

I ask unanimous consent to have printed in the RECORD the letter to Secretary Clinton dated July 10, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 10, 2009.

Hon. HILLARY RODHAM CLINTON,  
Secretary of State,  
Washington, DC.

DEAR SECRETARY CLINTON: We write to you regarding the proposed U.S. accession to the Treaty of Amity and Cooperation in Southeast Asia (TAC). We believe that U.S. accession to the TAC reflects the strong American commitment to the region and to vigorous engagement with the Association of Southeast Asian Nations (ASEAN), both of which we fully support. The U.S. has important foreign policy and economic interests in Southeast Asia which we believe this agreement can further.

There are two important points of clarification, however, that we wish to make as part of the Senate's input in the context of the State Department's congressional consultations. First, we understand that the Department is considering having the United States accede to the TAC in late July as a sole executive agreement, which would not require the advice and consent of the Senate. We note that the title of the agreement refers to the agreement as a "treaty," and we are unaware of any precedent for the United States acceding to an agreement styled as a "treaty" without the advice and consent of the Senate as provided for in Article II, Section 2 of the Constitution. At the same time, we are mindful that other factors apart from the formal name of the agreement could suggest that it is consistent with U.S. practice for the United States to accede to the TAC as an executive agreement. Of particular importance, the agreement is largely limited to general pledges of diplomatic cooperation and would not appear to obligate the United States to take (or refrain from taking) any specific action (with the exception of provisions of Article X which we understand will be the subject of a reservation as discussed below). We also note that the United States did not take part in the negotiations among ASEAN countries leading up to the conclusion of the TAC in 1976, or in the decision to characterize it as a treaty.

In light of these unique considerations, we will not object to the Department's plan to accede to the TAC as an executive agreement. We continue to believe, however, that the use of the term "treaty" in the title of an agreement will generally dictate that Senate advice and consent will be required before the United States may accede to the agreement. In this regard, treatment of the TAC as an executive agreement should not be considered a precedent for treating future agreements entitled "treaties" as sole executive agreements. To ensure our understanding that the process surrounding this agreement is not misinterpreted in the future as a precedent, we will submit this letter into the Congressional Record. We would also request that the State Department include it in the next edition of the Digest of United States Practice in International Law.

Second, Article X of the TAC provides that "[e]ach High Contracting party shall not in any manner or form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party." We also note that the U.S. has proposed a reservation to the TAC that states that the TAC, noting in particular Article X, "does not limit actions taken by the United States that it considers necessary to address a threat to its national interests."

We interpret this reservation as ensuring that the TAC does not limit the authority of the U.S. government—either the executive branch or the Congress—to take actions that it considers necessary in pursuit of U.S. national interests in the region or with respect to any individual nation.

We thank you for your close consideration of this matter and for the Department's consultation prior to acceding to the TAC.

Sincerely,

JOHN F. KERRY,  
Chairman, Senate  
Committee on Foreign Relations.

MITCH MCCONNELL,  
Republican Leader  
United States Senate.

RICHARD G. LUGAR,  
Ranking Member Senate  
Committee on Foreign Relations.

#### EXECUTIVE CALENDAR OBJECTION

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, intend to object to proceeding to the nomination of George Wheeler Madison to be General Counsel of the Department of the Treasury, Calendar No. 302, and to the nomination of Carmen R. Nazario to be Assistant Secretary for Family Support of the Department of Health and Human Services, Calendar No. 304, dated July 23, 2009, for the following reasons.

My support for the final confirmation of Mr. Madison rests on his continued responsiveness, and the responsiveness of the Treasury Department, to my questions. I am very concerned that the Special Inspector General for the Troubled Asset Relief Program is not getting the cooperation Congress entitled him to from the Treasury Department and that his recommendations are not being seriously considered.

Regarding Ms. Nazario, I still have an outstanding issue regarding the release of key data on States' TANF participation rates that need to be resolved.

#### AUTOMOBILE DEALER ECONOMIC RIGHTS RESTORATION ACT OF 2009

Mr. ROCKEFELLER. Mr. President, I take this opportunity to discuss the recent decisions by General Motors and Chrysler to eliminate thousands of automobile franchises across America. This is an extremely important issue: GM's and Chrysler's actions have had a negative impact on small businesses, employees, consumers, and communities in every corner of my State, West Virginia.

Although I do not question the automakers' need to restructure their companies and become financially viable, I do have serious concerns about the way they have handled these dealership terminations. Neither company has been fully transparent in explaining why they needed to terminate dealerships or how they decided which ones to eliminate. Neither company has provided dealers with an adequate oppor-

tunity to fully appeal their terminations—in fact, Chrysler has not established an appeals process at all. And though both companies claim that dealers will be fairly compensated for vehicles, parts, and specialty tools, the reports I continue to receive from terminated Chrysler dealers is that they still have hundreds of thousands of dollars in parts and specialty tools and many have received "no response at all" from Chrysler to their "numerous requests for assistance."

I also continue to hear the argument that "this is how things happen in the normal bankruptcy process." But GM's and Chrysler's bankruptcies are anything but normal. How many bankruptcies are funded with billions of taxpayer dollars? How many bankruptcies result in the government obtaining a majority interest in the restructured companies? Under these circumstances, the thousands of small business owners whose franchise agreements have been summarily revoked deserve more from the companies that would not exist but for taxpayer support.

That is why I have been fighting from the beginning to find a better resolution for the thousands of terminated auto dealers throughout this country. And although we have seen improvements on behalf of dealers so far, I must admit that I am thoroughly disappointed that GM and Chrysler have refused to do more. For that reason, I am cosponsoring S. 1304, the Automobile Dealer Economic Rights Restoration Act of 2009.

I fully understand the serious concerns that have been raised about this bill. But the reality is that GM and Chrysler need to understand that they cannot ignore repeated requests by Congress and the American people to treat terminated dealers fairly. It is my hope that by cosponsoring this bill, I can help the automakers better appreciate that very important point and ultimately come to the table. They should work with Congress and the dealers on a reasonable resolution—one that provides dealers with fair compensation and a meaningful opportunity to challenge their terminations. That is what the people of West Virginia and America expect, and that is what the terminated dealers deserve.

#### 35TH ANNIVERSARY OF THE LEGAL SERVICES CORPORATION

Mr. HARKIN. Mr. President, Saturday, July 25, marks the 35th anniversary of the Legal Services Corporation, LSC. In 1974, Congress—with bipartisan support, including that of President Nixon—established LSC to be a major source of funding for civil legal aid in this country. LSC is a private, non-profit corporation, funded by Congress, with the mission to ensure equal access to justice under law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. LSC distributes 95 percent of its annual Federal appropriations to

137 local legal aid programs, with more than 900 offices serving all 50 states and every congressional district.

LSC and LSC funded programs make a crucial difference to millions of Americans. In fact, LSC-funded programs close nearly 1 million cases per year and provide other assistance to more than 5 million people.

Recipients of LSC funding help clients secure basic human needs, such as access to wrongly denied benefits including Social Security, pensions and needed health care. Families of 9-11 victims, flood victims, and hurricane evacuees have received crucial legal assistance in obtaining permanent housing, unemployment compensation and government benefits. Further, members of our Armed Forces and their families receive help with estate planning, consumer and landlord/tenant problems and family law.

It is LSC-funded attorneys who help parents obtain and keep custody of their children, help family members obtain guardianship for children without parents, assist parents in enforcing child support payments and help women who are victims of domestic violence. In fact, three out of four legal aid clients are women, and legal aid programs identify domestic violence as one of their top priorities.

I know firsthand the important work of the Legal Services Corporation. Before I was elected to Congress, I worked as a legal aid attorney in Polk County, IA. I experienced the challenges—and also the rewards—of representing people who otherwise would not have the legal assistance they deserve. And I developed a deep appreciation for the role that legal aid attorneys play within our system of justice.

The fact is, our promise of “equal justice under law” rings hollow if those who are most vulnerable are denied access to quality legal representation. As former Justice Lewis Powell said: “Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status.”

Given the vital role played by LSC-funded attorneys, it is disturbing to note that, this year, more than 50 percent of eligible clients who seek assistance will be turned away because of lack of LSC program resources. With unemployment nearly 10 percent, and with poor Americans struggling to keep their jobs, cars and basic necessities, the need for legal aid attorneys has never been greater, yet funding for LSC remains inadequate. This is something Congress needs to address and I look forward in the coming months and years to doing so.

On this anniversary, I salute the Legal Services Corporation and LSC-funded attorneys for the vital work they do every day on behalf of Americans who need qualified counsel. Every day that a legal aid attorney protects

the safety, security and health of our most vulnerable citizens, they bring this nation closer to living up to its commitment to equal justice for all.

#### COMMENDING JACOB TRIOLO

Ms. SNOWE. Mr. President, today I wish to recognize the outstanding service Jacob Triolo has provided to the Senate Committee on Small Business and Entrepreneurship in his capacity as a professional staff member. When Jacob—known to most as Jake—joined the committee staff in the spring of 2007, I knew that I had selected a top-notch staffer who cared deeply about making a difference in peoples’ lives. We will miss his dedication and insight when he leaves Capitol Hill next month to pursue a law degree at Washington & Lee University in historic Lexington, VA.

A native of Oregon and a 2004 dean’s list graduate of the University of Oregon, Jake came across the country to Capitol Hill in the summer of 2004 to begin working for my good friend and former colleague, Senator Gordon H. Smith. Starting out in the front office as a staff assistant, Jake immediately sought out additional responsibilities and was promoted to the position of legislative correspondent in less than a year’s time. In 2007, when I was looking to hire a new staff member to handle a wide-ranging portfolio of issues for the Small Business Committee, I was immediately impressed by Jake’s ability to multitask and his willingness to tackle a variety of issues simultaneously. His astute research, concise analysis, and willingness to accept new challenges made him an ideal candidate to represent the committee on a variety of small business initiatives, including entrepreneurial development programs, disaster oversight, science and innovation, and funding for the Small Business Administration. Additionally, those who know Jake, including Senator Smith, spoke glowingly of his professionalism and creativity.

Jake immediately hit the ground running, compiling intelligent and thoughtful background memoranda and hearing materials that contained tremendous insight and detailed analysis. One of his first endeavors as part of my staff was playing a leading role in developing legislation that would overhaul the SBA’s disaster response program. In the wake of the devastation wrought by Hurricanes Katrina and Rita back in 2005, Jake helped me to identify the causes of the Federal Government’s substandard response by working on the Small Business Disaster Response and Loan Improvement Act of 2007. Early in his tenure, Jake came into the office over several weekends, on his own volition, and successfully advocated to include these key provisions into the farm bill conference. As a result of his diligence and persistence, I successfully worked with a number of my Senate colleagues in advocating for private lending institu-

tions to have the option of making private disaster loans following large-scale disasters. This change, which was passed into law, will greatly improve our country’s ability to respond to natural disasters. As a responsible and trusted member of the committee team, Jake has also traveled to the gulf region to monitor progress and attend critical field hearings focused on rebuilding communities devastated by hurricanes.

Additionally, as ranking member of the Senate Small Business Committee, I am charged with fully considering the concerns of entrepreneurs and small firms nationwide. As such, Jake labored extensively on the Patent Reform Act of 2007, helping me to ensure that small businesses retained their voice in the process by preparing me for negotiations with the Judiciary Committee on provisions that would protect their unique interests. While this legislation did not pass, his efforts helped guarantee that entrepreneurs will be taken into account during discussions of policy changes, such as modifications to the post-grant review process—work that will provide a solid foundation as the Senate continues its attempt at patent reform this Congress.

Jake’s command of individual subject matters and appreciation for collaboration has been a direct result of his tenacious study and exposure to the legislative process. In large measure, his success as a Hill staffer is due to his ability to cultivate lasting professional relationships with staffers from other offices in the Senate, House, and at Federal agencies. His sense of humor and easygoing personality make him easily likeable, and many of his colleagues have become close friends throughout the years. Jake is also a tremendously caring individual, and his family plays a central focus in his life. That is why when his sister, Renata, came to Washington for an internship, Jake was certain to look after her as she followed in her big brother’s footsteps.

Jake is fond of saying that the classic movie “Mr. Smith Goes to Washington” has influenced his career, and provided him the impetus for attending law school. Well, Mr. President, Jake Triolo has gone to Washington, and he is now headed into a vast frontier where, with his knowledge, resilience, and passion, he has a bright future with no bounds. I fully expect that in 3 years’ time, Jake will be back in Washington, serving our Nation’s people in one capacity or another. A dedicated public servant who has demonstrated a capacious appetite for learning and a true talent for public policy, Jacob Triolo has been an asset to me and to the committee staff during his nearly 2½ years here. I wish him luck at Washington & Lee and in every endeavor he pursues.