

Whereas the 175th anniversary of the birth of Mark Twain is an historic occasion: Now, therefore, be it

Resolved, That the Senate commemorates the 175th anniversary of the birth of Mark Twain on November 30, 2010, and his enduring legacy as one of our Nation's greatest authors and humorists.

PERMITTING USE OF SENATE BUILDINGS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 691, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 691) to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 691) was agreed to, as follows:

S. RES. 691

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving those in need or members of the Armed Services and their families during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the 2nd session of the 111th Congress.

Mr. BROWN of Ohio. 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.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

HONORING OUR ARMED FORCES

LANCE CORPORAL BRANDON W. PEARSON

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to

honor the life and heroic service of LCpl Brandon W. Pearson. Lance Corporal Pearson, who was assigned to the 3rd Battalion, 5th Marine Regiment, Regimental Combat Team-2, I Marine Expeditionary Force Forward, 1st Marine Division, out of Camp Pendleton, CA, died on November 4, 2010, from wounds he received while supporting combat operations in Helmand Province, Afghanistan. He was 21 years old.

A native of Colorado, Lance Corporal Pearson graduated from Ralston Valley High School in Arvada. He was serving his second tour of duty. Although this was his first tour in Afghanistan, his battalion was assigned to one of the most dangerous districts in Helmand Province.

During his 3 years of service, Lance Corporal Pearson distinguished himself through his courage, dedication to duty, and willingness to take on any job. He was given numerous awards and medals, including the Marine Corps Good Conduct Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, and the National Defense Service Medal.

Lance Corporal Pearson worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. Friends and loved ones remember Lance Corporal Pearson's dedication to friends and family. He was always there when someone was in a tight spot. His decision to serve influenced a close friend to join the Marines as well. All remember his unwavering bravery.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Lance Corporal Pearson's service was in keeping with this sentiment by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Lance Corporal Pearson will forever be remembered as one of our country's bravest.

To Lance Corporal Pearson's entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Brandon's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

UNITED STATES-KOREA FREE TRADE AGREEMENT

Mr. LEVIN. Mr. President, as our economy struggles to recover from the worst recession since the Great Depression, we must look at all ways to cre-

ate jobs here at home. One obvious way to create jobs is to sell more products to overseas markets. That's why President Obama has announced the goal of doubling U.S. exports by the year 2015. That is an admirable goal and one that I support.

To achieve that goal we have to examine our trade policies and change them when they are not working. That is surely what we need to do when it comes to the so-called U.S.-Korea Free Trade Agreement and automotive trade.

This agreement, still being negotiated, would perpetuate an unlevel playing field that unfairly disadvantages U.S. automotive exports. One of the reasons the agreement has not been brought before the U.S. Congress for approval is because the agreement is skewed in favor of Korean automakers.

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

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

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

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

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

Last year Korea shipped 476,833 autos to the United States. And while Korea relies on exports to support its domestic auto makers, Korea remains one of the most closed auto markets in the world. In a market of almost 1.5 million annual vehicle sales, the U.S. exported just 5,878 autos to Korea last year. And it's not just American autos that are being kept out. Vehicles made in Korea account for 94 percent of the Korean market—only 6 percent of vehicles sold in Korea are imports. That is lower than every other developed country except Japan. In the U.S., over 41 percent of our auto market is made up of imports. In Germany that number is 55 percent, in Mexico it is 57 percent, and in Spain, Canada and Italy it is over 70 percent or higher.

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

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

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

Any trade agreement with South Korea should level the playing field for U.S. auto exports. Unfortunately, the pending agreement, reached more than 3 years ago but now being renegotiated, leaves South Korea with the effective ability to use rules and regulations to continue limiting automotive imports into the Korean marketplace. Korea has used such rules and regulations before to discriminate against imported vehicles and they will be used again unless we have a strong mechanism to

remove them. This agreement does not include such a mechanism to deal with any new nontariff barriers, such as auto safety standards or emissions regulations that Korea could introduce once the current draft agreement is entered into and approved by the Congress.

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

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

CLAIMS RESOLUTION ACT OF 2010

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

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

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

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

The bill is fully offset.

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

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

The Cobell settlement resolves the class-action lawsuit brought by Native American representatives and lead plaintiff Elouise Cobell, a member of the Blackfeet Tribe in northwestern Montana, against the U.S. Govern-

ment. This case dealt with the mismanagement of Indian trust assets by the U.S. Government.

In 1887 the Federal Government allotted tribal lands to individual Indians in parcels between 40 and 160 acres. The Department of Interior was supposed to hold these parcels in trust for a period of 25 years and then turn them over to the individual Indians. The Department of Interior has held these allotments in trust until the present day. During the 123 years since 1887, these lands have become highly fractionated as successive generations of Indian owners bequeathed the land to their children.

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

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

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

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

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

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