

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 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,