

timely public access to information regarding enforcement, disputes, and ongoing negotiations related to disputes.

(12) **TECHNICAL ASSISTANCE.**—If the agreement contains technical assistance provisions, such provisions shall—

(A) be designed to raise standards in developing countries by providing assistance that ensures respect for diversity of development paths;

(B) be designed to empower civil society and democratic governments to create sustainable, vibrant economies and respect basic rights;

(C) provide that technical assistance shall not supplant economic assistance; and

(D) promote the exportation of goods produced with methods that support sustainable natural resources.

(13) **EXCEPTIONS FOR NATIONAL SECURITY AND OTHER REASONS.**—Each agreement shall—

(A) include an essential security exception that permits a country that is a party to the agreement to apply measures that the country considers necessary for the maintenance or restoration of international peace or security, or the protection of its own essential security interests, including regarding infrastructure, services, manufacturing, and other sectors; and

(B) include in its list of general exceptions the following language: “Notwithstanding any other provision of this agreement, a provision of law that is nondiscriminatory on its face and relates to domestic health, consumer safety, the environment, labor rights, worker health and safety, economic equity, consumer access, the provision of goods or services, or investment, shall not be subject to challenge under the dispute resolution mechanism established under this agreement, unless the primary purpose of the law is to discriminate with respect to market access.”.

(14) **FEDERALISM.**—The agreement may only require a State government to comply with procurement, investment, or services provisions contained in the agreement if the State government has been consulted in full and has given explicit consent to be bound by such provisions.

(c) **POINT OF ORDER IN SENATE.**—The Senate shall cease consideration of a bill to implement a trade agreement if—

(1) a point of order is made by any Senator against the bill based on the noncompliance of the trade agreement with the requirements of subsection (b); and

(2) the point of order is sustained by the Presiding Officer.

(d) **WAIVERS AND APPEALS.**—

(1) **WAIVERS.**—Before the Presiding Officer rules on a point of order described in subsection (c), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (c) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) **APPEALS.**—After the Presiding Officer rules on a point of order described in subsection (c), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (c) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) **DEBATE.**—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader of the Senate, or their designees.

#### SEC. 5. RENEGOTIATION PLAN FOR EXISTING TRADE AGREEMENTS.

The President shall submit to Congress a plan to bring trade agreements in effect on the date of the enactment of this Act into compliance with the requirements of section 4(b) not later than 90 days before the earlier of the day on which the President—

(1) initiates negotiations with a foreign country with respect to a new trade agreement; or

(2) submits a bill to Congress to implement a trade agreement.

#### SEC. 6. ESTABLISHMENT OF CONGRESSIONAL TRADE AGREEMENT REVIEW COMMITTEE.

(a) **ESTABLISHMENT.**—There is established a Congressional Trade Agreement Review Committee.

(b) **FUNCTIONS.**—The Committee—

(1) shall receive the report of the Comptroller General of the United States required under section 3;

(2) shall review the plan for bringing trade agreements into compliance with the requirements of section 4(b); and

(3) may, not later than 60 days after receiving the plan described in paragraph (2), add items for renegotiation to the plan, reject recommendations in the plan, or otherwise amend the plan by a vote of 2/3 of the members of the Committee.

(c) **APPOINTMENT AND MEMBERSHIP.**—The Committee shall be composed of the chairman and ranking members of the following:

(1) The Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Energy and Natural Resources of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Committee on Finance of the Senate.

(7) The Committee on Foreign Relations of the Senate.

(8) The Committee on Health, Education, Labor, and Pensions of the Senate.

(9) The Committee on the Judiciary of the Senate.

(10) The Committee on Small Business and Entrepreneurship of the Senate.

(11) The Committee on Agriculture of the House of Representatives.

(12) The Committee on Education and Labor of the House of Representatives.

(13) The Committee on Energy and Commerce of the House of Representatives.

(14) The Committee on Financial Services of the House of Representatives.

(15) The Committee on Foreign Affairs of the House of Representatives.

(16) The Committee on the Judiciary of the House of Representatives.

(17) The Committee on Natural Resources of the House of Representatives.

(18) The Committee on Small Business of the House of Representatives.

(19) The Committee on Transportation and Infrastructure of the House of Representatives.

(20) The Committee on Ways and Means of the House of Representatives.

#### SEC. 7. SENSE OF CONGRESS REGARDING READINESS CRITERIA AND IMPROVING THE PROCESS FOR UNITED STATES TRADE NEGOTIATIONS.

It is the sense of Congress that if Congress considers legislation to provide for special procedures for the consideration of bills to implement trade agreements, that legislation shall include—

(1) criteria for the President to use in determining whether a country—

(A) is able to meet its obligations under a trade agreement;

(B) meets the requirements described in section 3(c); and

(C) is an appropriate country with which to enter into a trade agreement;

(2) a process by which the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives review the determination of the President described in paragraph (1) to verify that the country meets the criteria;

(3) requirements for consultation with Congress during trade negotiations that require more frequent consultations than required by the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3801 et seq.), including a process for consultation with any committee of Congress with jurisdiction over any area covered by the negotiations;

(4) binding negotiating objectives and requirements outlining what must and must not be included in a trade agreement, including the requirements described in section 4(b);

(5) a process for review and certification by Congress to ensure that the negotiating objectives described in paragraph (4) have been met during the negotiations;

(6) a process—

(A) by which a State may give informed consent to be bound by nontariff provisions in a trade agreement that relate to investment, the service sector, and procurement; and

(B) that prevents a State from being bound by the provisions described in subparagraph (A) if the State has not consented; and

(7) a requirement that a trade agreement be approved by a majority vote in both Houses of Congress before the President may sign the agreement.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 582—RECOGNIZING THE WORK AND ACCOMPLISHMENTS OF MR. HERBERT SAFFIR, INVENTOR OF THE SAFFIR-SIMPSON HURRICANE SCALE, DURING HURRICANE PREPAREDNESS WEEK

Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 582

Whereas Mr. Herbert Saffir protected countless individuals by conveying the threat levels of approaching hurricanes through a 5-tier system to measure hurricane strength;

Whereas the Saffir-Simpson Hurricane Scale has become the definitive means to describe hurricane strength;

Whereas Mr. Saffir, as a civil and structural engineer, was a pioneer in designing buildings and bridges for high wind resistance;

Whereas Mr. Saffir, as a participant in a United Nations project in 1969, helped to reduce hurricane damage to low-cost buildings worldwide;

Whereas Mr. Saffir was the principal of Saffir Engineering in Coral Gables, Florida;

Whereas Mr. Saffir fought tirelessly for safe building codes to ensure the safety of all people threatened by hurricanes;

Whereas Mr. Saffir was born in New York City, New York, on March 29, 1917, and died in Miami, Florida, on November 21, 2007; and

Whereas Hurricane Preparedness Week is observed the week beginning May 25, 2008: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the work and accomplishments of Mr. Herbert Saffir, inventor of the

Saffir-Simpson Hurricane Scale, during Hurricane Preparedness Week;

(2) honors Mr. Saffir's commitment to alerting the citizenry of the threat of hurricanes;

(3) thanks Mr. Saffir for his dedication, which has undoubtedly helped to save countless lives and the property of citizens around the world; and

(4) commends Mr. Saffir's service to the State of Florida, the United States, and the world.

**SENATE RESOLUTION 583—DESIGNATING JUNE 20, 2008, AS "AMERICAN EAGLE DAY", AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES**

Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mrs. FEINSTEIN, Mr. COLEMAN, Mr. KENNEDY, Mr. CRAPO, Ms. LANDRIEU, Mr. GREGG, Mr. SCHUMER, Mr. SPECTER, Mrs. BOXER, and Mr. ALLARD) submitted the following resolution; which was:

S. RES. 583

Whereas, on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

- (1) the Office of the President;
- (2) the Office of the Vice President;
- (3) Congress;
- (4) the Supreme Court;
- (5) the Department of the Treasury;
- (6) the Department of Defense;
- (7) the Department of Justice;
- (8) the Department of State;
- (9) the Department of Commerce;
- (10) the Department of Homeland Security;
- (11) the Department of Veterans Affairs;
- (12) the Department of Labor;
- (13) the Department of Health and Human Services;
- (14) the Department of Energy;
- (15) the Department of Housing and Urban Development;
- (16) the Central Intelligence Agency; and
- (17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

- (1) the spirit of freedom; and
  - (2) the democracy of the United States;
- Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned citizens of the United States that represented Federal, State, and private sectors banded together to

save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens of the United States, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2006, the population of bald eagles that nested in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles will still be protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald Eagle Protection Act of 1940"); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934)—

(1) was signed into law on December 23, 2004; and

(2) directs the Secretary of the Treasury to mint commemorative coins in 2008—

(A) to celebrate the recovery and restoration of the bald eagle; and

(B) to mark the 35th anniversary of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

Whereas section 7(b) of the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3937) provides that each surcharge received by the Secretary of the Treasury from the sale of a coin issued under that Act "shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee" to support efforts to protect the bald eagle;

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins;

Whereas, if not for the vigilant conservation efforts of concerned citizens and the enactment of strict environmental protection laws (including regulations) the bald eagle would be extinct;

Whereas the dramatic recovery of the population of bald eagles is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 20, 2008, as "American Eagle Day";

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to help generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the citizens of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 4825. Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

SA 4826. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra.

SA 4827. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4826 proposed by Mr. REID (for Mr. BIDEN) to the amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra.

SA 4828. Mr. REID proposed an amendment to the bill S. 3036, supra.

SA 4829. Mr. REID proposed an amendment to amendment SA 4828 proposed by Mr. REID to the bill S. 3036, supra.

SA 4830. Mr. REID proposed an amendment to the bill S. 3036, supra.

SA 4831. Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. REID to the bill S. 3036, supra.

SA 4832. Mr. REID proposed an amendment to amendment SA 4831 proposed by Mr. REID to the amendment SA 4830 proposed by Mr. REID to the bill S. 3036, supra.

SA 4833. Mr. KERRY (for himself, Mrs. FEINSTEIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4834. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4835. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4836. Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. WARNER, Mr. MENENDEZ, Ms. SNOWE, Mr. CARDIN, Mr. CASEY, Mr. BAYH, Ms. COLLINS, Mr. OBAMA, Mr. WEBB, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. NELSON of Florida, Mr. BINGAMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4837. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4838. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4839. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4840. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4841. Mr. SANDERS (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4842. Mr. ALLARD submitted an amendment intended to be proposed by him