnosed as having a heart attack. She needed to be sent immediately to the nearest major hospital.

They said: You need to go in an ambulance.

She said: Is there a chance I can go in something other than an ambulance? She was thinking—she was having a heart attack, but she was thinking: "I am going to get billed for this and I don't have any money," because if you are not "priority 1," you may end up having to pay the bill. And if you don't have the money, it ruins your credit

rating and credit companies come after you.

Anyway, she said: I would not like to go in an ambulance. Can I go in a private vehicle?

They said: No, you have to go in an ambulance.

When she arrived at the hospital, the nursing staff was lifting her off the gurney and putting her on a hospital bed. As they lifted Ardel Hale Baker off the gurney, they found something taped to her leg. This woman was having a heart attack, and they found a piece of paper—this piece of paper—taped to her leg.

It had her name on it. It says: Hale, Ardel. Then it says: "You have received outpatient medical services. This letter is to inform you your priority 1 care cannot be paid for due to funding issues."

So this woman is taken off a gurney to be placed on a hospital bed, having a heart attack, and a hospital worker finds a piece of paper taped to her leg saying: Oh, by the way, this isn't "priority 1." This won't be paid for.

This sort of incident is unbelievable, and it is going on in this country in Third World conditions on Indian reservations because the health care that is available—or should be available—is not available under the circumstances in which it is needed. Again, we have a tribal chairman that has said in public hearings in the Congress: "On our reservation, we understand. Don't get sick after June because the money has run out and you are not going to get health care." So we have a woman going into a hospital with a paper taped to her leg, having a heart attack, that says, "We are sorry, this won't be paid for."

If ever there is an understanding of the need for fast reauthorization of the Indian Health Care Improvement Act, that ought to be it.

I expect Senator McCain and I and others who have worked for months on this piece of legislation—in fact, for several years on this piece of legislation—I expect all of us share the same hope today: that the Senate will have advanced this measure and given some hope to people who are waiting for improvement in health care on Indian reservations. In too many cases, there are people who feel left out, left behind. They feel hopeless and helpless.

I have spoken on this floor about a young girl named Avis Littlewind. Avis Littlewind was 14 years old when she killed herself. She, like others, as we find clusters of teenage suicides on reservations, apparently felt there was no hope. She laid in her bed for 90 days, missing 90 days of school. Her sister committed suicide 2 years prior to that.

The fact is, when you go talk to these kids—and I have, I talked to Avis Littlewind's classmates. I went to the Standing Rock Reservation and talked to a group of kids with no other adults present. They were high school kids, and I talked to them about their lives. There was a cluster of teenage suicides

on that reservation. We understand that just the basics we expect don't exist for them—the basic mental health treatment. When they reach out, there is no one there. One woman was in tears as she said: We don't have proper mental health treatment. We don't have enough of it here. In order to transport a kid who needs to see a professional, I would need to borrow a car. I would need to beg somebody to give me a car to take them to someone who can see them.

That is what is going on. This country can do better than that. We have a responsibility to do better than that. We have a trust responsibility for these health care needs. My hope is that today the Senate will agree by unanimous consent to pass the Indian Health Care Improvement Act, the reauthorization that is so long overdue.

Mr. President, I yield the floor.

# UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

## ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, on behalf of the Republican leader, I now ask that the Senate proceed to Calendar No. 565, H.R. 5684, as provided for under the order of September 14, 2006; provided further that at the conclusion of my remarks on H.R. 5684, the Senate proceed to a period of morning business with Senators permitted to speak up to 10 minutes each.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota controls up to 60 minutes.

Mr. DORGAN. Mr. President, that probably isn't good news to some, but that is the way it is. I want to talk about the Oman Free Trade Agreement.

It is unbelievable to me that in a week in which there was an announcement, on Thursday morning, that the trade deficit for 1 month has now reached \$68 billion—a \$68 billion 1-month trade deficit—in that week we bring to the floor of the U.S. Senate the Oman Free Trade Agreement. We must have a bowling alley in our brain or something. The Oman Free Trade Agreement. What on Earth can be rattling around in the collective brains of public servants? Well, maybe I should modify that. Maybe I shouldn't be quite so harsh.

Look, we are up to our necks. We are choking as a country on trade deficits. Last year it was over \$700 billion a year; \$2 billion a day every single day. We don't owe that to ourselves, as you can make the case with respect to the budget deficits. We owe that to other

countries, and we are going to have to repay it. Over one-half is owed to the Chinese and the Japanese. Yet, interestingly enough, when it is announced this week that we have a \$68 billion monthly trade deficit, the highest in history, this Congress snored right through it, just yawned right on through it, snored through it. So did the White House. Did you hear anybody talk about it? No. I came to speak about it briefly, but the fact is, it doesn't matter. Be happy. It is OK. It will be better tomorrow. In fact, let's do more of the same. Let's bring another free-trade agreement to the floor of the Senate.

We are now negotiating nine of them—nine new trade agreements. This free-trade stuff—you know, the next time I hear people use that term—and it is used all the time—free trade, I will want to put a robe on them and get them on a street corner and give them one of those cymbals and they can chant. It is nonsense—free trade. It means nothing to me.

What means something to me is fair trade. Yes, I believe in trade, and plenty of it. Let's expand in trade. Let's demand as a country that it be fair. I have on so many occasions given dozens of examples in which we sell out this country's interests in trade negotiations. I am not going to go through all of that today because I am going to talk about this so-called Oman Free Trade Agreement. But I will, as I reserve a portion of my 60 minutes, come back Monday and provide the rest of the demonstration of how bankrupt our trade strategy has become and how determined virtually all of those who support it are to ignore the bankruptcy of that policy.

On June 29 of this year, we sent the Oman Free Trade Agreement from this Chamber, and now it comes back in the form of a conference report. Oh there are lots of things going on in the world we probably ought to talk a little bit about. We could talk about Iraq, perhaps North Korea, Iran, or terrorism. We have enormous foreign policy challenges, unlike any we have ever seen in our lifetimes. We can talk about domestic policies such as energy prices. We could talk about rising health care costs. We could talk about the fact that the Federal Government is going to borrow on fiscal policy, budget policy, very close to \$600 billion in the coming year. The Federal Government is going to borrow from foreign countries in trade debt somewhere close to \$800 billion in the coming year. That is well over \$1.3 trillion in 1 year, or 10 percent of the entire GDP of this country.

Nobody seems very alarmed about that. They don't want to talk about it even. We could talk about all of those things, and perhaps we should. That ought to be the bull's-eye of public policy in terms of doing what we should do in matters that are important, but are we doing that? No. No, we are not doing that. We don't quite have time to

do that. We have to deal with the Oman Free Trade Agreement.

Let me tell my colleagues, there are about 400 organizations across this country that oppose this free-trade agreement: organized labor, communications workers, Defenders of Wildlife, Friends of the Earth, League of Rural Voters, National Farmers Union, the Presbyterian Church, the Sierra Club, the United Methodist Church, United Students Against Sweatshops, the Western Organization of Resource Councils. So it is a pretty significant group of interests around this country that oppose this trade agreement. Not that they have anything against the country of Oman; most of us have never been to Oman. It is just that this country has a responsibility to start fixing the massive problems it has created in previous trade agreements before negotiating new ones. As I said, there are nine being negotiated, and they are all going to come through here, and we will have compliant Members of the Senate deciding that.

Before they come, do you know what we would like to do? We would like to put a straightjacket on ourselves so that we can be prevented from offering amendments. God forbid that we have an original thought and actually offer an amendment to improve a free-trade agreement. We will do something called fast track and prevent ourselves from offering any amendments. So that is what will happen.

Let me tell my colleagues about the ugly side of free trade, if I might. It is called sweatshops, sweatshops in Jordan. This is from the New York Times, by the way. It says that we did a free-trade agreement with Jordan, which is the only trade agreement done under the Clinton administration, the only trade agreement that had labor protections in the agreement—the only one. Oman doesn't, and none of the others do, but this one had protections for workers in the agreement, which I very strongly support.

But let me tell my colleagues about workers in Jordan. Despite the fact this trade agreement with Jordan actually had protections for workers, here is what was happening in Jordan. We had people coming over to Jordan, being sent over to Jordan from Bangladesh and from other very poor countries, and they were working in sweatshops. They were promised \$120 a month and, in some cases, they were hardly paid at all. One worker was paid \$50 for 5 months of work. At some factories, 40-hour shifts were common.

Let me say that again. Not 40-hour workweeks—40-hour shifts. So we had people not being paid, or being paid miserably poor wages, and being worked 40-hour shifts. There were frequent beatings of workers who complained. And these factories in Jordan were flying in plane loads of workers from countries such as Bangladesh to work in slave-like conditions. Then they fly in Chinese materials, in this case textiles, to those same factories,

and what you end up with is workers who are working, in many cases, 120 hours a week, turning Chinese cloth into clothing to be sent to the United States.

So the consumer says: Isn't that nice. Well, it is not nice. The consumer doesn't understand where it is made and the conditions under which it is made. If it happened here today, we would get law enforcement, drive down the street, open those factories' doors and arrest the folks who were employing those people. We have already had these examples which have been highly embarrassing to people who want to market products made in sweatshops. We all heard Kathy Lee Gifford cry when her products were made in sweatshops, and even Puff Daddy, I guess he actually changed his name to Puff Daddy and then just Diddy. I don't know what that is about. But Sean Combs—Puff Daddy—who was having his clothes made in Honduras—and we had two women from that factory in Honduras come and testify here about the conditions.

Now, contrary to many others, let me say a word for Puff Daddy, P. Diddy or Diddy or whatever his name might be. He actually took an interest. When he discovered those contracting to produce his clothing were putting people in conditions like that, he actually changed things in Honduras where those shirts were made. So I say: Good for him. But my point is, this is going on all over the world. When we see these examples of sweatshops, this is being done in the country of Jordan where we have these labor standards in our agreement. It didn't matter. They flew in Bangladeshi workers and Chinese textiles to produce products to send to the United States to be sold to big box retailers. And we are supposed to compete against that? And we lose half our textile industry in this country. Why? Because they can't compete. They are told: You can't compete; it is over. That is why we don't make one pair of Levi's in America. Did you know that? There is not one pair of Levi's made in America.

I have talked before about the dancing grapes of Fruit of the Loom underwear. There was one guy dressed up as white grapes, another guy dressed up as red grapes, and they danced on television and sung about how wonderful their Fruit of the Loom underwear was. Not one pair of Fruit of the Loom underwear is now made in the United States, and not one pair of Levi's. I actually brought a picture of the grapes. We don't know who these guys are. All I know is they are no longer American grapes, they are Mexican grapes because Fruit of the Loom went to Mexico and they went to China.

So the point is this: We have a serious trade problem. It is not just textiles, it is not just manufacturing. One-half of the Fortune 500 companies are now outsourcing software development.

I told the story on the floor of the Senate about Natasha Humphreys, a

young woman I spoke to on the phone not too long ago. She did everything right. She is a young African-American woman who went to Stanford. She got her college degree and then went to work for Palm Pilot. By the way, her last job at Palm Pilot before she lost her job was to train her successor from India who would work for one-fifth of the price. So my point is, it is not just manufacturing and textiles, it is high tech, it is many other jobs as well.

In fact, there are some leading economists who say there are 40 million to 50 million additional American jobs that are subject to outsourcing. So what do we do? We negotiate new free-trade agreements, this one with Oman.

Let me talk about Oman for a moment. Oman is a country of 3 million people. One-half of the people—excuse me—one-half of 1 million of those people are actually foreign guest workers. And the majority of Oman's workers involved in manufacturing or construction are not from Oman. The majority of workers are foreigners brought in from Bangladesh and Sri Lanka, Indonesia, under labor contracts to work construction and factories.

So here is what the 2004 U.S. State Department said about human rights in Oman. Our U.S. State Department cited the country of Oman for cases of forced labor, and in 2004 put out this 2004 report on human rights in Oman:

The law prohibits forced or compulsory labor, including of children. However, there were reports that such practices occurred. The government did not investigate or enforce the law effectively. Foreign workers at times were placed in situations amounting to forced labor.

So we now do a free-trade agreement with Oman. It doesn't matter to us. Whatever happens, happens, I guess. By the way, the Sultan of Oman, 2½ years ago, issued a Sultan decree which categorically denies workers the right to organize. So we are going to sign up to a free-trade agreement with them. The Sultan of Oman, however, has written to the USTR and promised he will improve labor laws by October of this year—coincidentally, 1 month after we vote on the Oman Free Trade Agreement.

The Finance Committee of the Senate held a mock markup, I guess it was. They called it a mock markup; they marked up the Oman Free Trade Agreement. When they did that, Senators CONRAD and BINGAMAN offered an amendment that said sweatshop products made in Oman under slave-like conditions would not be allowed under this free-trade agreement. That passed unanimously in the mock markup.

It is pretty unbelievable that we have a mock markup. In fact, with some markups, we may not even have to name them "mock markups," but nonetheless they named this a "mock markup."

In the mock markup, two of my colleagues offered an amendment that said sweatshop products made in Oman under slave-like conditions will not be

allowed under the Oman trade deal. That passed unanimously. But this trade deal which is before the Senate now, just a couple of months later, doesn't have that. It just got dropped. Is there somebody out there who is supporting having products coming in made under slave-like conditions in Oman? Is that how it got dropped? If that is so, who is that? Might we have their names? Is there anybody in this Chamber, anybody in the Senate who would volunteer that they support products being produced in sweatshops under slave-like conditions, and because they support that they objected to this amendment and demanded the amendment be dropped, an amendment which was passed unanimously in a mock markup? It is unbelievable to me, what is going on around here.

Let me mention something else. As you know, earlier this year we had a situation where a company owned by the United Arab Emirates, called Dubai Ports World, got the contract to manage American ports at six American cities. The contract to manage America's seaports became very controversial. I was involved in it because I don't think we ought to have a company owned by the United Arab Emirates managing our seaports. No aspersions against the United Arab Emirates. It seems to me, at a time when we are talking about the issue of security at America's seaports, which can be among the most vulnerable of American targets, it doesn't seem to be very smart to say: Let's turn the management of our seaports over to the United Arab Emirates or to a company owned by them. It just doesn't seem smart to me.

There were objections. There was a firestorm of objection from the Congress, Republicans and Democrats. The President said: I endorse the takeover of the shipping operations at six major U.S. seaports, and he pledged to veto any bill Congress might approve that would block the agreement. He said: If you pass a bill that says the UAE company, Dubai Ports World, can't manage seaports, I am going to veto the bill. But then they got, I think, Dubai Ports World to agree to back away somehow. They have not yet divested, but they are trying to find someone else to manage these ports.

But I want to make sure everybody understands. In this free-trade agreement—here is what is in the free-trade agreement with Oman, and it has been in previous free-trade agreements as well. There is a provision in this agreement that says we cannot block Oman from acquiring some things. Under the free-trade agreement, we cannot block Oman from acquiring landside aspects of port activities, including operation and maintenance of docks, loading and unloading of vessels, marine cargo handling, operation of piers—in effect, we have a provision that protects, for example, Oman's right to be managing America's seaports.



I don't understand how this works. Maybe somebody looking at me and listening to me will say: Hey, you don't. But I really don't understand the logic of putting in a free-trade agreement preferred activities that say we are going to protect the right of Oman to run America's port system; they have a right to do that.

Someone else will say to me: That is true, that is what is in the free-trade agreement, but there is also a circumstance where the President can override that as a result of national security.

Yes, but this President has already said he fully supports having a foreign government-controlled company running America's seaports. He is wrong about that; he is just dead wrong. He needs to rethink that position. But if we have a President who already said: I believe we ought to have a foreign company run America's seaports, and it is fine with me whether it is the UAE or Oman, there is no provision here that is a failsafe provision so that the President will decide: OK, I understand it is in the free-trade agreement they can do that, but I am going to invoke some sort of national security objection.

My sense is that most people do not know this is here, or if they know it is here, either they do not care or they think it is fine, to turn over the ports in New York and New Jersey and Florida and Louisiana to foreign control, foreign management.

We have spent a lot of time here this week talking about port security. I think we have 7 million containers coming into this country on container ships. We are going to spend \$10 billion this year, roughly, to protect us against an incoming missile with a nuclear warhead on it. We are worried about a rogue nation or terrorist group acquiring an intercontinental ballistic missile and putting a nuclear weapon on the tip, so we are trying to create a catcher's mitt, in effect trying to hit a bullet with a bullet. We are going to spend \$10 billion this year.

The most likely threat, of course, is that 1 of the 7 million containers that comes into this country has in it a weapon of mass destruction, perhaps a stolen nuclear weapon from the Russian arsenal, and it pulls up to an American dock—not at 17,000 miles an hour, but it pulls up at 2 or 3 miles an hour and it pulls up to a pier at a major American city and we have a detonation of a nuclear weapon. That is far more likely than having a rogue nation or terrorist group acquire an ICBM. But we spend pennies on that and spend billions of dollars trying to create a catcher's mitt, trying to hit a bullet with a bullet in the sky. It is beyond me how this fits any thoughtful logic, and it is beyond me how this provision in a trade agreement provides individuals any security for this country at all. It does not. It injures this country's opportunity for good security, in my opinion.

This trade agreement really needs to be defeated. It will probably not be because we don't have thoughtful debates. We by and large have pretty thoughtless minidebates about trade these days. But I think one of these days, when the trade deficit is announced—this week at \$68 billion just for 1 month, \$800 billion a year—one of these days, the American people are going to say: Wait a second, doesn't that mean we are selling our country?

And the answer is yes. Today is Friday. We will import from other countries about \$2 billion more in value of property than we will export to other countries. That means we will pay for that by putting currency in the hands of others. Over half of it will be in the hands of the Chinese and Japanese. With that currency, they then buy part of our country—stocks, bonds, companies, real estate. We are literally selling part of our country every single day to the tune of \$2 billion a day.

Don't take it from me; take it from Warren Buffett and many others who understand that this is unsustainable. Two years ago, Alan Greenspan said that when you reach 5 percent of your GDP as a trade deficit, you are reaching waters—levels that are unsustainable and are going to cause serious economic harm. Now we are well over that 2 years later. He was right then, and he is right now.

We have to take action. This country has to care and begin to take action. You can't continue to sell part of your country. You can't consume 6 percent more than you produce year after year and then pay foreigners to produce it for us and put it in their hands, currency with which they buy this country.

I noticed the other day that we sold Wham-O to the Chinese. It is probably not a big deal—Hula Hoops, Frisbees, and Slip 'N Slide. Every kid knows Wham-O. But if you take a look at what is being transferred from this country—our assets, company after company—to the Chinese and then you evaluate whether this is sustainable and whether this is the course on which America wants to remain, the answer should be no.

I haven't talked much about jobs. I will do that, I believe, on Monday prior to the time we will have a vote on the Oman Free Trade Agreement. But this is about the economic health and strength of our country. No country will long remain a world economic power without a strong manufacturing base, and no country will remain a world economic power without being able to expand its middle-class people. We have done that in a century. We have expanded the middle class and created economic growth unlike we have ever seen on this Earth. And now we are beginning to see that taken apart, people having more trouble finding a good-paying job.

Incidentally, of all the things we work on in this Chamber, there is no social program as important as a good

job that pays well. We are now seeing American workers being told: You are going to compete against others who will work for 30 cents an hour. That means lower wages for you. We require higher productivity; we are going to give you lower wages and less retirement.

It takes apart the social compact we built in this country, that expansion of the middle class which created the economic expansion which created the greatest economy on the face of this Earth.

For all those reasons, this is a horrible trade agreement. I just touched on a part of it. I will finish on Monday. This is another chapter in a sad book of failures that no one wants to read very carefully. But my hope is that one of these days this Senate will wake up, this Congress will wake up, this President will wake up and decide: No more free-trade agreements. Let's fix the problems we have created before we negotiate new ones. Yes, let's have a goal of expanding trade. Trade can be good, but trade between trading partners must be mutually beneficial, and trade agreements that are free but not fair undermine this country's interests. We should aspire to have fair trade agreements that expand our opportunities, not retard our capabilities; help lift others up, not push us down. That ought to be our goal.

Mr. GRASSLEY. Mr. President, I would like to dispel claims being put forward by some that the U.S.-Oman Free Trade Agreement will threaten U.S. national security. These critics of the agreement claim that it will give foreign port operators an absolute right to establish or acquire operations to run port facilities in the United States. They contend that, in this way, the U.S.-Oman Free Trade Agreement could harm our national security. These claims are just plain wrong.

First of all, the U.S.-Oman Free Trade Agreement provides no new rights for Omanis or others to supply port related services in the United States. Omani companies are presently able to supply such services. The Oman agreement simply mirrors current U.S. law. So it is incorrect for anyone to claim that this trade agreement creates new rights for Omanis or others to contract with U.S. port owners to perform port services.

In addition, U.S.—law specifically the Exon-Florio amendment to the Defense Production Act of 1950—authorizes the President to block foreign investment that would threaten our national security, including investments in port operations. The President delegates the authority to monitor and review foreign investments to the Committee on Foreign Investment in the United States, or CFIUS. This free-trade agreement will not change the process of CFIUS in reviewing proposed investment in the United States. Thus, if the President determines that the investments of Oman or other countries in port services in the United States



will threaten our national security, U.S. law provides that he can block such investments. The U.S.-Oman Free Trade Agreement in no way changes this existing law.

Moreover, the U.S.-Oman Free Trade Agreement at article 21.2 contains a "national security" exception. This article provides that nothing in the agreement can prevent the United States from taking any action that we consider necessary to protect our essential security interests. This exception is self-judging, which means that solely the United States can decide what constitutes our essential security interests. Contrary to the claims of some critics, neither an investor-state arbitration tribunal nor a dispute settlement panel has the authority to second-guess what the United States determines to be in its essential security interest. After all, once the United States invokes the national security exemption, there's nothing for a tribunal or panel to review.

So it is clear that the U.S.-Oman Free Trade Agreement doesn't diminish the right of the United States to determine whether to block any foreign investment in our country, including in port services. It is also clear that the Oman trade agreement doesn't create any new rights for Oman to supply port related services in the United States. Anyone who says otherwise is ignoring the facts.

The U.S.-Oman Free Trade Agreement will benefit the United States. It will not pose security threats for the United States. If it did, I wouldn't be supporting it. I urge my colleagues to vote for H.R. 5684, the U.S.-Oman Free Trade Agreement Implementation Act.

I yield the floor.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will return to morning business.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

Mr. OBAMA. Mr. President, today marks a victory for government transparency and a victory for democratic accountability. By passing the Federal Funding Accountability and Transparency Act of 2006, the House of Representatives and the Senate have brought a little much-needed sunlight to the world of government spending.

This bill requires the Office of Management and Budget to ensure that a

free, searchable Web site is available to Americans to access information about Federal grants, contracts, loans, and other financial assistance. The Web site will make public important oversight information including the name and location of an entity receiving an award, a description of the purpose of the funding, the amount of funding, the type of transaction, the primary location of performance under the award, the funding agency, and any other relevant information specified by the Office of Management and Budget. Existing Federal databases, such as the Federal Procurement Data System, FPDS, the Federal Assistance Award Data System, FAADS, and Grants.gov, contain other public information that may also be made available through the new Web site.

Current law requires that certain information related to the use of competitive or noncompetitive procedures in procurements be included in FPDS. Executive agencies must provide competition information for each procurement transaction, including the extent to which the procurement was subject to competitive procedures, the type of solicitation procedure used, whether the procurement was awarded using a socioeconomic program set-aside, and, when applicable, the reason for a non-competitive procurement. This information is available to the public through FPDS.

It is my expectation that the Office of Management and Budget will ensure that all relevant information on the use of competitive or noncompetitive procedures will be included in the information made available through the Web site. Since the collection of this information is already mandated and the information is made publicly available, its inclusion on the searchable, user-friendly Web site should not cause any additional burden or complexity.

Mr. President, I would like to ask my friend from Oklahoma and the author of this legislation, who has tirelessly fought to improve government accountability, if he shares my expectation that the new Web site will include information on the use of competitive procedures.

Mr. COBURN. I thank the Senator from Illinois. I share his understanding of this legislation and also his expectation that the Web site will include information about the use of competitive procedures.

Mr. OBAMA. I thank the Senator from Oklahoma for his leadership on this issue. I am grateful for our partnership to improve the efficiency and effectiveness of government services. I am confident that our efforts to reduce the use of noncompetitive procedures will save taxpayer money and improve the quality of contracted goods and services.

I would also like to inquire of the distinguished chair and ranking member of the Homeland Security and Governmental Affairs Committee who were instrumental in bringing this legislation

through committee and ensuring its passage by the Senate.

I would ask Madam Chairman, if it is her expectation that information on the use of competitive or noncompetitive procedures for the financial transactions reported on the Web site created through the Federal Funding Accountability and Transparency Act of 2006 will be available on the Web site, so that citizens will have straightforward access to comprehensive information on federal awards?

Ms. COLLINS. I would assure the Senator from Illinois that that is indeed my expectation.

Mr. OBAMA. I thank the distinguished chairman of the Homeland Security and Governmental Affairs Committee. The American people are well served by her leadership and the diligence of her excellent staff. Let me further note that all of us are well served by the productive working relationship that the chairman shares with the ranking member. The bipartisan nature of this bill is a testament not only to the broad support for the idea itself but also to the cooperative manner in which the Homeland Security and Governmental Affairs Committee conducts its business.

So let me ask the committee's ranking member and my good friend from the State of Connecticut, who has long been a champion of good government and transparency, whether he shares our understanding that this new Web site will include information on the competitive or noncompetitive procedures used in government contracting for goods and services.

Mr. LIEBERMAN. Mr. President, I agree with the Senator from Illinois and do expect that publicly available information about the procurement procedures used in government contracting will be made available through the Web site.

Mr. OBAMA. I thank the Senator from Connecticut. It has been my privilege to work with him on this issue. Transparency is the first step to holding government accountable. We can't reduce waste, fraud, and abuse or improve fairness and efficiency without knowing how, where, and why Federal money is being spent. And we cannot ensure that Americans are getting the best quality and the best prices on government contracts without being able to evaluate the types of procedures used to procure goods and services. Whether you believe the government ought to spend more money or spend less, we can all agree that the government ought to spend every penny efficiently and transparently. If the procedures by which the government spends money, or those expenditures themselves, can't withstand public scrutiny, then the taxpayers' money shouldn't be spent. The American people deserve no less.

## HONORING OUR ARMED FORCES

MARINE CORPORAL JORDAN PIERSON

Mr. DODD. Mr. President, I rise to speak in honor of U.S. Marine Corps Corporal Jordan C. Pierson, of Milford, CT, who was killed in Iraq on August 25, 2006. He was 21 years old.

Corporal Pierson, a member of Charlie Company, 1st Battalion, 25th Marine Regiment, died from hostile gunfire while on foot patrol in Fallujah, Iraq.

Corporal Pierson joined the U.S. Marine Corps in December 2003, just a few months after graduating from Joseph A. Foran High School in Milford. He was adamant about his decision to join the Marines. As a young man who loved the military from an early age, Jordan found his calling in the principles and discipline of the Marine Corps. He postponed his studies at the University of Connecticut, where he was taking courses in business and psychology, to serve in Iraq. During his deployment he was wounded by shrapnel from an insurgent grenade and was awarded the Purple Heart. After treatment at Camp Fallujah, he bravely returned to combat, exhibiting great dedication to his fellow marines and his Nation.

Jordan's positive spirit and selflessness were an inspiration to all those around him, whether friends, family, or the men and women he served with in the Marine Corps. He represented the very best features of American patriotism. Among his fellow marines, his enthusiasm was contagious, and he often reminded them of the difference they were making in Iraq. To his childhood friends, he was a refuge in times of trouble and a constant source of entertainment. Never forgetting about the family he left behind, Jordan sent money home every month without ever being asked.

People like Corporal Pierson make it possible for us to live each and every day in freedom, peace, and security. They have made the ultimate sacrifice to protect their fellow citizens and our Nation, and we must never forget their heroic service.

So today I salute the courage and commitment of U.S. Marine Corporal Pierson, a young man who lived his life to the fullest and died fulfilling the noblest of callings, defending our Nation and the values we hold dear. I offer my deepest sympathies and support to his parents, Eric and Beverley, his brother Ethan, and to everyone who knew and loved him.

## ADDITIONAL STATEMENTS

## TRIBUTE TO DR. ROBERT H. LAMB

• Mr. HATCH. Mr. President, today I pay special tribute to a wonderful man, exceptionally gifted physician, and loving husband, father, and friend—Robert H. Lamb, M.D.

I am sad to note that Dr. Lamb recently passed away at his home in

Utah, leaving a tremendous void in the lives of all who knew him. Dr. Lamb dedicated his life to the practice of medicine and healing. His example of service and dedication to the health and well-being of people across Utah was truly extraordinary.

Dr. Lamb received his medical degree from Jefferson University in Philadelphia and began his medical service as an intern at the Pennsylvania Hospital. His long and storied medical career included service as a general surgical resident at the original St. Mark's Hospital in Salt Lake City, followed by service in the U.S. Army as the chief of the surgical service in the Station Hospital in Fort Hood, TX. After his release from the Army, he went on to work as a resident orthopedic surgeon at the Cleveland Clinic in Cleveland, OH.

In 1951, he moved his young family back to Salt Lake City to begin his medical practice which encompassed work first at Shriner's Hospital, then the University of Utah Medical Center and St. Mark's Hospital.

During his professional life, he served in many leadership positions, including the president of the medical staff of St. Mark's Hospital and Shriner's Hospital; as a board of trustees member of St. Mark's Hospital, and later as the chairman of the board of St. Mark's. Until his death, he continued to serve as a lifetime honorary ex-officio member of the St. Mark's board of trustees.

Dr. Lamb was not only dedicated to his patients, he was dedicated to the field of medicine. He spent years tutoring and mentoring future medical professionals and helped train some of Utah's finest doctors. The knowledge and enthusiasm he shared with all those who had the privilege of working by his side provided the impetus for many future physicians and other dedicated medical personnel.

Many of Dr. Lamb's patients have described him as "gentle", "caring", and "dedicated"—all sentiments I share. I had the honor of visiting Dr. Lamb as a patient, and I can truly attest to his knowledge, compassion, and high-quality care. I appreciated his concern for me and my health and will forever be grateful to him for his dedication to medicine.

The respected English philosopher and poet Samuel Taylor Coleridge beautifully described what many feel regarding Dr. Lamb's dedication and service when he made the statement, "He is the best physician who is the most ingenious inspirer of hope." Dr. Lamb always treated his patients with utmost care and respect, and above all else he always strived to inspire hope.

Dr. Lamb was not only a great physician, but he was also a dedicated husband, father, and grandfather. I know that his wife Mary, and his 5 children, 10 grandchildren, and 5 great-grandchildren will miss him deeply. My greatest hope is that they will be able to find peace and comfort from the memories they have of his exceptional life.

I am grateful that I had the privilege of knowing Dr. Robert Lamb. His life's work has touched literally hundreds of Utahns, and his memory will live on through the better health and well-being he imparted to many. The lessons he taught and the service he performed leave an indelible imprint which will inspire and teach generations to come.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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

## ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed today, September 15, 2006, by the President pro tempore (Mr. STEVENS):

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

H.R. 866. An act to make technical corrections to the United States Code.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

At 11:13 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2965. An act to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes.

H.R. 6033. An act to designate the facility of the United States Postal Service located at 39-25 6pt Street in Woodside, New York, as the "Thomas J. Manton Post Office Building".

The message also announced that the House agreed to the resolution (H. Res.

1011) requesting the Senate to return to the House the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 2590. An act to require full disclosure of all entities and organizations receiving Federal funds.

S. 2784. An act to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

#### MEASURES REFERRED

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

H.R. 2965. An act to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6033. An act to designate the facility of the United States Postal Service located at 39-25 61st Street in Woodside, NY, as the "Thomas J. Manton Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 15, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3679. A bill to authorize appropriations for the National Transportation Safety Board, and for other purposes (Rept. No. 109-335).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

S. 1321. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications (Rept. No. 109-336).

#### 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 Mrs. DOLE:

S. 3903. A bill to redesignate the Special Textile Negotiator of the United States Trade Representative as Chief Textile Negotiator and confer the rank of Ambassador upon that position, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS:

S. 3904. A bill to extend the generalized system of preferences program under the Trade Act of 1974, to extend the Andean Trade Preference Act, to extend certain trade preferences under the African Growth and Opportunity Act, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 3905. A bill to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Mr. HARKIN):

S. 3906. A bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance; to the Committee on Homeland Security and Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DODD (for himself, Mr. ENSIGN, Mr. JEFFORDS, Mr. KENNEDY, Mr. BURR, Ms. MIKULSKI, Mr. COCHRAN, Mrs. MURRAY, Mr. SPECTER, Mr. REED, Mr. DOMENICI, Mrs. CLINTON, Ms. SNOWE, Mrs. BOXER, Ms. MURKOWSKI, Ms. STABENOW, Mr. CORNYN, Mr. BIDEN, Mr. BURNS, Mr. DURBIN, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LAUTENBERG, Mr. SALAZAR, Mr. KERRY, Ms. LANDRIEU, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. CARPER, Mr. KOHL, Mr. DAYTON, Mr. PRYOR, Mrs. LINCOLN, Mr. FEINGOLD, Mr. BAUCUS, Mr. NELSON of Nebraska, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. INOUE, Mr. SARBANES, Ms. COLLINS, Mr. MARTINEZ, and Mr. SCHUMER):

S. Con. Res. 116. A concurrent resolution supporting "Lights On Afterschool!", a national celebration of after school programs; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 1057

At the request of Mr. MCCAIN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Kansas (Mr. BROWNBACK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. WYDEN), the Senator from Florida (Mr. NELSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2272

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2272, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for host families of foreign exchange and other students from \$50 per month to \$200 per month.

S. 2323

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2323, a bill to extend the temporary suspension of duty on certain high-performance loudspeakers.

S. 2324

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2324, a bill to suspend temporarily the duty on certain audio headphones.

S. 2325

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2325, a bill to reduce temporarily the duty on certain audio headphones achieving full-spectrum noise reduction.

S. 2330

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2330, a bill to extend the temporary suspension of duty on certain R-core transformers.

S. 2635

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2635, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using

private debt collection companies, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. HARKIN):

S. 3906. A bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce legislation that would correct a unique health insurance problem for some American citizens whose work is devoted to maintaining the memory of President Franklin D. Roosevelt at his Campobello Island retreat near the Maine border.

About 10 U.S. citizens from the State of Maine work in Canada under terms of a treaty that governs operation of the Roosevelt Campobello International Park. As you know, that beautiful island in the Province of New Brunswick was President Roosevelt's treasured retreat, and still draws thousands of visitors from around the world.

The American employees of the Park are, unfortunately, faced with a difficult problem in obtaining affordable health-insurance coverage. The legislation I introduce today would solve their difficulty by making them eligible for coverage under the Federal Employees Health Insurance Benefits Program.

In the spirit of bipartisan recognition that FDR was one of our greatest and most inspiring Presidents, I am delighted to be joined in this effort by Senator HARKIN. His endorsement of this bill is especially notable because he serves on the Roosevelt Campobello International Park Commission, and is thus very familiar with the difficulty of my Maine constituents employed at the Park.

The Roosevelt Campobello International Park was dedicated in 1964 as a unique memorial to former President Franklin D. Roosevelt. The Park is governed by a treaty between the United States and Canada, and is funded by both governments.

The Park employs approximately 10 full-time employees who are American citizens residing in Maine. Unfortunately, the treaty that governs the Park does not address the health insurance needs of individuals employed directly by Roosevelt Campobello International Park. As a result, the State Department issued an opinion in 1965 stating that those employed by the Park Commission, "shall be subject to the relevant Canadian labor laws." Based on the State Department opinion, the Civil Service Commission, the predecessor of the Office of Personnel Management, has determined that the

employees are not considered Federal employees eligible for FEHBP coverage.

The employees currently receive health insurance coverage through a small group plan negotiated by the Roosevelt Park Commission. The premiums have risen so dramatically that they can no longer afford coverage.

The full-time employees are unique in their situation and should be included under the FEHBP for health insurance purposes. This would be a matter of equal treatment as well as compassion for those workers and their families. Full-time employees of other parks that share a border with Canada, like Glacier National Park, while technically the shared responsibility of both the United States and Canada, are eligible for coverage under the FEHBP.

In addition, the location of the Park makes it impractical for these employees to seek medical treatment in Canada even if the government allowed them to join the Canadian health system. The closest doctors and hospitals are in Maine, and the Park is only accessible from the United States.

If the treaty were negotiated today, health insurance would certainly be a part of the negotiations. The situation facing this small group of Roosevelt Campobello Park employees is a consequence of negotiations conducted when health insurance was not a standard employee benefit as it is today.

I hope that my colleagues will join me in supporting this legislation so that U.S. citizens maintaining the Park honoring a great American President will be treated fairly.

By Mr. BAUCUS:

S. 3904. A bill to extend the generalized system of preferences program under the Trade Act of 1974, to extend the Andean Trade Preference Act, to extend certain trade preferences under the African Growth and Opportunity Act, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I introduce the Emergency Trade Program Extension Act of 2006.

For more than 30 years, the United States has opened its vast market to developing countries through trade preference programs. We have done so to encourage greater economic development and openness in those countries. The United States is the largest market in the world. And it is also one of the most open. And this openness has played an important role in economic development, both in the United States and around the globe.

Two important preference programs are set to expire at the end of this year: the Generalized System of Preferences and the Andean Trade Preference Act.

I know that some have criticized these programs, GSP in particular, for being unnecessary, inefficient, or counterproductive. They argue that the majority of the imports that benefit from GSP come from just a handful of mid-

dle-income countries. And they argue that the truly poorest developing countries barely use the program at all. Many of the most active users of GSP—like Brazil, Thailand, Indonesia, and Argentina—have developed strong export sectors. This raises the question of whether they even need preference programs to compete on the world market.

And critics charge that big GSP beneficiary countries like India and Brazil were among the most recalcitrant in supporting greater market access in the Doha Round negotiations. They claim that the active efforts of these countries contributed to the collapse of the Round. Why, they ask, should we keep our markets open to such countries, if they will not open their markets to us?

I am not deaf to these criticisms. I think that there is much truth in them. But before we allow these important programs simply to expire, I believe that we should examine them in detail. We should explore whether and how they might be changed to address valid criticisms. We should understand the effect that canceling them might have on the U.S. image around the world, U.S. diplomatic efforts, and our trade priorities in the Doha Round and elsewhere. And we should give those in the United States who rely upon these programs an opportunity to explain how their interests might be adversely affected by cancelling GSP and ATPA.

The Office of the U.S. Trade Representative recently began a review of the GSP program to look at many of these very issues. That review will not be completed until mid-November, at the earliest. I believe that we should preserve the status quo until we in the Congress have had an opportunity to digest the outcome of that review and conduct our own analysis.

GSP is important to keeping countries engaged in the trade liberalization dialogue. For one thing, these countries are interested in maintaining benefits under the program. As a result, they are more willing to address concerns that we may raise with them. GSP-eligibility has given us leverage to address bilateral trade problems—such as intellectual property protection—and to persuade beneficiary countries to respect international norms on labor rights, human rights, and other matters. And as they gain more experience in international markets, they can see the benefits of liberalization in action. Without GSP, those countries might see China or other big exporters take over their share of our market.

Most of the imports from GSP beneficiaries occur outside the program. U.S. imports from GSP beneficiary countries in 2005 exceeded \$248 billion. Of that, less than \$27 billion—less than 10 percent—entered duty-free under the GSP program.

GSP is much more important to the least developed countries. One-third of the total imports from these countries were under GSP preferences. Many of the least developed countries depend on

GSP to sell their products into the American market. They have worked hard to establish export-oriented industries, but still need the extra boost provided by GSP or other preference programs.

Some of our other preference programs target these very poor countries, including the preferences under the African Growth and Opportunity Act and the Caribbean Basin programs. But for a large number of countries—including Afghanistan, Armenia, Bangladesh, Bosnia-Herzegovina, Cambodia, and Pakistan—there are no other programs to help them compete against other exporters in the U.S. market.

GSP is also important to U.S. competitiveness. Raw materials and components for further processing make up more than two-thirds of the products imported under GSP. For example, GSP imports make up a significant percentage of U.S. total imports of leather processed after tanning—45 percent, ferroalloys—37 percent, aluminum sheets—25 percent, and copper wire—25 percent.

American retailers have taken advantage of the programs to find new products and new sources of supply. And every year, U.S. consumers save millions of dollars because of GSP duty savings.

Trade preferences for our Andean partners have helped curb the production and smuggling of drugs. Trade can encourage diversification out of drug crops, and offer an economic future to people who otherwise are easy prey for narco-traffickers. The Andean preference programs play a significant role in facilitating exports from Colombia, Peru, Ecuador and Bolivia. Almost 60 percent of exports from those countries are covered by these preferences.

Some argue that trade preferences for the Andean countries are now both unnecessary and ill-advised. They say that the preferences are unnecessary because the United States has negotiated free trade agreements with Peru and Colombia. And they say that the preferences are ill-advised in extending benefits to Bolivia and Ecuador, both of which have taken actions and made statements recently at variance with U.S. interests.

While we have negotiated free trade agreements with Peru and Colombia, neither has passed the U.S. Congress. It is far from clear that the U.S.-Peru agreement will even be considered in Congress before the Andean preference program expires at the end of this year, and there is no chance at all that the U.S.-Colombia agreement will be. We should extend the Andean preference program for these countries to avoid a lapse in benefits prior to the implementation of any free-trade agreement with them. Such a lapse would be disruptive to Peru and Colombia. And such a lapse would be disruptive to U.S. businesses, as well.

It may be that there are good arguments for ending the program with respect to Bolivia and Ecuador. But

again, I believe that we should give Congress time to examine these arguments as well as any counterarguments and make a reasoned judgment about the future of the program.

That is why I am sponsoring the Emergency Trade Program Extension Act of 2006. This bill will extend both GSP and the Andean Trade Preference Act for 2 years. This is a short-term extension to allow the Congress to have hearings and consider in depth what should be done with these programs. I do not believe that we should let these programs expire without the benefit of a thorough analysis of their merits and failings.

Some may argue that this legislation is unnecessary. They may say that we can allow these programs to expire, consider them in depth next year, and then renew them retroactively if we so decide. Indeed, we have done that before. But that is very disruptive, both to U.S. businesses and the countries that rely upon these programs. The uncertainty of whether the programs will be renewed retroactively, or renewed at all, undermines the goals of encouraging investment in the beneficiary countries. So we should pass this legislation to maintain the integrity of these programs while we consider what to do with them.

This legislation also includes a 1-year extension of the third-country fabric provisions in the African Growth and Opportunity Act, or AGOA. These provisions are currently set to expire in September of next year. Those provisions allow Africa's poorest countries to import fabric from countries outside of Africa for use in their apparel industries. These third-country fabric provisions have helped create jobs in desperately poor countries like Lesotho, where one textile worker supports numerous family members. U.S. retailers looking to next year's products are making their sourcing decisions now. If they cannot be confident that Africa will continue to be able to import third-country fabric, then they will stop sourcing from Africa. And tens of thousands of jobs could be lost.

This bill is not intended as the final word on AGOA. I fully expect that the next Congress will consider a comprehensive reform of AGOA. Many worthwhile ideas have been proposed. But we do not have time to consider them before Africa will begin to feel the effects of the expiration of third-country fabric provisions next fall. We should give Africa breathing space while Congress completes its work.

The suspension of the Doha Round negotiations at the World Trade Organization has sparked a period of soul searching and debate in the trade community both here and abroad. Our trade preference programs should be part of that debate. It simply makes no sense to look at these programs in isolation from the wider discussion about the future of trade policy. And we cannot look at the future of the trading system without considering the treat-

ment of developing countries in that system.

For all of these reasons, I am proud to sponsor the Emergency Trade Program Extension Act of 2006. I am proud to note, as well, that this bill is a companion to an identical bill introduced yesterday in the House of Representatives by my friend the ranking Democratic member of the Ways and Means Committee, Mr. RANGEL. I applaud his leadership on these issues. And I look forward to working with him to get this important legislation passed into law.

#### SUBMITTED RESOLUTIONS

#### SENATE CONCURRENT RESOLUTION 116—SUPPORTING “LIGHTS ON AFTERSCHOOL!”, A NATIONAL CELEBRATION OF AFTER SCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. JEFFORDS, Mr. KENNEDY, Mr. BURR, Ms. MIKULSKI, Mr. COCHRAN, Mrs. MURRAY, Mr. SPECTER, Mr. REED, Mr. DOMENICI, Mrs. CLINTON, Ms. SNOWE, Mrs. BOXER, Ms. MURKOWSKI, Ms. STABENOW, Mr. CORNYN, Mr. BIDEN, Mr. BURNS, Mr. DURBIN, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LAUTENBERG, Mr. SALAZAR, Mr. KERRY, Ms. LANDRIEU, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. CARPER, Mr. KOHL, Mr. DAYTON, Mr. PRYOR, Mrs. LINCOLN, Mr. FEINGOLD, Mr. BAUCUS, Mr. NELSON of Nebraska, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. INOUE, Mr. SARBANES, Ms. COLLINS, Mr. MARTINEZ, and Mr. SCHUMER) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

#### S. CON. RES. 116

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas “Lights On Afterschool!”, a national celebration of after school programs held on October 12, 2006, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to

keep their doors open and their lights on: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

Mr. DODD. Mr. President, today Senator ENSIGN and I, along with 42 co-sponsors, are submitting a concurrent resolution with the House designating October 12, 2006 as Lights On Afterschool Day. Lights on Afterschool is a national celebration of afterschool programs, designed to promote the critical importance of afterschool in the lives of America's children, families, and communities. This year alone, we expect over 1 million Americans to participate in this important celebration.

Quality afterschool programs keep kids safe, help working families, and improve academic achievement. It has been demonstrated that children in afterschool programs show greater interest in school, learn new skills, exhibit improved behavior and get better grades than their peers. Afterschool programs also build stronger communities by involving our students, parents, business leaders and adult volunteers in the lives of our young people, thereby promoting positive relationships among children and adults.

In America today, more than 28 million children have parents who work outside the home. As many as 15 million of these children have no place to go after school and consequently are missing out on important opportunities to learn and grow. Two-thirds of Americans say that it is difficult to find programs in their communities and that not enough programs are available.

In our work on the Senate Afterschool Caucus, Senator ENSIGN and I have been working for more than a year to impress upon our colleagues the importance of afterschool and are proud to say that 34 of our colleagues have joined the Caucus to date. We hope that they, along with other Members of the Congress, will join us on October 12th to celebrate the importance of afterschool programs in their communities back home.

#### MEASURE PLACED ON THE CALENDAR—H.R. 6061

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

#### UNANIMOUS CONSENT AGREE- MENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that at 2:15 p.m. on Tuesday, September 19, the Senate proceed to executive session to consider Executive Calendar No. 171, Alice Fisher; provided further that there be 90 minutes under the control of Senator LEVIN, 30 minutes under the control of Senator LEAHY, and 90 minutes under the control of Chairman SPECTER or his designee, plus 1 hour under the control of Senator REID, and 1 hour total under the control of Senator FRIST and myself; provided further, that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate, and that following the vote, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 892, 895, 898, and 899.

I further ask unanimous consent that the nominees be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nominations were considered and confirmed en bloc as follows:

#### DEPARTMENT OF STATE

Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

#### DEPARTMENT OF THE INTERIOR

Mark Myers, of Alaska, to be Director of the United States Geological Survey.

#### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

William B. Wark, of Maine, to be Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

William E. Wright, of Florida, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

#### PROTOCOL AMENDING 1962 EXTRA- DITION CONVENTION WITH ISRAEL

#### U.N. CONVENTION AGAINST CORRUPTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to consider the following

treaties on today's Executive Calendar: Nos. 16 and 18. I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

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

Mr. MCCONNELL. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division is requested. All Senators in favor of the resolutions of ratification will stand and be counted.

Those opposed will stand and be counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification are as follows:

[Treaty Doc. 109-3 Protocol Amending 1962 Extradition Convention With Israel]

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Protocol between the Government of the United States of America and the Government of the State of Israel Amending the Convention on Extradition of 1962, signed at Jerusalem on July 6, 2005 (Treaty Doc. 109-3).

[Treaty Doc. 109-6 U.N. Convention Against Corruption]

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

Section 1. Senate Advice and Consent Subject to Reservations and Declarations.

The Senate advises and consents to the ratification of the United Nations Convention Against Corruption (hereinafter in this resolution referred to as the "Convention"), adopted by the United Nations General Assembly on October 31, 2003, and signed by the United States on December 9, 2003, at Merida, Mexico (T. Doc. 109-6), subject to the reservations in section 2 and the declarations in section 3.

#### Section 2. Reservations.

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

(1) The United States of America reserves the right to assume obligations under the Convention in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to the conduct addressed in the Convention. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, serves as an important component of the legal regime within the United States for combating corruption and is broadly effective for this purpose. Federal criminal law



does not apply where such criminal conduct does not so involve interstate or foreign commerce, or another federal interest. There are conceivable situations involving offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Convention. Similarly, in the U.S. system, the states are responsible for preventive measures governing their own officials. While the states generally regulate their own affairs in a manner consistent with the obligations set forth in the chapter on preventive measures in the Convention, in some cases they may do so in a different manner. Accordingly, there may be situations where state and federal law will not be entirely adequate to satisfy an obligation in Chapters II and III of the Convention. The United States of America therefore reserves to the obligations set forth in the Convention to the extent they (1) address conduct that would fall within this narrow category of highly localized activity or (2) involve preventive measures not covered by federal law governing state and local officials. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other States Parties in accordance with the provisions of the Convention.

(2) The United States of America reserves the right not to apply in part the obligation set forth in Article 42, paragraph 1(b) with respect to the offenses established in accordance with the Convention. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in many circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States shall implement paragraph 1(b) to the extent provided for under its federal law.

#### Section 3. Declarations.

(a) The advice and consent of the Senate under section 1 is subject to the following declaration:

The United States of America declares that, in view of its reservations, current United States law, including the laws of the States of United States, fulfills the obligations of the Convention for the United States. Accordingly, the United States of America does not intend to enact new legislation to fulfill its obligations under the Convention.

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

(1) In accordance with Article 66, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 66, paragraph 2.

(2) The United States declares that the provisions of the Convention (with the exception of Articles 44 and 46) are non-self-executing. None of the provisions of the Convention creates a private right of action.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

### ORDERS FOR MONDAY, SEPTEMBER 18, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, September 18. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

### PROGRAM

Mr. McCONNELL. Mr. President and Members of the Senate, next week we will resume consideration of the Oman free trade bill. Under the time agreement, we will have a vote on passage on Tuesday. Senators should expect this vote to occur before our weekly policy lunches. This will be the first vote of the week.

We now also have an agreement to finish a very important nomination, that of Alice Fisher—of Louisville, KY. I might add—to be Assistant Attorney General for the Criminal Division. We will consider that nomination early next week as well. I thank all Members for their attention.

### ADJOURNMENT UNTIL MONDAY, SEPTEMBER 18, 2006, AT 2 P.M.

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:34 p.m., adjourned until Monday, September 18, 2006, at 2 p.m.

### NOMINATIONS

Executive nominations received by the Senate September 15, 2006:

#### SOCIAL SECURITY ADMINISTRATION

MICHAEL J. ASTRUE, OF MASSACHUSETTS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013, VICE JO ANNE BARNHART.

#### DEPARTMENT OF STATE

BARBARA BOXER, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NORMAN B. COLEMAN, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NED L. SIEGEL, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BARBARA McCONNELL BARRETT, OF ARIZONA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CECIL E. FLOYD, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DAVID PALMER, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011, VICE CARI M. DOMINGUEZ, TERM EXPIRED.

#### ELECTION ASSISTANCE COMMISSION

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009, VICE PAUL S. DEGREGORIO, TERM EXPIRED.

### CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, September 15, 2006:

#### DEPARTMENT OF STATE

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

#### DEPARTMENT OF THE INTERIOR

MARK MYERS, OF ALASKA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY.

#### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

WILLIAM B. WARK, OF MAINE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

WILLIAM E. WRIGHT, OF FLORIDA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.