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Senate

(Legislative day of Thursday, May 9, 2002)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable MAX CLELAND, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Hear God's word in Proverbs 3:3–4:

Let love and faithfulness never leave you; bind them around your neck, write them on the tablet of your heart. Then you will win favor and a good name in the sight of God and man.

Let us pray:

Thank You, dear God, for this reminder of what is ultimately important to You. We commit this day to love You with all our minds and hearts. When love for You is our primary motivation, life becomes a delight and not a drudgery. The strain and stress are gone. We are free to work with one commanding goal: to do everything we do to glorify You. Faithfulness flows naturally. We are accountable to You. Help us to remember that every action, word, and decision is open to Your judgment. Bless the Senators today with the profound peace of trusting You completely and serving You with love and faithfulness. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MAX CLELAND 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 14, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MAX CLELAND, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CLELAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the Chair will shortly announce that we will be in a period for morning business until 10:30 a.m. today, with the first half controlled by the Republican leader and the second half under the control of the majority leader, or their respective designees. At 10:30 a.m. we will resume consideration of the trade bill, with 10 minutes of debate prior to a vote in relation to the Baucus-Grassley amendment regarding investors. Following disposition of the Baucus amendment, Senator DAYTON will be recognized to offer the Dayton-Craig amendment regarding unfair trade practices. We will recess from 12:30 p.m. to 2:15 p.m. today for our weekly party conferences.

Mr. President, there is a lot of interest in this legislation. There will be a significant number of amendments offered. The majority leader has indicated he wants Senators to have that opportunity to offer amendments. We hope Members will do that. We also hope we can work on time agreements on these amendments and move this legislation forward. This legislation has the interest of both leaders in the Senate. The President has spoken about it often. It is legislation we have to move. And remember, a week from Friday we go into our Memorial Day recess. We have a lot of work to do prior to that time, and one of the items we have to dispose of is this legislation before we can do other things. Noting that, I look forward to a very productive day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for up to 10 minutes each. Under the previous order, the time until 10 a.m. shall be under the control of the Republican leader or his designee.

The Senator from Wyoming.

TRADE LEGISLATION

Mr. THOMAS. Mr. President, we are finally moving forward on the trade bill. I hope we can move quickly. It is one of the more important issues before us, of which there are many. I say again, I hope we can take a look at this bill in terms of what it is designed to do, and that is to provide for the President an outline of how he may negotiate trade agreements and bring those

trade agreements, within the guidelines in the bill now, to the Senate, and the Senate can approve or disapprove.

Negotiations have to be done broadly by two parties. It cannot be done by 535 Members of Congress. I am hopeful we can get down to the core issue with regard to trade so that the United States can keep up with the rest of the world.

Over the past 10 years, since 1994 when this trade authority has not been in place, countries around the world have moved forward with various agreements, and the United States has not been able to do that. Large agreements were made by others.

The more amendments we have, the more difficult it will be to get down to what we are really seeking to do, and that is to have negotiations which will give the United States fair opportunities for trade.

FEDERAL HIGHWAY TRUST FUND

Mr. THOMAS. Mr. President, I wish to speak about a different issue that is very important to all of us, certainly in Wyoming where we have long distances to travel. As we say, we have low population and small towns with very long streets.

Transportation and highways are very important to us. Highways, of course, have generally been funded by a combination of Federal funds and State funds, Federal funds being very important and continuing to be even more important as time goes by. What we do with State highways and State highway funding becomes one of the principal issues with which we have to deal.

Several years ago, we had the 21st century TEA–21, which was an appropriation and a plan for highway funding. Last week, the Finance Committee held a hearing regarding the status of the highway trust fund. This highway trust fund, it seems to me, is terribly important because as a member of the Environment and Public Works Committee, I helped craft this Transportation Equity Act, or TEA–21, as it is called, which provides more dollars for the States than in the past and has a very good distribution system which basically allocates money to the States and lets them decide how those dollars are going to be spent.

As we all know, TEA–21 most significantly funded the Federal highway needs. As a result, people across the country had opportunities to improve the surface transportation system to make it safer and more efficient and to keep up with the times.

More importantly, as I mentioned, TEA–21 provided States and local governments more flexibility in controlling the use of those Federal funds which, frankly, is one of the issues we should deal with constantly; that is, in the distribution of Federal assistance, how we best do that so there is accountability on one hand and on the other hand recognize the difference that exists in various places. I am certain highway moneys are used for different needs in Wyoming than in Delaware. We need to have the flexibility to recognize those differences.

The panelists who testified at this hearing on the funding mechanisms—that is their job; funding of the highway trust fund is what we rely upon. This hearing addressed a $4.4 billion shortfall in the highway trust fund which is due to the negative revenue alignment budget. Economies are somewhat lower, and these dollars are lower under the formula. We are in the process of trying to replace the $4.4 billion so we do not have that loss and hopefully at least most of that can be done.

In addition, however, the panelists detailed the tax disparity between gasoline and ethanol blend, gasohol. Currently, gasohol is taxed at 13.1 cents and gasoline is taxed at 18.4 cents. This disparity is something that has to be reviewed. That is where the money comes from for highway funds. When we have less money coming in, obviously we are going to have less to spend.

The discrepancy between the fuels is causing a great debate not only in the context of the highway trust fund but in terms of our national energy policy as well. Pending before the conference committee is the energy bill which has substantial increases and requirements for increases in ethanol, which has merit. On the other hand, if that is going to reduce the availability of highway funding, then we have to take a look at a system that allows that to happen.

The General Accounting Office estimates the tax disparity between gasohol and gasoline will cost approximately $21 billion over the next 11 years, and this is a pretty serious issue in terms, again, of funding our national highway program.

As my colleagues know, the Senate passed the energy bill that mandates 5 billion gallons of ethanol by 2012.

As a result of this, of course, we will have an increased reliance on gasohol. So we need to take a look at this. I am not suggesting any particular bias one way or the other, other than the fact that by making this change in the use of fuel, we have a change in the revenue that will be available if we continue to have the same formula for doing that.

Gasohol, which of course is the ethanol, is taxed at 13.1 cents a gallon; gas fuel is 18.4 cents. As to the trust fund, under the gas arrangements we have now, 15 cents of it goes into the highway fund; under the gasohol-ethanol, it is only 7 cents.

So we find ourselves with a substantial change, a substantial differential, in terms of how we will be funding our highways. I hope that in the course of the committee activities we can take a long look at it.

SENATE AGENDA

Mr. THOMAS. Mr. President, I will share some general thoughts I have. It seems to me as we look forward to the remainder of this session, the time is getting pretty short. In a couple of weeks we will begin our Memorial Day recess, and then we will be moving on towards our Fourth of July recess, of course. So between now and the time we adjourn for this year, we do not have an awful lot of time remaining.

We collectively ought to see if we can figure out how we are going to accomplish many of the things that have to be done. Obviously, that is the responsibility of leadership, but we have not moved very quickly. We spent a very long time on energy—6 weeks. We have spent more time now on this trade bill, and it looks as if the prospect is we will be spending even more time than we had anticipated.

We have a lot of things facing us. I hope we can wrap up the trade bill. I think it is very important. I think it is part of our future economy.

As we do these things, I hope we can have a little vision of where we want to be when we are through. What do we want to happen with trade, for example, in the next 10 years? Do we want to be part of the trade process, with hopefully having fair trade around the world which will increase our opportunities to export?

Thirty to thirty-five percent of our agricultural production has to go into export. As we do this, we think about what it takes to accomplish that goal, if that indeed is our vision.

We are going to be dealing with permanent removal of the estate tax. That has been promised to be one of the things that comes up on the floor. So we have that to deal with.

Immigration and border security is out there. That is very important, particularly important now because of terrorism, and very important in terms of the future: Where do we want to be in the future on immigration? How do we want to handle these things? And what are we doing that will cause us to arrive at where we want to be?

We get a little inclined to look at the politics of the election and look at the politics in the Senate instead of having a vision of where we want the United States, our States, our families and our communities to be in the future, and then testing whether what we are doing now leads us there.

The bankruptcy issue is out there. We have been talking about that for a very long time. There are some real problems that need to be resolved. We have not managed to get it to the floor.

We do not have a budget. We were supposed to have a budget prior to now. We have none. The budget is very important. If we are somewhat concerned about spending and having an opportunity to at least limit spending and hope we can keep it down to a minimum to get that job done, we do not even have a budget, and, frankly, there is no sign of one appearing.

Whether we like it or not, we are going to have to spend some time on the cloning issue. It has been promised that cloning and research—not an easy issue—would be before us.

Then there is educational funding. We talk about education all the time. We have not even gotten to that. That is one issue that is going to be out there.

Certainly, we have the issue of reinsurance for terrorism, an issue we keep talking about, but it is still not here. This is very difficult.

Nuclear storage is an issue I am certain we need to handle. Obviously, again there are some problems pertaining to that issue. One can ignore it if they choose, but the fact is we do have nuclear waste stored around the country in a very unsafe way and we need to find a place to put that, particularly if nuclear energy is going to be part of our future. I hope it is. If one likes clean air, then nuclear generation is one of the ways to do that.

We spent 6 weeks debating energy. Now we have not even moved into our conference committee.

Frankly, I am a little disappointed about the fact that we have all of these things out there, and we recognize these are issues with which we must deal.

Appropriations may be one of the most important things we do, not only in terms of funding the Government but in terms of giving great direction to where we want to be. The appropriations process has a good deal to do with whether we want huge government involved in every issue or whether we want to limit government. Appropriations has something to do with that, and they are very important. We are not there by any means.

So we have a great deal to do, and I hope we can find ourselves in a position to move forward to accomplish these things. There are many more issues, I suppose, but these have already been listed as things we are going to do, as has been said, before we adjourn.

We have some real problems to deal with. I hope we can move quickly to address these issues and find some suitable remedies for them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to be recognized in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOCIAL SECURITY AND MEDICARE

Mr. DURBIN. Mr. President, I listened carefully to the comments of my colleague from the State of Wyoming and the discussion about the Senate agenda. I could not agree more. There are certain issues the Senate should take up and take up as quickly as possible. We face some serious challenges, not the least of which relate to Social Security and Medicare.

The Social Security trust fund, which many of us made solemn oaths and pledges never to touch, is about to be invaded by both political parties at this point in time because of the deficit we face.

We are in a deficit situation after several years of the good experience of surpluses and reducing our national debt and reducing the debt of the Social Security trust fund because, frankly, we have run into some bad situations and also some bad decisions.

We could not have anticipated the recession would go on this long, but it has. We certainly didn't anticipate September 11, which has been very costly to our Government. Last year the President convinced a majority of the Senate and the House to vote for a tax program which, in fact, has virtually decimated the surplus which had been predicted. The President said at the time we had $5.2 trillion in surplus so why not give the money back to the people? Cut the taxes. Why does it stay in Washington?

Some of us who lived through the deficits of the Reagan-Bush era said go slow, be careful, because the deficits could return any day. You just can't tell what's around the corner. But the White House insisted we needed tax cuts—primarily for wealthy people. We did that last year. It turns out this year, instead of a projected $5.2 trillion surplus over the next 10 years we are down to $1.2 trillion. We lost $4 trillion in projected surplus in 1 year.

How did we lose it? For those three reasons: the recession, the war against terrorism, and the tax policy. So we find ourselves now trying to put together a budget and not raid the Social Security trust fund. That is why we are tied up in knots. It was a tax program pushed by the President which came too fast, without enough thought. It took away our surplus. It took the money out of our hands to deal with the challenges facing America.

I did not vote for it. I think that is fairly obvious from my comments. But now, as many other Members of the Senate, I am facing the reality we have to try to put the budget together, even with this deficit situation. The President comes to us and says we need additional resources to fight the war against terrorism. He is right. He will get support from Congress for that, both for the Department of Defense and for homeland security.

Of course that money is going to come out of the Social Security trust fund because we are in a deficit situation again. Many of us are concerned, too, because the President has said: Incidentally, I want more tax cuts. The ones last year were not enough. We should take last year's tax cuts and add on to them. If you look at the President's proposal, what it would do is once again threaten the Social Security trust fund.

That does not make sense because we are just facing the possibility—in fact the reality—of the baby boomers showing up for Social Security. Should we not be thinking ahead, making certain Social Security is strong when all of these thousands and millions of Americans who have paid into Social Security their entire lifetime show up and say: I am here. I want to retire. Where is my Social Security check?

No, the President says: Think, instead, of additional tax cuts.

Take a look at those tax cuts, incidentally. If you happen to be making over $300,000 a year, those tax cuts for you average about $40,000 a year in the President's new tax cut round, but if you are making, say, $100,000 a year, it is worth $200 or $300 a year. So there is a great disparity in who will benefit from this tax cut.

But we know who will lose. The American families who have been counting on Social Security are not going to have as strong a Social Security trust fund as they should have because of the President's last tax cut and his proposed tax cut. You cannot keep going to the same well again and again at the expense of senior citizens, at the expense of workers today who, dutifully, every paycheck, put their money down for Social Security and now face the real possibility that when they need Social Security, the system will not be as strong as it should be.

Let's reflect for a moment also on Medicare. The Medicare situation is one that is very troubling. I have traveled across my State of Illinois talking to doctors and nurses and hospital administrators. I have talked to people who are on Medicare. They are concerned. They need to be concerned. For reasons I cannot explain, this White House will not take a serious look at the dangerous state of affairs when it comes to Medicare. In fact, the House of Representatives recently proposed not only cutbacks in Medicare reimbursement for doctors but also further cutbacks to pay for a prescription drug program.

Not surprisingly, hospitals have said if you are going to cut more deeply into Medicare, many of us will be forced to close. So in both Social Security and Medicare we have crisis situations looming and the administration refusing to show leadership. In fact, when it comes to Social Security, the administration is moving in the wrong direction, calling for permanent tax cuts which would additionally threaten Social Security in the future.

I will take just a moment on prescription drugs, if I can. As I travel around my State of Illinois, I find a lot of people, senior citizens in particular, cannot afford prescription drugs. It is understandable if you have taken a look at some of the costs of the drugs now being prescribed. The average American has a hard time paying for them. Certainly a person who is retired cannot come up with the resources to make it work, so many people are making hard choices as to whether they fill prescriptions that the doctors recommend or ignore them or take half of

what they are supposed to take. These are tough calls for a lot of senior citizens.

When we take a look at the issue of prescription drugs, it is not just a question of whether a senior under Medicare would have accessibility to these drugs; it is a question of the price of these drugs. Consider this for a minute. The pharmaceutical companies are spending a lot of money—you see it everywhere you turn—advertising their industry and their product. They advertise their industry by saying: We put good research into new drugs and we find cures.

They are right. Thank goodness they do, and we want to encourage that.

Then they go on, of course, to advertise specific drugs.

Take this drug and you will be able to hop through a field of flowers without sneezing.

Take this drug and you will not be depressed.

Take this drug and it will deal with osteoarthritis.

Take this drug and it will deal with pulmonary seizures.

Take this little purple pill and go to our Web site and you'll feel better already.

Take this Viagra—

And so on and so on.

How much are these drug companies spending when it comes to advertising? They are spending two to three times as much as they do on research. They are spending more money on advertising their drugs than on research on finding new drugs.

To put it in comparison, do you remember Claritin, the drug for allergies? Schering-Plough spent more money in 1 year advertising for Claritin than Pepsi-Cola spent advertising Pepsi the same year; or Anheuser-Busch spent advertising Budweiser. Merck did the same thing with Vioxx.

So when the drug costs keep going up and up, it is reasonable for us to ask the question whether these companies are putting too much money into advertising and not putting enough into research; whether the costs are out of control.

I think it is something we have to address. We have to address the accessibility of drugs and their affordability as part of a prescription drug program. We certainly cannot go the route of the House Republicans of raiding Medicare in order to pay for a prescription drug program. That is what they have suggested.

These are challenges we face. They are challenges which we are going to have to live up to, to make certain we keep our contract with seniors and others who are counting on Social Security and Medicare to be there when they need it.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX RELIEF AND SPENDING

Mr. THOMAS. Mr. President, in the remaining minutes over which we have control, I wish to respond to a couple of things my friend from Illinois indicated.

One was his being very critical of tax relief and tax reduction. It seems to me in a time when one of the real issues before us is the economy, what could you be doing better to help the economy than to reduce taxes? I think that is why the President has pushed that. That is why more conservatives have pushed that. But to be critical of that when we are trying to do something with the economy seems to be a little out of context.

It also is difficult to wonder why the folks who are the big spenders here are worried about the deficit. We passed a bill that was almost $85 billion more than the previous in agriculture. We did not have any concern about that. So we have people over here who think Government ought to be involved in everything and everyone's lives, and dollars ought to be spent for everything in terms of any program you can think of—and then to hear some concern about the deficit?

I point out, as we talk about problems, there are two sides to these issues and you have to take a little look at what it is you want. If you want a better economy, then you probably need to do something about having taxes be too high. If you don't want to spend so much, you probably ought to take a look at some of the spending bills that you are pushing.

There is a conflict here, but to get up on the floor and complain about reducing taxes yet wanting our economy to be stronger, to get up here and talk about a deficit and then be a great supporter of all the big spending bills—there is a certain conflict there and I think we ought to measure a little bit what we want in terms of what we do in the interim.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORZINE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Under the previous order, the time until 10:30 a.m. shall be under the control of the majority leader or his designee.

The Senator from New Jersey.

Mr. CORZINE. Thank you, Madam President.

SOCIAL SECURITY AND WOMEN

Mr. CORZINE. Madam President, this morning I rise to speak on perhaps the most important long-term domestic issue facing our Nation—the future health and security of our Social Security system. Today, I want to focus on proposals to privatize Social Security and the special threat privatization poses to women in America.

Last December, late on a Friday afternoon, before Christmas, President Bush's Social Security Commission released its recommendations for changes in the Social Security system. The Commission's report did not get much media coverage because of the timing of its release, and I think that was obviously by design, if you read the report.

The recommendations of the Bush Commission are dramatic and damaging, if implemented, for the future of all Social Security beneficiaries but particularly for women. They involve deep cuts in guaranteed Social Security benefits—cuts of 25 percent or so for those currently working and up to 45 percent for future workers. Undoubtedly, these proposals would force millions of Americans to delay their retirement so that they would have the ability to live their senior years with economic security.

Few members of the public actually have even heard of the Bush Commission, and they certainly have not talked or debated the recommendations. And fewer have any idea that the Commission is calling for drastic cuts in guaranteed benefits, the type that I outlined.

Americans need to know about these plans, and they need to consider them and debate them in a serious way, making sure they know the implications of taking these recommendations to fruition.

Unfortunately, so far, the administration says it wants to put off any discussion of these proposals until after the election. That is unfortunate and, frankly, it is wrong. We should be debating this issue openly and publicly before the American people, on the Senate floor and certainly before the voters in this November's elections.

To that end, I intend to continue to raise this subject and its implications for the American people as much as I can to make sure that the American people understand what the Bush Commission is recommending to the American public. This Senator thinks it is too important to be decided among closeted policy wonks and politicians in the dark of the night.

Today, I specifically want to raise those aspects of privatization that are damaging to women. I know this is an issue that is near and dear to the Presiding Officer.

Women have a reason to be especially concerned about privatization proposals because they would be among the biggest losers if Social Security is privatized and benefits are cut.

As Joan Bernstein, president of the organization known as OWL, notes in

her introductory letter to OWL's Mother's Day report, ''Social Security Privatization: A False Promise for Women'':

Social Security is a women's issue. I would go so far as to say that it is the retirement security issue for women today.

OWL notes that today women represent 58 percent of all Social Security recipients—slightly more than 50 percent. They represent 71 percent of beneficiaries aged 85 and over.

Without regular cost-of-living adjusted Social Security benefits, more than half of all older women would be living in poverty. Let me repeat—more than 50 percent. If you look at Hispanic women, it is about 68 percent. If you look at African-American women, it is 61 percent.

I note that Social Security is important not just to older women but also to children and nonretired adults who constitute one-third of current Social Security beneficiaries. These include many women and children who benefit from benefits resulting from the death or disability of a family member.

For a caregiving mother, cutting these benefits is unthinkable.

For these reasons, women have a special stake in Social Security, and their stake in protecting guaranteed benefits should be obvious given women's historic position—sometimes I think unfortunate historic position—in the economic system.

First, women earn less than men. There is a wage gap: on average, 73 cents on every dollar a man earns. Also, they are not compensated for the 12 years, on average, they spend on unpaid caregiving, whether for their children, parents, spouse, or other relatives. And when women work as caregivers, they are often in the economic system as part-time workers, so that their average pay is significantly lower.

The way Social Security is calculated, you look at 35 years of working level—the highest average—and women come up short. The average payout of Social Security benefits for women is about $756 per year. For a man, it is just shy of $1,000 a year.

All this pulls together as women often save less during their working lifetime and are less likely to be eligible for pensions as well. They are denied private pensions. If they do have private pensions, it is often generally less generous, the same way Social Security is less generous for women. In fact, average private pension benefits for women are only about half of those for men. And for most women, their Social Security benefits will also be lower because of those averaged lower earnings that I talked about. It works doubly—in the pension system and also in Social Security.

Finally, and most importantly, women tend to live longer than men—6 years longer on average. That makes Social Security especially critical for women, since the program, unlike private savings, protects against the risks of outliving your savings and, certainly, ongoing rising inflation.

Privatizing Social Security would undercut many of the program's benefits for women, whether it is retirement security or the social insurance about which we spoke.

Taking trillions of dollars out of the Social Security trust fund will force a cut in these guaranteed benefits—25 percent or more, as I noted earlier, for current workers and 45 percent for those who enter the workforce later. That is unacceptable.

It will also undermine Social Security's role in the social insurance area, leaving women less protected against a variety of risks in our society.

I know many people around here are convinced that we need to cut Social Security benefits to make sure that Social Security meets its long-term financial objectives and its long-term financial needs to deal with those pressures. Most Americans do not believe that. I want you to know, I do not believe that. We can save Social Security without cutting it. The truth is, the American people are right. It is a matter of our priorities.

Consider these two figures: First, the long-term Social Security shortfall is $3.7 trillion. It is about $74 billion a year if you factor it out over the 75-year actuarial life we are talking about. The long-term cost of last year's tax cut is $8.7 trillion over the same period. Remember, $3.7 trillion to fix Social Security; $8.7 trillion in our tax cuts. In other words, the tax cut will cost more than twice as much as the entire Social Security shortfall.

I don't get it. Where are our priorities? What is important? I hope my colleagues will remember that the next time someone says we have no choice but to cut benefits, that they will put that into the framework of what we need to be thinking about as we deal with fiscal policy in this country.

We certainly could, and should, consider—this is a personal view—postponing some of the remaining tax cuts to deal with Social Security's fiscal needs first. That is a priority. Social Security should come first.

Last week, as I said, I attended a press conference with the leaders of OWL, a grassroots membership organization that focuses on the needs of midlife and older women. OWL developed an excellent report called ''Social Security Privatization: A False Promise for Women.'' I sent copies to every Senator's office, and I hope my colleagues will take a look at it. There are individual stories inside this excellent report. There are details about how the financial structure of Social Security works. It is a composite that pulls together an overview.

It makes in clear and compelling terms the case that privatizing Social Security would be extraordinarily bad for women. They do that on a personal level, they do it on an analytical level, and they do it in ways and terms that I believe the American people can understand.

That is the message all women and all Americans must understand and debate before the election. We need to understand what is going on with the Bush recommendations. We need to understand what will happen if we follow and implement those recommendations.

I believe we ought to be looking for ways of strengthening Social Security. We can deal with some of those from a fiscal policy standpoint, but we need to strengthen Social Security, not cut benefits. We need to deal with how we look at women's participation in the workforce and the calculation of their benefits.

We ought to be getting on with that debate now, before the elections. After all, I repeat, the future of Social Security is too important to be decided behind closed doors. This is an issue that affects all Americans—the financial security of all Americans, and particularly the financial security of women. Let's get on with that debate. Let's have that debate.

I ask unanimous consent that a copy of the executive summary of the OWL report be printed in the RECORD.

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

EXECUTIVE SUMMARY

SOCIAL SECURITY AND WOMEN

The Social Security system is an embodiment of the long-standing American principle of social insurance, providing nearly universal coverage for workers and their families through a pooling of resources benefits, and risk.

One-third of the program's beneficiaries are not retirees but include children, widows, and people with disabilities. Social Security offers an unmatchable set of insurance protections for workers and their families, providing protection against poverty in the event of death, disability or old age.

Women comprise the majority of Social Security beneficiaries, representing 58 percent of all Social Security recipients at age 65 and 71 percent of all recipients by age 85.

Accounting for more than 70 percent of older adults living in poverty, women are more vulnerable in retirement. During this time they most need the stability of a guaranteed source of income—the Social Security check. Without it, 52 percent of white women, 65 of African American women, and 61 percent of Latinas over the age 65 would be poor.

WOMEN'S REALITIES AND RETIREMENT CONSEQUENCES

For women, poverty in old age is often rooted in the realities that shaped their lives early on: the reality of the wage gap, the reality of caregiving, and the reality of flexible jobs that offer few benefits, especially pensions.

Almost 40 years after the Equal Pay Act was passed, women still earn only 73 percent of what men earn. You can't save what you don't earn.

Caregiving directly affects women's retirement security, as they often take more flexible, lower-wage jobs with few benefits or stop working altogether in order to provide unpaid caregiving services. In fact, women spend, on average, 12 years out of the work force for family caregiving over the course of their lives.

Older women are less likely than older men to receive pension income (28 percent of 43

percent); when they do, the benefit is only about half the benefit men receive.

Women live an average of six years longer than men. Women's longer lifespans make them more vulnerable to the impact of inflation and to the risk that they will outlive their money.

THE GREAT SOLVENCY DEBATE

Social Security is a ''pay-as-you-go'' system. Current workers not only see the societal and family benefits of supporting our nation's vulnerable seniors, but also know that they are covered by the same set of social insurance protections.

Changing demographics mean that the system will eventually have to use trust fund dollars to cover out-going benefits. This situation was predicted and addressed by Congress in 1983, when it adjusted the system to build up the trust fund for the retirement of the baby boomers.

The trust fund consists of U.S. Treasury bonds, considered the safest investment vehicle available to individual or institutional investors worldwide.

Experts do have suggestions about how to plan for a potential financing shortfall. There are many proposals that preserve the integrity of the program while shoring it up for the future. These stand in stark contrast to private accounts, which would speed insolvency and destroy the social insurance compact that is Social Security.

Mr. CORZINE. I thank the Chair.

Madam President, I know this is an issue that is near and dear to your heart. It is an issue to which it is absolutely essential we pay attention and debate, that we get to a conclusion that supports America's women, making sure they have retirement security commensurate with the rest of Americans.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, I commend Senator CORZINE for the leadership role he is taking in trying to protect Social Security for all Americans. Today we are particularly focusing on the Social Security needs and concerns of women, but the effort is a much broader one. It is to protect Social Security from the recommendations of the President's Commission on Social Security which would lead to a lessening of the security, would make it less of a social instrument, and leave it more up to the whims of the stock market, which may or may not go up, which may or may not, therefore, lead to more funds in the hands of people who own private accounts but, overall, would make this Nation and its seniors and people who are about to become seniors, in their forties and fifties, a lot less secure.

A week ago a report was released by the National Older Women's League, or OWL, to commemorate Mother's Day. It was an appropriate day to release this report. The report shows the problems that would be created if the recommendations of that President's Commission were adopted. It is entitled ''Social Security Privatization: A False Promise for Women.'' I encourage every Member of this body to read this report. It clearly demonstrates that the recommendations of the President's Social Security Commission are a bad deal for Americans and particularly bad for women.

Currently, women comprise 58 percent of Social Security beneficiaries over the age of 65 and 71 percent of those over the age of 85. Women depend on Social Security more than men, despite their increasing presence in today's workforce. Women earn less than men: 73 cents on every dollar a man earns.

These statistics indicate that changes to the Social Security system that result in reduced benefits will have a negative disparate impact on women.

The President's Commission is based on privatization plans that would divert Social Security payroll taxes into individually owned private accounts, shifting the system from shared risk and collective gain among workers to private accounts that would leave workers to sink or swim on their own.

This concept would have a particularly negative effect on women for several reasons. Private accounts ask women to bear more of a risk because of their increased dependency. Private accounts would undermine the social insurance nature of Social Security. Private accounts cost more to administer. Private accounts may speed up Social Security insolvency.

By most accounts, Social Security is the most dependable source of retirement security for a majority of women. Privatization takes that reliability and that dependability and gambles the financial future of women and all seniors on the volatility of the stock market. America's seniors, and in particular women, deserve better than that.

Women account for more than 70 percent of older Americans living in poverty. Without Social Security, 52 percent of white women, 65 percent of African-American women, and 61 percent of Hispanic women over the age of 65 would be poor. These alarming statistics and the OWL Mother's Day report are an eye-opening experience for all of us.

The President's Commission takes the fundamental principles of Social Security and abandons them for a market-driven scheme that is unreliable at best and discriminatory at worst. Social Security is an entitlement program based on the concept of social insurance. It is not supposed to be a gamble which pays benefits based on how the stock market did yesterday or last year or tomorrow or next year.

Women live an average of 6 years longer than men and, as a result, women are more likely to outlive the benefits of private accounts. In addition, older women are three times as likely to lose their spouse.

We should protect this program, we should make the changes we need to ensure its solvency, and we should not overhaul it or undermine its basic principles by eroding the social insurance components, as the President's Commission would have us do.

Yesterday on the Senate floor, Senator BINGAMAN commented that retirement security is a three-legged stool, with one leg representing Social Security, one leg representing pensions, and the final leg representing personal savings and investment. I could not agree more. We should not take the President's Commission recommendations and blur the lines between Social Security and private investments.

I commend the OWL report because it shows that the detrimental effect Social Security privatization would have on women is severe, it is important, and it is relevant. I hope every Member of this body will take the time to read this report, to reflect on its findings as we contemplate the recommendations for structural changes to the Social Security program.

I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CORZINE. Madam President, will the Senator from Michigan entertain a question?

Mr. LEVIN. I will be happy to.

Mr. CORZINE. Did I hear the Senator indicate that roughly 51 percent of women would be in poverty if we did not have a Social Security system?

Mr. LEVIN. The figure I used was 52 percent of white women and a larger percentage of African-American and Hispanic women.

Mr. CORZINE. If I am not mistaken—maybe the Senator from Michigan can refresh my memory—with Social Security we have something less than 10 percent of Americans now living out of poverty. That is what the whole design of the program was, to provide a fundamental foundation—''social insurance'' I think was the term the Senator used. Is that the way the Senator from Michigan understands both the number and the reality of how it has worked?

Mr. LEVIN. The Social Security system, along with Medicare, is probably the reason that only, as I understand the number, 1 out of 20, about 5 percent, of seniors live in poverty. My number may be a little low. But the point is that 20 percent of American children live in poverty, and yet approximately 5 percent of seniors live in poverty. It is shameful that 20 percent of Americans live in poverty, but one of the main reasons a smaller number of seniors live in poverty than our kids is Social Security and Medicare. The Senator from New Jersey is exactly right.

Mr. CORZINE. We have a lot to do, if at least my analysis and others of the Social Security benefit cuts that are implied by the privatization process are implemented, for women, obviously, but Americans broadly and, quite frankly, a number of children because Social Security is a program for disability, spouses, and children survivors as well.

I was interested to hear the Senator talk about transaction costs and privatization. I remember recently we had

a presentation by a Member of Congress at one of our briefings on Social Security. Did I recall hearing that there is a privatization scheme in Britain where 40 percent of the dollars that are allocated for savings in this privatized account go to transaction costs?

Mr. LEVIN. I think that was the number I heard. My memory is very similar to that. It is an astounding number that the people who recommend privatization don't even factor.

There are a lot of other things they don't factor, by the way; some of them are even more focused. They don't replace the money. They don't say how they will replace the money which would be lost to the Social Security system by people not contributing to it and supporting folks who are retired or near retirement. They never talk about that huge hole in the general fund that would be created. They don't talk about the uncertainty of private accounts as much as they should, the fact that the market over time may go up depending on what time period you look at, but not for everybody.

Even within that long window, there will be some losers. Maybe most people will win, but what about the losers? They don't talk about that as much as they should. The thing they never talk about are these administrative costs, these transaction costs which, as the Senator has pointed out, are apparently a very significant percentage of the money.

Mr. CORZINE. If the Senator from Michigan will give me the grace of making sure my arithmetic is right, if you add a 25-percent cut for people who are now working plus 40 percent in administrative costs, that 65 percent out of the total amount of benefits from Social Security seems to be a big chunk out of how one would have their retirement financed. Certainly it would go a long way to eroding the base of benefits that people have come to expect from Social Security.

Mr. LEVIN. It would, indeed. It makes that enticement of private accounts, when you analyze it, a lot more superficial. The reality is a lot more negative than that superficial glow of riches.

Mr. DAYTON. Will the Senator yield for another question?

Mr. LEVIN. Sure.

Mr. DAYTON. Contrary to what most people in this country probably believe, the Social Security Administration is extremely efficient, and, in fact, less than 1 percent of Social Security goes for administrative costs. The Senator cited some of the figures from the OWL report, which is an excellent document, about the disparities between men and women. I have seen the statistic that one-quarter of the retirees in America today don't receive any pension fund whatsoever.

My experience in Minnesota would be that probably 80 or 90 percent of those are women, particularly older women who are widowed and often, with the older pensions, lose any benefit payments whatsoever once their husband dies. I wonder if the Senator from Michigan has had that same experience. Would the Senator say in Michigan that number applies?

Mr. LEVIN. It is a very large percentage. I don't have it directly in my mind, but it is a large percentage of people, particularly women, who rely exclusively on Social Security. We encourage people, of course, to have private savings, and some people have pensions. That three-legged stool Senator BINGAMAN talked about of Social Security and private pensions and private savings is a one-leg stool for a large percentage of our seniors and a larger percentage of women.

Mr. DAYTON. The Senator is absolutely right. That is exactly the dilemma, the predicament in which so many elderly women find themselves. There is only one leg to that stool. As the Senator from New Jersey pointed out, with the average Social Security payment for women being only $750 a month, that is not much money on which to live. I think that creates part of the lure of the personal privatization which the Republican Commission has now come forward with, which, obviously, someone receiving that little amount of money would be tempted, enticed by something else. As the Senator pointed out very well, there is no reward without risk.

I wonder if the Senator—certainly the Senator from New Jersey who spent a career in financial pursuits—is aware of anywhere where there is that potential for reward in the private sector without commensurate risk.

Mr. LEVIN. There will be winners and losers. It turns Social Security into a social insecurity system.

Mr. DAYTON. I compliment the Senator from New Jersey in bringing this important report to the Senate. He is to be commended. It is a very important topic, as we look ahead to the future of Social Security.

Mr. LEVIN. One last word: I have met with the women who are active in the OWL commission. They are very keenly aware of the problems with the President's Commission and the uncertainties it would create for women in particular who are seniors. And I think the opposition to the President's Commission's findings is very strong and is growing.

Mr. CORZINE. Will the Senator from Michigan yield for a moment to say, I am very appreciative of the discussion you have had, the contributions the Senator from Minnesota made with regard to raising this issue so we can have a debate about it. This debate ought to be had before the election, not after the election. People ought to have to make a statement about how they feel about these recommendations since it has such an impact on Americans lives, particularly women in America. That is what the OWL report was about. I very much appreciate the contributions my colleagues have made to this discussion.

Mr. LEVIN. One additional word: I hope we will actually not only consider the recommendations of the President's Commission but actually vote on them. We ought to put them to rest. There is a lot of concern in the country about those recommendations, that they would totally make the Social Security system much less secure. I think we ought to try to address the concerns by voting on those recommendations. I believe they will be voted down, as they should be, so that the people out there who are not only retired but in their forties and fifties, who rely on Social Security, want it to be there, don't want the uncertainty that will be created by the contributions being reduced—which is what would happen without any idea of where the replacement funds would come from—I think it would be healthy for the country not just to debate it but, if possible, before the election to vote up or down on those recommendations. I hope and believe that all of them will be rejected.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Baucus amendment No. 3405 (to amendment No. 3401), to clarify the principal negotiating objectives of the United States with respect to foreign investment.

AMENDMENT NO. 3405

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes debate in relation to the pending Baucus amendment. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Madam President, is there a time allotted?

The PRESIDING OFFICER. There will be 10 minutes debate in relation to the pending Baucus amendment.

Mr. BAUCUS. It is my understanding that the Senator from Massachusetts will have 5 minutes and the other 5 minutes will be allotted to Senator GRASSLEY and myself. I will take 2½ minutes of that.

I rise once again to urge my colleagues to support the amendment that I laid down yesterday on behalf on myself and Senators GRASSLEY and WYDEN.

The amendment is a short but very important clarification to the trade bill's negotiating objective on investment. when we negotiate investment agreements, our primary objective is to ensure that U.S. investors abroad have rights and protections comparable to the rights and protections they enjoy in the United States. In fulfilling that objective, we generally undertake reciprocal obligations with respect to foreign investors.

Our amendment makes absolutely clear that the rights we extend to foreign investors must not exceed the rights we afford our own citizens.

I expect that this is not the end of our debate on investor-state dispute settlement. As the debate goes forward, it is important to understand that we are trying to achieve a balance. In taking steps to protect U.S. investors abroad, we must not sacrifice the sovereignty of Federal, State, and local governments here at home. Striking the right balance is precisely what we have done in the trade bill. When it was brought to our attention that we might improve that balance, we did so in the amendment laid down yesterday.

In the days ahead, it is important that we not upend the balance. We have carefully crafted a foundation for future investment agreements. I strongly urge my colleagues to support that foundation and to support the Baucus-Grassley-Wyden amendment.

I reserve the remainder of my 2½ minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I appreciate enormously the efforts of the chairman and ranking member to move what is always a very difficult issue through the Senate. They have done a good job of trying to resolve a great many issues. I don't oppose this amendment of theirs, but, in fact, I urge my colleagues to vote for the amendment.

I emphasize to my colleagues that this amendment does not fix the chapter 11 problem that still exists with respect to the sovereignty of American businesses and the rights of Americans and of our communities to be able to be protected. I am very grateful for the chairman's willingness to try to respond, but substantial disagreements still exist with respect to how we best protect American businesses and our communities, according to our rights.

As our colleagues know, it is clear that the NAFTA investor-State dispute resolution process, which is known as chapter 11, is going to be the model on which future agreements are predicated. And chapter 11, in its current form, is a flawed model. It is not a failed model; it is simply flawed. We have the ability to be able to fix it.

Last night, Senator BAUCUS referenced letters written by several organizations that urged correction of the no-lesser-rights language, which is precisely what will happen in this particular amendment. I appreciate his response, but let me point out that in those letters he referenced, there are a whole set of other issues that are unaddressed in this amendment. Specifically, from the National League of Cities, they say: We are concerned that future trade negotiations, particularly for a hemispheric free trade area of the Americas, could include provisions that expand the definition of a regulatory taking. As evidenced by disputes under chapter 11 of NAFTA, vague expropriation language has allowed new avenues of recourse for foreign investors to challenge current State and local ordinances.

So we are allowing a foreign investor to come in and actually undo the intent of our local and State communities to enforce certain kinds of health or other kinds of restraints.

From the National Association of Towns and Townships:

> In particular, we are troubled that a claim by a foreign company that a local government's regulation or zoning laws constitutes a taking against the company will make it impossible for the locality to enforce that law or regulation.

From the National Conference of State Legislators:

> The bill does not adequately and explicitly guarantee that trade agreements negotiated under this authority will respect State sovereignty, nor incorporate well defined and constitutional Fifth Amendment takings principles.

Regrettably, the Baucus-Grassley amendment does not, despite what they claim in the no-greater-rights-than language, address the shortcomings of the chapter 11 model. Adopting their language without other needed changes is still going to allow future chapter 11-like tribunals to rule against legitimate U.S. public health and safety laws using a standard of expropriation that goes well beyond the clear standard that the Supreme Court has established in all of its expropriation cases.

The amendment before us does not give assurances that the due process claims of the Constitution will be respected, nor does it provide safe harbor for legitimate U.S. public health and safety laws.

I will propose an amendment, and we will debate this amendment over the course of the next couple of days. I urge my colleagues to adopt a policy that will fully protect the constitutional rights of American businesses and the constitutional right of our States, the expropriation laws and standards of the Supreme Court. I urge them to vote for this amendment recognizing this does not complete the task.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, the amendment that is before us was introduced by Senator BAUCUS and myself and is designed to make it crystal clear that in pursuing these objectives, foreign investors are not to be granted any greater rights in the United States than our own U.S. investors have rights within the United States. This provision builds upon the already strong improvements to the investment objectives within this bill. These provisions strike a very careful balance between the needs to protect U.S. citizens from arbitrary takings of their property overseas and the need to ensure that the investor-State dispute settlement process is not abused.

Critics of the investment provisions insist that the investor-State dispute settlement process has somehow run amok. Not true. The fact is that no U.S. environmental, health, or safety regulations have ever been overturned by the international investment arbitration. Only 13 investor-State claims have been filed under NAFTA chapter 11 in the entire 8 years of its existence. Meanwhile, U.S. investors continue to face discriminatory and arbitrary government action in most of the developing world. We need to maintain U.S. investors' ability to get redress in impartial tribunals while ensuring that the investor-State dispute settlement process continues to protect our own investors overseas. This simply is what the Baucus-Grassley amendment does.

I urge support for this amendment and support for the Baucus-Grassley compromise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER (Mr. REED). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—98

Akaka	Brownback	Cochran
Allard	Bunning	Collins
Allen	Burns	Conrad
Baucus	Byrd	Corzine
Bayh	Campbell	Craig
Bennett	Cantwell	Crapo
Biden	Carnahan	Daschle
Bingaman	Carper	Dayton
Bond	Chafee	DeWine
Boxer	Cleland	Dodd
Breaux	Clinton	Domenici

Dorgan	Johnson	Roberts
Durbin	Kennedy	Rockefeller
Edwards	Kerry	Santorum
Ensign	Kohl	Sarbanes
Enzi	Kyl	Schumer
Feingold	Landrieu	Sessions
Feinstein	Leahy	Shelby
Fitzgerald	Levin	Smith (NH)
Frist	Lieberman	Smith (OR)
Graham	Lincoln	Snowe
Gramm	Lott	Specter
Grassley	Lugar	Stabenow
Gregg	McCain	Stevens
Hagel	McConnell	Thomas
Harkin	Mikulski	Thompson
Hatch	Murkowski	Thurmond
Hollings	Murray	Torricelli
Hutchinson	Nelson (FL)	Voinovich
Hutchison	Nelson (NE)	Warner
Inhofe	Nickles	Wellstone
Inouye	Reed	Wyden
Jeffords	Reid	

NOT VOTING—2

Helms	Miller

The amendment (No. 3405) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3408

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized to offer an amendment.

Mr. DAYTON. I call up amendment No. 3408.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself and Mr. CRAIG, proposes an amendment numbered 3408 to amendment No. 3401.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the application of trade authorities procedures)

At the end of section 2103(b), add the following:

(4) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (trade authorities procedures) shall not apply to any provision in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337);

(iii) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.);

(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(v) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

(B) POINT OF ORDER IN SENATE.—

(i) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), 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 clause (i) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, 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 clause (i) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3409 TO AMENDMENT NO. 3408

Mr. GRASSLEY. Mr. President, I send an amendment to the desk as a second-degree amendment, for Senator BAUCUS and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3409 to amendment No. 3408.

Mr. GRASSLEY. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make preserving the ability of the United States to enforce rigorously its trade laws a principal trade negotiating objective, and for other purposes)

In lieu of the matter proposed to be inserted by the amendment, insert the following:

(4) ADDITIONAL PRINCIPAL TRADE NEGOTIATING OBJECTIVE.—

(A) IN GENERAL.—Section 2102(b) of this Act is amended by adding at the end the following:

''(15) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

''(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

''(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 2102(c) of this Act is amended—

(I) by striking paragraph (9);

(II) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively; and

(III) in the matter following paragraph (11) (as so redesignated), by striking ''(11)'' and inserting ''(10)''.

(ii) Subparagraphs (B), (C), and (D) of section 2104(d)(3) of this Act are each amended by striking ''2102(c)(9)'' and inserting ''2102(b)(15)''.

(iii) Section 2105(a)(2)(B)(ii)(VI) of this Act is amended by striking ''2102(c)(9)'' and inserting ''2102(b)(15)''.

(C) PRESIDENTIAL REPORT TO COVER ADDITIONAL TRADE REMEDY LAWS.—Section 2104(d)(3) (A) and (B)(i) of this Act are each amended by inserting after ''title VII of the Tariff Act of 1930'' the following: '', section 337 of the Tariff Act of 1930, title III of the Trade Act of 1974, section 232 of the Trade Expansion Act of 1962,''.

(D) EXPANSION OF CONGRESSIONAL OVERSIGHT GROUP.—

(i) MEMBERSHIP FROM THE HOUSE.—Section 2107(a)(2) of this Act is amended by adding at the end the following new subparagraph:

''(C) Up to 3 additional Members of the House of Representatives (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Ways and Means may select.''.

(ii) MEMBERSHIP FROM THE SENATE.—Section 2107(a)(3) of this Act is amended by adding at the end the following new subparagraph:

''(C) Up to 3 additional Members of the Senate (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Finance may select.''.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have sent a second-degree amendment to the desk in place of the Dayton amendment. I am going to debate that in just a little while, but I want everybody to know the situation.

Also, Senator BAUCUS and I are going to visit with various people to see if there is a smooth way of handling both the substitute as well as the original amendment. We may not be successful, but that is our desire. We are going to be talking while this debate is ongoing, and I will be back to give the specifics of my amendment in just a short period of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, the amendment Senator CRAIG and I have introduced is one that I think has great importance to this legislation. It is one I am very proud to sponsor with the senior Senator from Idaho, someone with whom I have had the good fortune to work on this and other matters relating to trade as they affect our two States.

I also am very pleased that this amendment is cosponsored by 26 of our colleagues, 13 Republicans and 13 Democrats. They reflect a broad spectrum of views on many issues, yet they agree on the need for this amendment. Is it because all of us are against trade, as our detractors have charged?

The answer is an emphatic ''no.'' We support this amendment because we recognize that there is more than one side to the U.S. trade equation. There are a great many citizens in our States who have benefited from the liberalization of international trade during the last 20 years. However, there are also a great many Americans who have been harmed by the results of recent trade agreements.

The proponents of more free trade acknowledge only the winners. Their reports cite only the businesses, the jobs, and the revenues from increased exports. Those benefits are substantial; however, they form only one side of the trade ledger. On the other side are thousands of bankrupt businesses and farms in the United States, many thousands of lost American jobs, and the massive shifting of U.S. production to other countries.

This Dayton-Craig amendment is on behalf of Americans who have been, are being, or will be harmed by continuing trade liberalization. They are hard-working citizens who nevertheless will lose their livelihoods, which in turn will cause lost homes, lost health insurance, lost pensions, lost retirement security, lost hope, and even lost lives. They are not isolated occurrences. They are growing in number across America.

They are victims of trade policies and trade practices which are out of balance. In the year 2000, the United States total trade deficit for goods and services was $376 billion. In goods alone, the deficit was $452 billion. In 1990, the total U.S. trade deficit was $81 billion. In 1980, it was only $19 billion. Our country's trade deficit, that imbalance between the value of our exports and the value of our imports, was 4½ times greater in 2000 than in 1990, and 20 times greater in 2000 than in 1980.

A March 18, 2002, Business Week article began:

> How much longer can the United States rack up giant current account trade deficits?

The article cited a Goldman Sachs Global Economic's Research report, which called the current trend ''unsustainable.''

Another recent report stated:

> America's ballooning trade deficit may be the worst economic problem we face—and no one wants to talk about it.

What is driving these soaring trade deficits? It isn't that U.S. exports are not expanding. In many sectors they are growing at a very strong rate, and the last administration worked hard to open foreign markets to U.S. goods and services, as did its predecessors. It's the explosion in imports which is far exceeding export gains.

From 1990 to 2000, total U.S. exports in goods and services almost doubled to just over $1 trillion. However, during that decade, total U.S. imports more than doubled—in fact, increased by 133 percent, to almost $1½ trillion. The increase in imports was $295 billion more than the growth in exports.

If you look at key sectors in our economy, you see this pattern. Exports expand. Imports explode. Trade deficits multiply. This serious imbalance has cost the jobs, farms, businesses, and livelihoods of too many Americans.

Even in agriculture, the growth in imports has exceeded the growth in exports. Farmers and national commodity organizations, including many coming right out of Minnesota, have been among the biggest supporters of trade liberalization in their hopes that increased exports would lead to higher prices and decent profits in the marketplace. From 1990 to 2000, total U.S. agriculture exports did grow by $10.5 billion, a 26-percent increase. However, agriculture imports increased by over $16 billion during that time. Today, the U.S. balance of trade in all agriculture commodities is still positive; however, that margin is shrinking.

Two major causes of our huge trade deficits have been Mexico and Canada. They are the big NAFTA winners. Look at what has happened to U.S. trade with our neighbors since NAFTA took effect on January 1, 1994.

In 1993, the last year before NAFTA, all United States exports to Mexico totaled $41.6 billion. Imports from Mexico totaled $39.9 billion, leaving the United States with a $1.7 billion trade surplus with Mexico.

During the next 7 years, United States exports into Mexico grew to $111 billion, a 167-percent in crease in 7 years. However, Mexican imports into the United States exploded to $136 billion, a 240-percent increase, and the United States balance of trade with Mexico went from its 1993 surplus to a $25 billion deficit in the year 2000.

Our trade with Canada followed a similar pattern. United States exports into Canada increased by $69 billion from 1993 to 2000. However, our imports from Canada grew by $120 billion, almost double the growth in exports. In 2000, our trade deficit with Canada was $52 billion.

Looking at one key sector, automobiles, the total automobile imports from Mexico into the United States more than tripled from 1993 to 2000, to almost 1 million per year. Cars imported from Canada into the United States increased by 56 percent during that time to 2.2 million automobiles. Those 3 million autos used to be—or could have been—manufactured in the United States by American auto workers.

Agriculture is another big loser under NAFTA, as too many Minnesota farmers have painfully realized. Canadian wheat, Mexican sugar, milk protein concentrate, stuffed molasses via Canada, and other trade imbalances have caused domestic commodity prices to plummet. The average price of a bushel of corn in the United States in the year 2000, was $1.85, well below the price of $3.11 for a bushel of corn in 1980, 20 years previously. For a bushel of wheat, the price in 2000 was $2.65 per bushel; in 1980 it was $3.91. For soybeans, a bushel in 2000 averaged $4.75; in 1980, that price was $7.57. Milk averaged $12.40 per cwt. in 2000, compared to $13.05 per cwt. in 1980. Turkeys brought 40.7 cents per pound in 2000; 41.3 cents per pound in 1980.

All of those prices are in current dollars. After adjusting for inflation, their drops are even more severe. Last year, the U.S. farm price index, the value of all U.S. agriculture products divided by the cost of producing them, dropped to its lowest level since the Great Depression. That index has fallen by 20 percent during the last 10 years. So much for the benefits of NAFTA and international trade liberalization on American agriculture.

Similarly, in the nonfarm private sector, the average hourly wage paid U.S. workers in real dollars was less in the year 2000 than in 1990. It was less in 2000 than it was in 1980, and less than it was in 1970. Only by more spouses working more hours have average American families stayed even or moved slightly ahead in the U.S. economy during the last 10, 20, and 30 years.

Thus, U.S. trade policies and practices, in balance, are doing many Americans more harm than good. And the harm is increasing more than the good.

The response of free trade proponents to this predicament is more free trade. More opening our doors to the largest marketplace in the world, the U.S. economy, which still produces 23 percent of the world's GWP, accounts for 12 percent of world exports, and 18 percent of world imports.

Who, then, does benefit from this U.S. trade policy? Primarily, it has been, and continues to be, the enormous cost advantages afforded U.S. corporations who shift production out of the United States into low-wage low-cost countries. Deregulation of the world's product and financial markets has enriched a world class of investors, entrepreneurs, and professionals. At the very top, the accumulation of wealth has been extraordinary.

In 1996, the United Nations reported that the assets of the world's 350 billionaires—that is, 350 individuals in this world who are billionaires—exceeded the combined incomes of 45 percent of the world's population, almost 3 billion people.

Let me say that again. The assets of the wealthiest 350 people in the world exceeded the total assets of over 3 billion of our world's citizens. But the larger promise made by the proponents of this unregulated world marketplace—particularly to the people of the United States—was that living standards for the rest of Americans would also rise. That promise has not been realized. As trade and financial markets have been flung open, incomes have

risen not faster, but more slowly. Income equality among nations has not improved, and within nations, including the United States, income inequality has worsened.

But this seems not to matter to the promoters of this rapid deregulation of the global economy, the so-called neoliberals, and their solution to whatever problems afflict us is, of course, more trade liberalization. Ironically, many of them spent the last 30 years associating the word ''liberal'' with social failure. In this instance, they may prove themselves correct.

Nevertheless, it is the considered judgment of this administration and of the House of Representatives, albeit by a single vote, to continue in that direction. I expect this body will join with them by passing this trade promotion authority legislation.

Thus, the Dayton-Craig amendment represents one of the last opportunities for Congress to assert its priority for the economic well-being of the American people over the capital-serving efficiencies of liberalized world markets. This amendment preserves Congress' ability to look out for the best interests of all Americans, especially the people who are on the losing side of the trade equation. And if we don't look out for them, it is a near certainty that no one else will.

The Dayton-Craig amendment applies only to so-called trade remedy laws. They were enacted and put into law by previous Congresses and Presidents to protect American business owners, workers, and farmers from illegal or unfair trade practices, and to assist those Americans whose lives and livelihoods were irrevocably damaged by them. These trade remedy laws include safeguards in section 201, which provide for temporary duties, quotas, or other restrictions on imports that are traded fairly but which threaten serious injury to a domestic industry. They include anti-dumping remedies for the destructive effects of imports sold on the U.S. market at unfairly low prices, and countervailing duty relief from the negative impact of imports receiving foreign government subsidies. They also include section 301 of the Trade Act which authorizes the United States Trade Representative to investigate trade agreement violations and illegal foreign trade barriers which are harmful to U.S. businesses and exports, and to remedy those violations.

All of these remedies are already subject to the rules established under the World Trade Organization and under the North American Free Trade Agreement. The United States and other WTO members must adhere to the Uruguay Round Stipulations on subsidies and countervailing measures. This is hugely important. This is the first time the United States has ever agreed to subjugate its sovereignty to an international organization. The folks who decried the Trilateral Commission and so-called one-world government, those who condemn the coordination of U.S. military forces with NATO, and those who oppose any U.S. adherence to international agreements, are strangely silent about U.S. subjugation to the economic dictates of the World Trade Organization. Heretofore, the WTO, has operated largely as the creation of the United States that it is. However, now that it is fully established and empowered with the unanimous consent of the participating countries and whose rules can only be altered by the same, any sovereign powers negotiated away in future trade agreements that are agreed to by this body will not be redeemable, which is all the more reason why Congress should be vigilant over them.

The Dayton-Craig amendment says that Congress, along with the President, enacted these trade remedy laws, and only the President and Congress may eliminate them. They cannot be negotiated away by an unelected trade negotiator, albeit one selected by the President, who has a much narrower perspective than Congress, who has the specific objective to secure further trade agreements, and who may not share this body's perspective and concerns. Since a letter from 62 Senators opposing the inclusion of trade remedy laws in future trade negotiations was ignored, there is no reason to expect otherwise when those negotiations finally occur.

So, when a new trade agreement comes to Congress, to the Senate, with the trade remedy laws of the United States altered, with their protections weakened, and with Congress' prior enactment of them overridden, then, if this trade promotion authority law is in effect—as it is written now without the Craig-Dayton amendment—we will be faced with a take it or leave it proposition. We will have no discretion or latitude. It will be all or nothing.

This amendment will permit—not require, but permit—Congress to separate those provisions in a proposed new trade agreement which alter existing trade remedy laws, allow the rest of the agreement to proceed along fast track, and then consider those trade remedy changes under regular Senate rules and procedures. Then, Congress can decide, as only Congress should decide, whether they must be given up for some larger gain. Then, we, or our successors, will be able to look our constituents in their eyes and tell them that we have acted in their collective best interests.

Trade negotiators look at those trade remedy laws and they see words, or bargaining chips, or perhaps even nuisances to get rid of. We see people, our constituents, who elected us and who depend upon us to look out for their interests. So when words which protect them are going to be removed, those decisions should be reviewed by their elected Representatives.

Last week, the trade ambassador said that you cannot be for this amendment and be for trade. There is great irony in an unelected official in the executive branch, which has no constitutional authority over trade, telling 535 elected Members of Congress, to whom the Constitution assigns the full responsibility for foreign trade, essentially to butt out of his domain. He was quoted as saying:

> This goes to the heart, of whether the Congress is going to try to negotiate with 435 Members of the House and 100 Senators, whether they want to go over to Brussels and all sit around together, or whether they are going to have the Executive Branch negotiate.

My reply, Mr. Ambassador, is: You negotiate and then Congress will exercise its responsibilities under the United States Constitution. If our trading partners question those procedures, show them a copy of our Constitution. We bring government officials from all over the world here to learn about our system of government. This is another teaching opportunity. Under our Constitution, we do not permit one person—no matter who he or she is—to bargain away our laws. No one—not even the President of the United States—has that authority. And no one who understands our Constitution should seek that authority.

While our country's future trade policies are debatable, the right of Congress to participate actively in setting those policies is not. For anyone to try to usurp that authority is seriously misguided. If it succeeds, Congress has failed, failed its responsibility, failed the Constitution, and failed the people of America.

By adopting this amendment, the Senate upholds that right and that responsibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, as a cosponsor of the Dayton-Craig amendment, I wish to speak for a few moments about the constructs of the amendment itself and applaud my colleague and partner in this amendment, the Senator from Minnesota, for a very thorough and well-thought-out explanation as to the reason for this amendment.

I need not repeat the statistics. I need not repeat the facts that have been so eloquently spoken about a problem that exists in our country today that begs for a remedy and, at the same time, demands that we move forward in the area of expanding trade amongst our trading partners around the world.

The elements of fairness, the elements of transparency, the elements of the right hand knowing what the left hand is doing are absolutely critical in any trade relationship.

By the character of a developing economy, by the uniqueness of a resource-directed economy, by the uniqueness of a populated economy, all of our countries around the world have differences. And those differences have values. And those countries that sense those values work to protect them or

in some way assure that they will not be traded down or effectively destroyed by the very governments that are destined to protect them.

As a result of that, from the very beginning, and from the beginning of the debate over trade, very substantively coming with the Kennedy Round of trade years ago, when we first established the fast-track concept, we knew our trade negotiators, once they were at the table of international negotiations, would have to have flexibility to propose and bring back to the Congress a whole package. But that whole package had to be representative of the laws of the country of which they were diplomats.

We have struggled with that over the years. Congress has consistently passed fast tracks, and we have worked to move progressively and to liberalize our trade laws. We, the United States, have been the world's promoters of trade. It is quite simple why we would want to be that.

In my State of Idaho, nearly a third of every acre planted of agricultural produce has to sell in world markets to maintain some degree of value in a domestic market.

My State was built on potatoes, potato chips. Now it is being built on computer chips. And those products have to sell in world markets. Clearly, the DRAMs that are produced by Micron, a large portion of those move into international markets to be applied to new technologies being developed in those markets that then again sell in the world market.

Clearly, in my State, trade has expanded dramatically in the last several decades. But while the hi-tech economy has grown very well with a substantial amount of profitability, the agricultural economy has floundered. And while trade has been extremely beneficial in some areas, I would have to argue, as the Senator from Minnesota has, that in other areas it appears to have been less than fair and, in many instances, not fair at all.

There is a bit of a classic struggle going on between the United States and Canada in our forest products industries, forest products industries that are in part supply, publicly owned in the sense that the timber comes from public lands. Whether it is the Federal lands of the U.S. Forest Service in the lower 48 and Alaska or whether it is crowned and provincial timber in Canada, the reality of placing values on those rough products as they move to the market is substantially different.

Over the years we have fought mightily to create balance. But as a result of some of what we believed to be unfair practices between Canada and the United States, we have seen the rights of our policies go out and our men and women walk away with empty lunch pails while Canadians were aggressively logging and dumping in our markets. Just this year our President had to use trade remedy laws to stop the very process I have just defined. He stood up and he spoke out and he placed a tariff against Canadian lumber until such time as they can come back to the table and balance out with us a relationship and an agreement that does not put our men and women out of work and still allows them to work and still allows the beneficial reality of Canadian and U.S. sticks, 2 by 4s, being at the local lumberyard to build the homes of Americans.

That is called balanced trade. That is called fair trade. The 201 process that brought about the investigation by our government, which was open and transparent, and that led our President to move is known as a trade remedy law passed by the U.S. Congress, passed by a majority vote out of this body—in other words, reflective of the constitutional responsibility of every Senator and every U.S. Member of Congress representing their States but, most importantly, taking an oath right there in that well to uphold the Constitution of the United States.

The argument is simple and the argument has been made already today by the administration in a letter to all of our colleagues that fast track is simply a process and we make all of these proposals and we make all of these changes and all of them come back for a vote in this Chamber and they are correct—one vote, up or down.

The problem occurs with the anticipation of the positives that will happen in an overall trade package once negotiated because they are never quite negotiated in a vacuum. The process goes on for years and years, as you have round after round and finally they conclude; there is a lot of attention and the world finally says, Oh, here it is, here is a trade package, a product of WTO, a product of aggressive negotiations, probably a product of the new round launched last year in Doha. The anticipation is so great and the public pressure is so great that when it gets to the well of the Senate and we see that substantive law has been changed and we would like to fix it, we cannot. We can vote against it, but the pressure by business, by industry, by the economy in general is you must pass this trade package. And we do. And we have consistently.

As a result, some of us have had to vote no. I voted no against NAFTA. Why? Because of some environmental provisions in it and because of loopholes that I felt were in it, that an 18-wheeler truckload with Canadian grain could get through and into our markets were a reality, and they were and I voted against it, and time has proven that to be the case.

But it has also proven one other thing—that Canadians are very good at enforcing laws at the border and we are very bad. But that was then. This is now. This administration is acting differently, and it is acting responsibly, and it led with the steel decision and it has now followed with the softwood lumber decision, and it is saying that it will effectively use a very transparent process to review the fairness or the lack of fairness in trade relationships and where it finds dumping it will move. And it has. I credit them for that.

But what I am also saying, what the Senator from Minnesota is saying is that within the process itself, we can avoid some of the problems that have now been recorded over the last several decades if we would be allowed, on laws that we are proposing to be changed that might reduce the ability of the executive branch of our Government to enforce trade remedy laws, to say that they would apply to a point of order and a simple majority vote, the same vote it takes to pass the trade package that would be in the Chamber that they would be a part of. So I would say to any negotiator, if you are negotiating a package that cannot get 51 votes in this Chamber, and you are proposing changes in substantive law that might be required to get 51 votes, wherein lies the problem, especially if we are defending what I believe to be the very thing that the Senator from Minnesota has talked about—our constitutional responsibility and the sovereignty in doing that.

Every administration and this administration protects with a vengeance its executive prerogatives, its executive authority, and we have seen this administration step up to that on at least two occasions in the last couple of years. That is what we are doing today—stepping up to what is, in fact, a legislative prerogative of the Constitution and why we think it is right that it be allowed to be a part of this package requiring a simple majority vote.

What am I saying? The Dayton-Craig amendment is simply a point of order that would be part of it. That is, if a package comes to the floor and there are changes in trade remedy law—and in the current package that we are alleging we will know if they are there without even having to look because 90 days prior, under the law proposed, the negotiators would have to announce proposals of changes in the law. That is part of what came out of the House. That is part of what the Finance Committee, Chairman BAUCUS and Senator GRASSLEY agreed on. And that is appropriate. It is appropriate that the legislative bodies of this constitutional Republic understand that changes in the laws that they have written are being proposed. What we are saying today is that there ought to be the next step and that next step is quite simple—to allow a simple majority vote of the constitutional officers of this body—us, U.S. Senators—to say whether those changes are right.

Now, here is the next step, though: but to do so without dragging the whole trade package down. Not all trade packages are changes in our laws. They are expansions of authority. They are access to other markets. They are adjustments in other laws—ours and

theirs, our trading partners. And so we are saying you do not bring down the whole package; there is good in trade and we know that. But what we are saying is that there is an authority and a responsibility that we should not abrogate or that we should not cast in such a way as to never be able to get there because the value of the whole appears to be so much greater and so important at that moment in time than the long-term constitutional responsibility of these Senators.

So the Senators from Minnesota and Idaho, pass go, because the whole is so much more important than the parts. We are here today to tell you that the parts are darned important. They are constitutionally important.

And now let me try to set another stage for you about the pressures involved.

Our trade remedy process, countervailing duty, antidumping, 201 is transparent. It is a public process. If you, Mr. President, are a manufacturer in your State and you feel you are being dramatically harmed by a product coming in under a trade agreement, you have a course of action. Now, it takes a couple of years. It is open, it is public, and it will cost you money because you will have to get the attorneys and you will have to make the argument. If it is dramatic dumping and dramatic competition, you might be out of business before you get a remedy, but the remedy is still there and it is still open and it is still public. What we have tried to do and what our negotiators have tried to do since the Kennedy round forward is to convince other countries of the world to make their processes more transparent.

Now, over time, there has been a shift. The shift has been away from their duties and away from their penalties toward antidumping provisions, not unlike ours. They are not transparent. Sometimes they are cast or administered in the dark of night. And so what our trading partners are telling our trade negotiators, or at least our trade negotiators believe, is that we have to get rid of what we have to cause them to get rid of what they are getting or they have got as it relates to trade remedy laws. In other words, we walk the plank first and maybe they will follow. In the meantime, what happens to the manufacturers and the workers? What happens to the economies of Idaho and Minnesota? Do they have to shift to the new paradigm? Do the old economies have to go away even though under a different day and a different scenario they were viable and productive? Well, I guess I am frustrated by it all.

Let me talk about what happened in November of 2001 at Doha, Qatar, when our trade negotiators were involved in a round that we worked very hard to get, that was a product of the fallout of the very tragic round that occurred in Seattle, which basically fell apart as a result of national and international dissidents and disruption. In Doha this past November, our administration agreed to reopen negotiations on agreements of implementation of article 5 of the GATT—that is called on antidumping and countervailing duties—and on subsidies and countervailing pressures. The World Trade Organization had already ruled a number of times against our domestic trade remedy laws under these agreements and stated: the stated purpose of almost every other WTO member in securing these new negotiations is to further weaken U.S. trade law; in other words, further weaken the ability of the U.S. Government to protect its work force and its producers and its industries from what might be dumping, what might be clearly antitrade or unfair trade.

The Japanese Government was elated by that action. They said: We are satisfied. This constitutes a major victory for their efforts to gut our trade laws. Those are the words of the Japanese economy, trade and industry minister. He said: ''We are 120 percent satisfied that that's where the Bush administration wants to go.''

The USTR sacrificed our antidumping and countervailing duty laws in order to get a new round of talks at the table—not yet; they simply put them on the table.

Now, here is where I think the Senator from Minnesota and I agree and we also agree with our Trade Ambassador. There is nothing wrong with putting those issues on the table. When you are sitting at a negotiating table, everything ought to be negotiable, if the goal is to move from here to here and the benefits that will accrue as a result of that proposal are positive for our economies. So, our Trade Ambassador, put it on the table.

But in putting it on the table, it is important that you recognize who made those laws and how we ultimately ought to address them. And what we are saying is, put them on the table; talk about them. See if there is a better way to get where we need to go in 2002 than there was in 1960. The world has changed dramatically. We understand that. We are willing to listen to it. Put it on the table. The laws we passed in 1960 may not apply today.

But in putting it on the table, we are simply saying: And you bring back proposed changes in current law, not new law, in current trade remedy laws that are subject to a point of order. Why? Because this sovereign body created those laws. And the executive branch of government does not have a right to change them. And they don't. They only propose changes, but they do so in an environment that almost always assures that never will that vote occur.

It is a rather simple approach. We are being told by the administration and by some in it that this destroys TPA. It has been editorialized that this is a bitter pill. Then the other day it was called a torpedo. Today, in what is a well-meaning but not totally accurate letter from the administration, they strongly opposed it.

Let me go through the letter in the context of what I have just talked about, about the flexibility of negotiations. Before I do that, let me drop back a moment to something I think is important, and it is a frustration that our negotiators deal with when they are in the business of negotiating.

I had the opportunity a couple of years ago to be part of an observer team at The Hague at a climate change conference. The head of the U.S. team of the Clinton administration that was there said at the beginning of that conference: We will not propose laws that will damage the economy of the United States. And he said: No agreement is better than a bad agreement. The conference began and the pressure built.

During that time I had the opportunity to have a dialog with some of our counterparts from different Parliaments around the world. For the first time, I began to understand that they don't understand us. They didn't realize that a treaty negotiated by an administration and signed off on by an administration was not law until the Senate ratified it. Why? Well, if you are a member of a parliamentary body and you are elected and then you, if you are in the majority party, elect the Prime Minister out of that, that Prime Minister and the parliamentary body are, in essence, one. If that Prime Minister signs off on a treaty, it is law, unless the country doesn't like it. Then you hold a special election and get rid of the Prime Minister and the party. You get a new party and a new Prime Minister. That is how it works for a lot of countries in the world.

It does not work that way here. Our Founding Fathers created a division of labor in our Constitution. I think it was quite a clear division. When I began to say: The Kyoto treaty is not law in our country, it is a proposed treaty the Senate of the United States has refused to consider, therefore, it is not law, therefore, our negotiators don't have to negotiate to it or for it, the European parliamentarians, didn't understand that, or at least they chose not to understand it.

Of course, I was there as part of an observer team. I spent a lot of time encouraging the team not to make bad law, not to craft an agreement with which we couldn't live. Ultimately, they could not agree with the parliamentarians of Europe, and they came home.

That is the reality of where we are at the moment. That is why it is important to understand the frustrations our trade ambassador has when he goes to the table and they say: Why can't you just negotiate something? That has been arguable, why we have wanted TPA or fast track over the years. It is why we originally gave it.

But from the 1960s to 2002, the world and the economies of the world and the economies of this country and the economies of Idaho and the economies of Minnesota have changed dramatically in part because of trade, both positive and negative.

I believe it is right and proper that we debate this issue today, that we don't sweep it under the rug, that we ask our colleagues to choose whether we ought to have a point of order and whether we ought to have a simple majority vote on the need to change the trade remedy laws of our country as proposed by the trade agreement that is on the floor at the time or if we should retain the existing law.

In the letter sent this morning by the administration, they say that ''first and foremost, the amendment derails TPA without justification.'' I disagree with that. The Senator from Minnesota said it so well: An appointed bureaucrat is not an elected Senator. The oath of office we take to adhere to the Constitution is so clear and so simple and so important. We ought to be extremely cautious about delegating that constitutional responsibility to an unelected official.

The trade ambassador would say: You don't do that. You ultimately get to vote on it. I think I have talked about the vote, the circumstances of the vote, the climate in which the vote is cast. That is why we are here today suggesting we make some subtle changes in the law.

''We have been committed not just to preserving U.S. trade laws but, more importantly, to using them.'' This is the administration talking in the letter. You are right; they have. And yet we are saying: we want to preserve them if it fits for you to use. They are saying, no, no; they can be negotiable or at least we want the right to negotiate.

We are not denying that right. I have said it once. The Senator from Minnesota has said it. We are not denying the right of negotiation at all. If we are bright and clear and articulate in what we do, we will not sour the debate or the environment in which those negotiations occur because if I were a negotiator, I would say: You bet, we will talk about it. We will put it on the table. It will require a simple majority to pass. But then the whole agreement will.

In all fairness to the administration, they recognize in the letter 41 Senators are a minority blocking this process. We offered to the administration yesterday that we would make some modification. They did not see fit to accept that. We went ahead. The Senator from Minnesota, when he offered the amendment this morning, modified it so it is not a two-thirds. It is a simple majority on the point of order, exactly the same vote it takes to pass the whole package. I believe that is a reasonable and right approach and a fair approach toward dealing with this issue.

A minority ought not be allowed to block trade law or any law for that matter. We rule by a majority procedurally. We deal with supermajorities on occasion, and we have done it here on occasion, and with cloture and other issues to protect trade laws.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CRAIG. I am happy to respond.

Mr. DAYTON. The Senator will recall—I would like the RECORD to show I ask the Senator, I received a call from a colleague on a matter this morning and indicated a desire to change, modify this amendment and make it more acceptable to the administration. I would like to ask if that was the Senator's intent, to make this one that would be more acceptable to the administration?

Let me say also parenthetically that, as a member of the other political party, I do not intend this amendment in any respect to be something that is referenced to this particular administration. I respect the role the administration has taken, that the trade ambassador has taken with regard to the steel products, as the Senator indicated. I thought it was a very strong position the President took with regard to the lumber coming from Canada; that, as the Senator said, this administration is far more aggressive than its predecessor in that regard, and also with regard to Canadian wheat. My concern in offering this was not with regard to any particular administration. My interest was in protecting this Congress for many administrations to come on this matter.

I ask the Senator, is this attempt on our part one that came out of the Senator's negotiations and discussions with the administration?

Mr. CRAIG. It is that. I thought that was a right and reasonable approach. We should not ask for a supermajority on issues that can be passed or should be passed by a majority of the body.

The Senator from Minnesota listened to those arguments, accepted those arguments today. I was pleased that his amendment could be modified for that purpose.

In the administration's letter there is another argument. They say:

> Secondly, the amendment would jeopardize our current trade negotiations, especially the new global trade liberalization mandate launched in Doha last November.

My reaction to that is, it does not.

They go on to say:

> This is not a hypothetical observation. The failure to launch a global trade negotiation at Seattle in 1999 was due in significant part to a refusal even to discuss trade laws.

Well, that was then. This is now. I have just said—the Senator from Minnesota has just said—discuss trade laws. Put them on the table. Look at the fact that they might need adjustment or change, that laws we have written in the 1960s might need some change.

All we are saying is, when the package comes back, it will require, if a point of order is brought against a change that you have already reported to us, Mr. Ambassador, a 50-percent plus one of those present and voting.

The conversation in Doha or the next round ought to go like this: While the Congress of the United States is giving us new expanded trade authority and negotiation authority, it also recognized the strong desire on the part of the citizens of our country to protect some process of trade remedy and trade remedy laws that are currently on the books of the United States. So any changes that we would make in them or propose to be made—and we are certainly willing to discuss those and talk about them, as we also want to talk about you, Spain, or you, France, or you, Germany, or somewhere else's trade laws—will be subject to the same vote as required for passage of the trade package.

Instead of going with alarm, the ambassador ought to go with a very clear, matter-of-fact statement, and then roll up his sleeves and get at the business of negotiating in a way that I hope will help American agriculture and a lot of our industries.

Trade remedy laws are not off limits. Those are the words used in the administration's letter today: Not off limits at all; available for full discussion, full debate, negotiation and change subject to a majority vote of the Senate. I think that is right, that is proper, and that is what we ought to be about.

Their fourth argument was the WTO negotiations launched in Doha will not impair our ability to enforce U.S. trade laws. I think our explanation stands. If the ambassador brings back a package and in it there is substantive law change proposed and the dynamics of the package are such that the world and the economy of this country is saying pass it, pass it, pass it, there will be no opportunity because the law would not require, unless this amendment is adopted, us to make those adjustments if collectively the Congress of the United States felt the negotiators had gone beyond what we believe to be right and proper protection under those laws.

(Mrs. CARNAHAN assumed the chair.)

Mr. DORGAN. Will the Senator from Idaho yield for a question?

Mr. CRAIG. I will be happy to yield.

Mr. DORGAN. Madam President, I would like to propound a question to my colleague. I believe this is one of the most important amendments we will be dealing with on the trade promotion authority legislation. I am pleased to be a cosponsor, and I will be pleased to speak in support of it at some point.

I ask the Senator from Idaho, is it the case that much of the angst that exists with respect to recent trade agreements—U.S.-Canada, NAFTA, and others—is that when we see areas of clear trade problems, clear manipulation of the markets, clear abuse of trading practices, we cannot ever get much of a remedy?

We have all these trade agreements, but we cannot get a remedy; we cannot get a problem solved. Why? At least one of the reasons, in my judgment—and I inquire of the Senator from Idaho if he feels the same way—is that we have weakened all these remedies to the point that no one wants to use

them because they believe they are ineffective.

For example, section 22 is pretty much gone. In many ways, section 301 is made much weaker by subsequent negotiations. The result is, it does not matter whether it is wheat from Canada or high-fructose corn syrup from Mexico or a dozen items I could mention. We just cannot get anybody to tackle a remedy to say: Yes, this is unfair, and we will stand up on behalf of our producers and deal with it. That is why this amendment makes so much sense.

If the Trade Representative negotiates a new trade agreement and that agreement further weakens remedies that now exist, my understanding is the amendment allows that to come back to the Congress for an up-or-down vote. I think that is one of the most important provisions that we could adopt to this underlying bill.

I ask the Senator from Idaho, is it the case that the biggest problem these days has been we cannot get a remedy for anything in international trade?

Mr. CRAIG. The Senator from North Dakota has explained it very well, and that is the essence of this amendment. Again, a simple majority vote of this body will do so. Let me complete my comments. I have spoken long enough. There are others who wish to speak on this issue.

I close by speaking to the second-degree amendment the Senator from Iowa has just proposed, and I hope at some time we appropriately will move to table that second-degree amendment. Let me tell my colleagues why.

There is nothing in that amendment with which I disagree as part of process and procedure. You bet we should have talked about proposed substitutes and changes removed from, I call it the catchall title to the advanced title, to a higher priority as it relates to the direction we give our negotiators and ambassadors, the principles of negotiation and the objective of those principles.

The second-degree amendment, though, takes away the point of order. It says, here is how you negotiate, but it does not deny the right of the Senate to speak. I hope at the appropriate time, early afternoon, we will offer a motion to table that amendment. I do believe we need a good straight up-or-down vote on the Dayton-Craig amendment. It is an important amendment.

I yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, at this time I am not going to address either my amendment or the amendment by the Senator from Minnesota and the Senator from Idaho. I do wish to speak generically about the issue before us, to which the amendment of the Senators from Minnesota and Idaho are very central, and to remind my colleagues what trade promotion authority is all about.

First, as all my colleagues know, nothing can be done under the Constitution about trade unless the Congress of the United States does it, because one of our explicit powers in the Constitution is to regulate interstate and foreign commerce. It is our authority, and Congress rightfully and according to our oath of office ought to protect our constitutional responsibilities, and we ought to perform our constitutional responsibilities.

For the first 150-year history of our country, when all Congress had to do in regard to trade was put on tariffs, up or down, and other business of that nature, it was very appropriate for Congress to initiate and finalize action as far as the regulation of interstate and foreign commerce was concerned.

Since the 1930s, we have been involved in cooperative efforts with other countries to reduce tariff and nontariff trade barriers because it was seen then and today as mutually beneficial to all nations to do so. We have been involved in international agreements and international fora to accomplish those goals.

One can imagine how impossible it would be then in an international forum to have 535 Members of Congress, in a meeting of 142 countries, negotiating trade agreements, with the Congress of the United States speaking for the United States. It is almost impossible for Congress to reach an agreement among its Members without, in the process, trying to negotiate with 142 other countries. So for the last 25 years, or some people would say in different ways since 1935, we have given the President permission to negotiate agreements with other countries.

In a sense, the United States, through this legislation and previous legislation, has set up a contract with the President of the United States saying we would like to have him negotiate for the Congress of the United States, where the constitutional power lies, some agreements under strict authority that we would give the President, and with Congress having final authority to adopt what was negotiated if we agreed to it.

We are talking about giving the President the power to negotiate for us because it is an impossibility for the Congress to enter such a forum.

The basic question to our colleagues as they consider Dayton-Craig and other amendments is: Do they want the President of the United States to have this authority? This is not blanket authority given to the President of the United States. It is very confined to subject matter. It is very confined to the President reporting to the Congress of the United States on a regular basis what has been done and to get our feedback so that the President carries out the intent of Congress in the negotiations.

Finally, the President of the United States has to come to an agreement with 142 countries. Remember, that is not done by a majority vote of those 142 countries. That is done by consensus. So if the President of the United States feels the interests of the United States are not adequately protected, all the President has to do is walk away, and there is no new WTO agreement.

Eventually, if the President decides U.S. interests are being protected and he agrees to it and the other 142 countries agree to it, then it comes to us to make a decision whether or not the interests of the United States are adequately protected as the President negotiated with us, and it takes a majority vote in the House and Senate for that to become law of the land.

The basic question before the Senate in the Dayton-Craig amendment is whether or not they want the President of the United States to be credible at the bargaining table. The issue is whether or not the President will be credible if, when he reaches an agreement, there is opportunity in the Senate to have separate votes on separate parts of the agreement so some can be dropped and others might be adopted.

Do my colleagues think the other 142 countries of the WTO are going to negotiate with our country on that basis?

Do you think there will be a final agreement? No. The Dayton-Craig amendment undoes the pattern of this contract between the President of the United States and the Congress over the last 25 years.

So we all have to ask ourselves: Has the United States prospered by our international agreements over the last quarter of a century by the process that is once again before us to set up a contract with the President of the United States to negotiate? I have come to the conclusion this process has been good, but I am a Republican. Maybe Democrats would question my judgment of whether or not this is a good process.

So I have said before in this debate, and I want to say again, listen to what President Clinton said as he correctly bragged about the agreements he finalized—that started in previous administrations—during his first year in office. The North American Free Trade Agreement and the Uruguay Round of the General Agreement of Tariffs and Trades were finalized during his first months in office.

He says as a result of those agreements, and I suppose he would say, too, predecessors to those agreements, that the United States has benefited very well by it. And he used, as I heard him say so many times, that there were, I think the figure was, 22 million jobs created during his administration, and one-third of those jobs were related to trade.

If President Clinton says that, if President Bush believes this is a good process to continue, and you have one Democratic President and one Republican President who think proceeding down the road that we have gone for the last 25 years is the right road to go, I think it would carry some weight with people on both sides of the aisle and it would be a no-brainer that this

process ought to be continued. Our colleagues are suggesting that would put a kink in this machine, and that might not be the thing to do. I raise those questions with my colleagues.

I also raise the questions with my colleagues of whether or not the present trade remedies are working, which I heard a few minutes ago. Well, what do they think the steel agreement is all about? The President is looking out for our basic industry, to give it some help through transition. The President looked at that and decided that other countries dumping steel in the United States was not right, and our economy was being hurt by it. He stepped in, in a very strong way, to protect our interests.

I think of the 201 process where the previous President stepped in, in the case of lamb coming into the United States from New Zealand and Australia. I suppose there are a lot of others I ought to refer to, but our Presidents, Republican and Democrat, have been willing to use the tools that are on the table. Other nations are beginning to learn from the United States and are willing to take action to protect their industries in a way that is going to eventually hurt us.

We have been the pioneers of trade remedy legislation for a long period of time, and other nations have somewhat resented our using it, and they are beginning to learn from us and use it. Now they are doing it in a way that is not as transparent as the United States. They do it probably in a way that is less concerned about their using it on the world economy than what our Presidents have done in regard to our action and the world economy.

Now, are we going to say we should not be looking out for our interests on trade remedy legislation? I think what they are saying is we ought to let the rest of the world adopt these measures, even if they hurt the United States. Some examples: South Africa imposing dumping duties on United States poultry, closing an important $14 million market; Mexico imposing dumping duties on United States high-fructose corn syrup, decreasing our exports by half, $30 million; Mexico imposing dumping duties on certain United States swine, formerly a $450 million market; Mexico imposing dumping duties on certain cuts of beef affecting companies' abilities to service and grow this $512 million market. Just this year, Canada imposed dumping duties on United States tomatoes, $115 million. In 1999, Canada imposed dumping duties on exports of United States corn, a $36 million market resulting in little United States corn exported to Canada for 4 months until a provisional duty was removed.

These are examples of the rest of the world learning from the United States. Consequently, don't we in the United States think it would be better if our country or our President were at the table negotiating to see that these things did not happen? I think those are the issues before us.

I probably have implied very much that Dayton-Craig is a bad approach. My point is to simply say I hope my 99 other colleagues will look at the practice of the last 25 years, which has been a credible approach for the United States to be at the negotiating table, and say: Do you really want to change that? Do you want to change the credibility of the President of the United States at the negotiating table?

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, of course the Senator from Iowa is correct; the Constitution does provide in article I, section 8, that the Congress shall have the power to regulate commerce with foreign nations—not the President, not the trade ambassador, but the Congress. That is in the Constitution of this country.

The Congress has, over some period of time, decided it would like to put handcuffs on itself so these handcuffs would prevent it from being involved in any trade negotiation or trade agreement that came back to the Congress. If it did not like a provision, if it thought a provision was not in accordance with this country's interests, the Congress will have said, by fast track or trade promotion authority, no, we are not allowed to offer amendments to that trade agreement. Congress has done that on previous occasions. I do not support that. I do not believe it is appropriate.

What the Senators from Minnesota and Idaho are saying with respect to fast track, or trade promotion authority, which will tie the Congress's hands, at least in regard to the issue of providing trade remedies for trade abuses that exist, that our businesses and our employees in this country have to try to deal with, at least with respect to those trade remedies, Congress ought to have a say in that if someone negotiates a trade agreement that weakens those trade remedies.

We have had plenty of examples: Section 22 was largely negotiated away; section 301 has been diminished in importance. So we have had examples where the trade remedies are not available.

My colleague from Iowa cited some of the trade abuses that I could cite. On high-fructose corn syrup to Mexico he says: Yes, that is a problem. Do not blame us. Let us not blame America for trade abuses that are imposed by other countries.

Unfair wheat subsidies or unfair wheat trade flooding into this country from Canada, that is a problem. That is not our fault; that is Canada's fault. The high-fructose corn syrup, that is Mexico's fault.

I could go on to give a dozen such examples, but let's not blame our country for trade abuses that are committed by other countries. Let's make sure businesses in our country and their workers know that when another country does that, when it tries to rig the marketplace with a trade practice that is abusive, then we have a remedy against it.

Ralph Waldo Emerson said that common sense is genius dressed in work clothes. When we deal with trade issues, I find very little genius these days, especially in Washington, DC. Almost all of the debate that ought to be thoughtful turns thoughtless in an instant. This morning's Washington Post editorial is an example of that, suggesting this amendment is going to torpedo this trade promotion authority legislation. It will do nothing of the sort. It strengthens it.

Let me give some examples of what is going on in trade. Canada pushes an avalanche of grain into our country, unfairly subsidized, unfairly traded in our country by a Canadian wheat board that is a sanctioned monopoly in Canada which would be illegal in this country. So our farmers are confronted with this massive amount of unfair trade, and it takes money right out of the pockets of our family farmers, and nothing can be done about it. It has been going on for 10 years. It was given the green light, incidentally, in the United States-Canada Free Trade Agreement, which I voted against; nonetheless, this has been going on relentlessly, and nobody does anything about it.

We had an investigation by the ITC, and they said: Yes, Canada is guilty of unfair trade. There was a 301 action filed by wheat growers in my State, and the trade ambassador said: No, despite the fact that there is a conclusion that Canada is guilty of unfair trade, we will not impose fair trade quotas that United States law would allow because it might be inconsistent with NAFTA and the WTO. But Ambassador Zoellick says to farmers: Don't lose hope. Under U.S. laws you can always consider filing antidumping or countervailing duty cases.

Let me show my colleagues a Congress Daily Report, November 26, 2001—November 9 through 14: The WTO ministerial at Doha, Qatar, Trade Representative Zoellick agreed that U.S. antidumping laws could be discussed as the new round gets underway.

In other words, in the next round the antidumping laws will be up for discussion because many countries don't want us to have antidumping laws. They want to dump their products into the American marketplace, and if our producers are concerned about that—saying we cannot compete, we will have to close our plant, we can't compete against products coming from China or Japan or Europe or Canada or Mexico or Korea, we can't possibly compete against them because they are dumping at below the cost of acquisition, what are we going to do—we are going to put this on the table to talk about. Maybe we can get rid of countervailing duty or antidumping laws. Maybe the next negotiation in a room, behind a closed door, in which we are not present, the American people are

not present, trade negotiators from all around the world will decide that the United States will agree to get rid of its antidumping laws. Maybe that is what will happen.

If that happens, I sure want the Congress to be able to vote on that separately on behalf of farmers, factory workers, steelworkers. I want Congress to have a shot at saying yes or no, and my vote is going to be a resounding no.

One final point, if I might. I have just had a bellyful of people saying it is wrong to worry about protecting America's interests. The word ''protect'' has become a vulgarism in trade speech, and I find that Byzantine.

Who in this Chamber does not want to stand up and protect our country's interests? Who do you not want to protect? Do you not want to protect a steel industry that is under siege from unfairly subsidized shipments into this country? Do you not want to protect farmers and factory workers? Who is it you do not want to protect? Isn't it our job to decide that we will protect our industries to the extent of demanding fair trade?

I don't mean, by ''protection,'' saying we are going to put walls around our country. I don't mean that at all. I don't believe we should do that. I believe we ought to be required and able to compete at any time, at any place in the world. That competition does not mean, however, that our companies and our workers ought to compete with 12-year-olds who work 12 hours a day and are paid 12 cents an hour in some plant 8,000 miles away, and some company takes the product of that plant and moves it to a store shelf in Pittsburgh or Fargo or Los Angeles or Pocatello. It is not fair trade and it is not what our businesses and workers ought to have to put up with.

When we talk about protecting our country's economic interests, it is not about diminishing trade or putting walls around our country. It is about saying we have a right in this country to protect the economic interests of businesses and workers who want to play by the rules when they confront others in this world who decide they will not play by the rules.

One final point. I have made this point over and over because it is so dramatic. I want to mention automobile trade with Korea to demonstrate what is happening on a range of things throughout the world in a way that hurts our workers and hurts our companies. Last year, Korea sent us 630,000 cars, Daewoos, Hyundais, and others. Madam President, 630,000 Korean cars came into the U.S. marketplace. Good for them.

Last year, we were only able to sell 2,800 cars in Korea. Let me say that again: 630,000 Korean cars coming to the United States, and we were only able to get 2,800 U.S. cars sold in Korea. Do you know why? Because the Korean Government doesn't want American cars sold in Korea. It is very simple. And that is not fair. We ought to say to Korea and other countries, if your market is open to American products, then our market is open to you. But if we make the American marketplace open to your products, then you had better open your marketplace or you find a way to sell your cars in Kishasa, Zaire, next year and see how you like that marketplace.

I want to speak a little later, but let me say Senator DAYTON and Senator CRAIG have propounded an amendment that is very important. All it says is we need to preserve the opportunity to vote if someone behind a closed door in some room half a world away is going to negotiate away the remedies for unfair trade, our remedies to get after and take after the unfair trade that exists.

That is not antitrade; that is protrade. That is not undercutting the bill that is on the floor of the Senate; that in fact will strengthen and improve it.

I yield the floor.

Mr. REID. Madam President, the Senator from South Carolina has asked to speak.

Under the previous order, we are to go out in 1 minute. I ask unanimous consent the Senator from South Carolina, Mr. HOLLINGS, be recognized for up to 15 minutes, and this will be for debate only. At that time, we would go out for the party caucuses.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank the distinguished leader and the two distinguished sponsors of this particular amendment, the Senator from Minnesota and the Senator from Idaho. There is nothing better than a clear-cut, clean-cut little amendment, this particular provision. It simply says: Wait a minute, we don't want just an up-or-down vote on an overall patchwork of all kinds of trade measures, and all kinds of articles, and everything else of that kind.

Somebody might not like what they got on prunes. Somebody might not like what they have on textiles and everything else.

We are not disturbing whatever the negotiations are of our special Trade Representative, or the President. They tried to label it as either you are for the President or against the President. That is baloney.

What it says is: Wait a minute, before you have to vote up or down to just bring a whole trade bill down, let's make certain the basic laws are right. Here is how it reads:

> Notwithstanding any other provision of law [it] . . . shall not apply to any provisions in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—imposition of countervailing and antidumping duties . . . national security import restrictions—

It goes down and lists those things that they are trying to safeguard from unfair trade practices.

Even then, only on a point of order will the majority vote up or down. So you do not have to argue the entire trade measure that they have spent months and months, sometimes years and years on. You can just bring it to a majority vote.

If I were the President or anybody else were the President, they would say please put that in there. We are not trying to superimpose this kind of authority over the Congress. Article I, section 8, of the Constitution says that the Congress has that responsibility. It is not the responsibility of the Special Trade Representative, not the Supreme Court, not the President—we have the responsibility. What I am trying to do is protect that responsibility. The administration should want me protecting the Constitution.

What really is happening is that people do not understand the fix. Let me explain what I call the fix.

If you go back to the early '90s to the enactment of NAFTA, the North American Free Trade Agreement, the trade treaty with Mexico, it was a very interesting thing.

The New York Times published an article, after the vote was cast, about the 26 freebies that President Clinton did, to put on the fix in order to pass that particular measure. He gave two golf rounds, one in California, and another one somewhere in Arkansas for votes; he gave two C–17s to another Congressman; he gave a cultural center to Congressman Pickle, down in Texas, for a vote.

At least those freebies, in order to fix the vote, got some people some jobs. Look the golf matches at least got somebody a job to cut the grass.

Let's clear the air and understand what is going on right now. Under Mr. Bush's plan, we would not be allowed to debate and consider these trade measures—except in a limited way. The Senators from Minnesota and Idaho, said: Heavens above, let us have at least the national security laws, countervailing duties, and antidumping laws—where a point of order will give you an up-or-down vote and you do not have to vote up or down the entire trade measure.

There is a very interesting article here—the unmitigated gall of the proponents of fast track.

Let me read it:

> The Bush Administration indicated that the President might veto trade legislation if the Senate adds a provision that would allow Congress to amend foreign trade agreements the President negotiates. This week, the Senate is considering granting Bush fast track trade powers. Under fast track, Congress could approve or reject trade pacts but could not amend them. However, Senators Mark Dayton, Democrat of Minnesota, and Larry Craig, Republican of Idaho, are pushing an amendment that would allow Congress to change trade pacts. They say Congress must have the power to make changes

to protect U.S. workers. Commerce Department officials said that would defeat the purpose of fast track and they would recommend that Bush veto the legislation.

In short, yes, the President does not have the authority under the Constitution. The Congress, under article I, section 8, has the authority and the responsibility. The President, and his little minion, Robert Zoellick, the Trade Representative—he runs around and smiles and grins in all of these places, and he can amend anything. He can amend the laws. But, oh, they bring and amend the laws with respect to our national security, with respect to countervailing duties and antidumping provisions. He can amend it. But the Congress can't even consider it on an up-or-down vote.

Can you imagine the polls in such a situation as this. That Grassley amendment ought to be tabled immediately and we should not wait for 2:15. There isn't any question in my mind that this thing has gotten totally out of hand. The trade laws are not successes. The distinguished Senator from Iowa points out that everything has been coming up roses. But the fact is, we have been going out of business. Because of NAFTA we lost 53,900 textile jobs alone in the little State of South Carolina, 700,000 around the country—not just 20,000 steelworkers. So we lost all of those jobs. And we are going out of business. And the Congress of the United States tells them: Retrain, reeducate, high-tech, global competition. The President says you don't understand it.

We understand it. We retrain. I told the story—I will repeat it right quickly—of the Oneida mill in Andrews that made the little T-shirts. At the time of the closing, they had 487 workers there. The average age was 47. The next morning they did it the President's way. They retrained the employees. They are re-skilled. They are now 487 skilled computer operators.

Are you going to hire a 47-year-old computer operator or a 21-year-old computer operator? You are not taking on the retirement costs, you are not taking on the health costs of the 47-year-old. So it is a real problem.

Here we have the responsibility, and this crowd will not even let us do our job. The arrogance of this K Street crowd who writes these trade measures is unbelievable. And the President of the United States went over on the House side, and by one vote he promised—what?—he would do a fundraiser. So he has been down to Greenville to show up at a fundraiser.

It is money that talks, that controls here. You do not argue the trade measure, whether it is in the best interests of our country or not. This thing has gotten totally out of hand. And to come here and say whether this President likes it or that President likes it, well, this Senator does not like it at all.

We have many other measures, too. I noticed that Nick Calio, and his minion at the White House, said we have to get on, we can get rid of this bill this week and we can get it to conference, and everything else like that. We have barely been able to get on this particular amendment to discuss it. And then they say, well, we will put in a little maneuver here. And we will fix that vote. And we will not even have it, even when they have changed it from a 60-vote point of order down to just a majority vote up or down. They will not even let you have a majority up-or-down vote on the security of the United States under the responsibilities of the Senate.

They say that past Presidents like it. Past Presidents don't go back down to Arkansas—they move to New York. They don't sell this trade bill as being good for farmers in Arkansas, I can tell you that. They won't run for election down there. And they won't do it in my State of South Carolina, either.

It is a hearty development to find the distinguished Senator from Idaho, and the Senator from North Dakota—they know that agricultural business extremely well. They are now joining in because they are losing all the agriculture. The 3½ million farmers that we have in America cannot outproduce 700 million farmers in China. That is why we have a deficit in the balance of trade with respect to corn.

They tell me that now China is shipping to Japan and Korea some of their wheat so they can continue to appear as if they are taking our wheat. But we are going out of business there. And we will not have the wonderful export of America's most productive production; namely, America's agriculture.

So I hope we will slow down, stop, look, and listen, and understand that all we are trying to do is our job. And our job is to regulate foreign commerce. Please let us have a vote up or down. Do not come in and say, you cannot even have an up-or-down vote on the antidumping substantive law, that you can repeal it. Because once they repeal it in Doha, or any other foreign land, we're in trouble. When the trade reps meet to discuss agreements they don't go to places like Seattle any more, where people can go to and demonstrate and tell about our trade experiences here in the United States. No, they pick a place that no one ever heard of. You can't find it on the map.

The next meeting will be down in the Antarctic. I have been down there. It is hard to get there. That is where they will have the next trade negotiation, where nobody can be heard. And they will get the fix, and then they will come back and do exactly what is happening on this bill.

There is a fix. In this particular case it is not golf games and not C–17s, it is not cultural centers like it was on NAFTA, but it is welfare. It does not employ anybody. It says: Well, we give you a little welfare to keep your mouth shut, so you can go back home and run for reelection. It is not about trade, not about jobs.

We have the job of creating jobs. They are exporting them faster than we can possibly manage it. And now they are not only exporting their manufacturing, they are exporting the executive office to Bermuda.

So here, in a time of war, when you should hear the word ''sacrifice,'' they put the President on TV, who says: Don't worry. Take a trip. Go to Disney World. Take your family. And what we ought to do is cut some more taxes to run the debt up.

You are going to hear about that because by this time next month we will be in desperate circumstances. We have to increase the debt limit, but they will not say they will increase the debt limit. They will try to say it is the war, as to why we need to borrow money. Oh, no, it is not the war. It is the trillions of dollars they have lost. And now they want to lose another $4 trillion.

Larry Lindsey—he doesn't like me referring to him—but he is the one who opposed what we had going with President Clinton and Secretary Summers to stop all of these offshore locations from avoiding taxes. They even had a bill, reported out of the committee over on the House side, that did that.

You would think, by gosh, we would be raising taxes to pay for the war, certainly not escaping our civic duty in a time of war. But that is the hands that we are dealt. The wonderful Business Roundtable, the Conference Board, the National Association of Manufacturers, and the U.S. Chamber of Commerce—oh, they will all tell you what is good for the country. What they are saying is wrecking the economy. They don't want to pay for anything. All they want to do is just help everybody buy the different elections.

I see my time is up. I hope that at 2:15, when they move to table, Madam President, that the people will sober up and come to the floor and give us a chance on that vote to table the Grassley amendment so we can do our job. We don't say one way or the other; we just say, give us an up-or-down vote to consider the security, consider the antidumping provisions, as the Dayton-Craig amendment calls for.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. BREAUX).

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3408

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, as soon as we have someone here from the other side, I will move to table the amendment now pending. We have had a good debate. The debate was very constructive all morning. It is time to test the strength of the second-degree amendment and find out what we are going to do.

As we proceed through this trade legislation, we should have more debates such as we had this morning. We should vote as soon as we have had debate. Of course, a motion to table can be offered at any time. It is high time we did this on this amendment.

I was talking to some Democratic Senators this morning. Between the two Senators they have six or seven amendments. So there is a lot that needs to be done on this legislation. If someone does not have an opportunity to speak on one amendment, they can certainly do it on the other.

I hope we can continue to move this legislation. I know Senator DAYTON and Senator CRAIG have waited for days on offering their amendment.

I say to my friend from Minnesota, I appreciate very much his patience in waiting to get to a point to test the strength of what is happening.

I have been told that the Dayton-Craig amendment has at least 60 votes in favor of it. I certainly think we should find out if that is the case. There have been some who have been trying to prevent Senators DAYTON and CRAIG from having a vote on their amendment. I suggest that is not the way we should do things. Something this complex and this important we should move as quickly as possible.

I therefore move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Ms. STABENOW). Is there a sufficient second?

There is not a sufficient second.

Mr. GRAMM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Nevada.

Mr. REID. Madam President, I renew my request to table the amendment.

I withhold that request.

Madam President, I ask for the attention of my friend from Iowa. Is it the Senator's intention to withdraw the amendment?

Mr. GRASSLEY. Yes.

AMENDMENT NO. 3409 WITHDRAWN

Mr. GRASSLEY. Madam President, I ask unanimous consent to withdraw my amendment.

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

AMENDMENT NO. 3408

Mr. REID. Madam President, I move to table the Dayton amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 3408. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—38

Allard	Gramm	Lugar
Baucus	Grassley	McCain
Bennett	Gregg	McConnell
Bond	Hagel	Miller
Breaux	Hatch	Murkowski
Brownback	Hutchinson	Nickles
Chafee	Hutchison	Roberts
Cochran	Inhofe	Santorum
DeWine	Kyl	Stevens
Domenici	Landrieu	Thomas
Ensign	Lieberman	Thompson
Fitzgerald	Lincoln	Voinovich
Frist	Lott	

NAYS—61

Akaka	Dayton	Nelson (FL)
Allen	Dodd	Nelson (NE)
Bayh	Dorgan	Reed
Biden	Durbin	Reid
Bingaman	Edwards	Rockefeller
Boxer	Enzi	Sarbanes
Bunning	Feingold	Schumer
Burns	Feinstein	Sessions
Byrd	Graham	Shelby
Campbell	Harkin	Smith (NH)
Cantwell	Hollings	Smith (OR)
Carnahan	Inouye	Snowe
Carper	Jeffords	Specter
Cleland	Johnson	Stabenow
Clinton	Kennedy	Thurmond
Collins	Kerry	Torricelli
Conrad	Kohl	Warner
Corzine	Leahy	Wellstone
Craig	Levin	Wyden
Crapo	Mikulski	
Daschle	Murray	

NOT VOTING—1

Helms

The motion was rejected.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BAUCUS. Madam President, I rise today to discuss U.S. trade remedy laws—antidumping, anti-subsidy, and safeguard laws.

Senators DAYTON and CRAIG have offered an amendment on this important issue. I want to say a few words about our trade laws. While much of this year's debate over fast track has centered around labor and environment, there has been less talk about the equally important issue of U.S. trade laws—specifically, how we will ensure that these laws are not weakened in future trade negotiations. This is not an academic issue. In Doha last November, our trade negotiators put U.S. trade laws on the negotiating table. I believe that was a mistake. And I want to make it clear now: This Senate and this Congress will not tolerate weakening changes to our trade laws.

It is a grave mistake to suggest that the United States must weaken its trade laws to be a participant in future trade negotiations. There is virtually no political support for such a position. The last tabling motion showed that. There were 61 Senators who voted not to table the underlying amendment. This point was made clear in the letter sent to the President last year by nearly two-thirds of the Senate.

I ask unanimous consent that a copy of this letter be printed in the RECORD.

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

MAY 7, 2001.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to state our strong opposition to any international trade agreement that would weaken U.S. trade laws.

Key U.S. trade laws, including antidumping law, countervailing duty law, Section 201, and Section 301, are a critical element of U.S. trade policy. A wide range of agricultural and industrial sectors has successfully employed these statutes to address trade problems. Unfortunately, experience suggests that many other industries are likely to have occasion to rely upon them in future years.

Each of these laws is fully consistent with U.S. obligations under the World Trade Organization (WTO) and other trade agreements. Moreover, these laws actually promote free trade by countering practices that both distort trade and are condemned by international trading rules.

U.S. trade laws provide American workers and industries the guarantee that, if the United States pursues trade liberalization, it will also protect them against unfair foreign trade practices and allow time for them to address serious import surges. They are part of a political bargain struck with Congress and the American people under which the United States has pursued market opening trade agreements in the past.

Congress has made clear its position on this matter. In draft fast track legislation considered in 1997, both Houses of Congress have included strong provisions directing trade negotiators not to weaken U.S. trade laws. Congress has restated this position in resolutions, letters, and through other means.

Unfortunately, some of our trading partners, many of whom maintain serious unfair trade practices, continue to seek to weaken these laws. This may simply be posturing by those who oppose further market opening, but—whatever the motive—the United States should no longer use its trade laws as bargaining chips in trade negotiations nor

agree to any provision that weaken or undermine U.S. trade laws.

We look forward to your response.

Sincerely,

Baucus, DeWine, Specter, Rockefeller, Kerry, Byrd, Hollings, Conrad, Voinovich, Snowe, Bingaman, Collins, Santorum, Graham, Thomas, Durbin, Torricelli, Enzi, Murray, Dorgan, Akaka, Inouye, Landrieu, Boxer, Breaux, Craig, Helms, Edwards, Sarbanes, Lincoln, Johnson, Dayton, Mikulski, Lott, Daschle, Bayh, Dodd, Wellstone, McConnell, Sessions, Kennedy, Clinton, Thurmond, Schumer, Bunning, Carnahan, Cleland, Wyden, Levin, Crapo, Feinstein, Cantwell, Burns, Stabenow, Carper, Miller, Smith of New Hampshire, Smith of Oregon, Reid, Harkin, Shelby, Lieberman.

Mr. BAUCUS. Our trading partners should also understand this point. There are many countries that want to weaken U.S. trade laws. Why? Because they want to be able, if you will, to dump subsidized products—ship products that violate the basic principles of WTO—within the United States.

It is very difficult for us to protect ourselves if we don't have our antidumping and countervailing duty and section 201 trade laws.

I must say almost every country in the world, and certainly many in South America, are eager to negotiate free trade agreements with the United States. There are many South American countries that want to do so. Unfortunately, a thorn in our side and a thorn in the side of the countries in our joint effort to try to reach agreement on FTAA, for example, I say very respectfully, is the country of Brazil.

I think it is important to step back and ask why countries such as Brazil want us to weaken our trade laws. The answer, of course is pretty simple: their companies and their workers will benefit—at the expense of ours.

In the last couple of years, there has been considerable debate regarding the use of trade laws in the context of the steel import crisis. Last year, the administration and the Senate Finance Committee worked together to initiate a ''section 201'' investigation, which allows relief where an industry has been seriously injured by imports. The case of steel is well known—international overcapacity and unfair trade practices have been the norm for decades. But unfair trade practices are not limited to the steel industry. Foreign governments have sought to undercut other strategic U.S. industries—including semiconductors, consumer electronics, and supercomputers.

That last point is important—so I want to emphasize it again. Foreign governments have sought to harm American companies and workers. Opponents of dumping laws often suggest that if a foreign company wants to sell us a product cheaply we, should take advantage of that. After all isn't that what, competition is all about? But that view is far too simplistic. Companies can succeed in dumping over an extended period of time *only* if supported by government policies—trade barriers, subsidies, lax enforcement of their own antitrust laws.

Profits gained in protected foreign markets allow foreign companies to splash prices in the United States in order to gain market share. Indeed, efficient American mills must compete with foreign mills that produce steel regardless of need. Foreign steel mills often act as little more than subsidized work programs.

I might digress slightly. The same is true with subsidized lumber in Canada. They are tantamount to subsidized work programs and subsidized timber production in the lumber industry to such a great degree.

In 1999, for example, foreign overcapacity was more than two times as great as the total annual steel consumption in the United States.

With other export markets largely closed, there is an overwhelming incentive to send underpriced steel to the open U.S. market. Let me repeat that point. Other countries tend to close their markets to companies and countries that dump steel or subsidize steel production. So what happens? That steel tends to be diverted to the United States because we, by comparison, have such an open market compared with other countries that otherwise import steel.

So without fair trade laws, investment dollars would simply not flow to American companies. For example, why would anybody invest in a U.S. company, even a highly efficient one, that could so easily be undercut by unfair foreign competition?

So it is not only a matter of workers, employees getting jobs in the United States, but it is also foreign investment and domestic investment in American companies in the United States.

A smart investor would invest in a company where its government protected its market share.

Still, the point is argued, why not just allow consumers to take advantage of cheap products? It certainly is true there may be a short-term advantage for consumers and consuming industries. But over the long term, we risk gutting our manufacturing base and gutting the technological edge of American companies.

Just think about it a second. If other countries dump, how can we invest in the United States to gain and maintain a technological edge?

For any consuming industry complaining about the use of our trade laws in the steel industry, just ask yourself what their reaction would be to foreign governments targeting their industry.

But beyond economic rationale, we risk losing the political support for trade. Trade laws are part of the political bargain. If free trade is not perceived as fair, Americans will not support it. Why would Americans support free trade if the perception is that it exposes them to foreign governments' unfair trade practices?

Consider also the consequences if we do not have effective trade laws. Trade laws ensure uniform treatment. In bad economic times, there will always be calls to take action against imports. Without consistent and transparent trade laws, those calls will come for general trade barriers against imports. The internationally negotiated trade laws we currently follow seek to provide an objective set of criteria. I might add, our trade laws are totally WTO consistent, a point some critics forget to mention.

Some have also asked whether we really need to worry about our laws being weakened in international negotiations. Recent history demonstrates why we should be concerned.

I might say, NAFTA's dispute resolution procedures under chapter 19 have significantly undermined our enforcement of U.S. trade laws. Both the GATT Tokyo Round and the Uruguay Round weakened our antidumping and safeguard rules; that is, it happens, it is not just theory. It is happening. And our laws continue to be attacked and weakened by dispute panels exceeding their authority.

Some have suggested we use negotiations as an opportunity to address due process and transparency concerns in the application of other countries' trade laws. But remember that fast track is only used to change U.S. laws. If we are only looking at the laws of foreign governments, we can resolve those differences outside of the U.S. implementing legislation.

As for difficulties encountered by U.S. exporters facing foreign countries' trade remedy actions, those are problems of compliance with the existing WTO rules, not problems requiring us to revisit the rules themselves.

Let me now turn to the Senate bill. I want to make sure my colleagues appreciate the strong provisions protecting U.S. trade laws.

First, as was the case in the House legislation, our bill provides that the President must not undercut U.S. trade laws and should also seek to put an end to the foreign practices that make trade laws necessary in the first place. Section 2102(c)(9) of the bill states, first, that the President shall:

(A) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions. . . .

Pretty strong stuff.

Second, the bill states the President shall—I underline the word ''shall'':

(B) address and remedy market distortions that lead to dumping and subsidization including overcapacity, cartelization, and market access barriers.

In addition, the Senate bill makes important additions to the House bill.

Under this legislation, the Secretary of Commerce must form a strategy to

seek improved adherence to WTO dispute settlement panels to the standards of review contained in the WTO agreements or lose fast-track procedures.

In findings, the legislation identifies particular concerns regarding recent WTO decisions affecting U.S. trade laws.

The Senate bill also requires that the chairmen and the ranking members of the Finance and Ways and Means Committees to separately determine whether any changes to U.S. trade laws are consistent with the negotiated objective of not weakening U.S. trade laws.

Another protection: The President must notify the Finance and Ways and Means Committees of any proposed changes to U.S. trade laws; and, following a report by the chairmen and ranking members, the President must separately explain how proposed changes are consistent with the negotiating objectives established in the fast-track legislation.

When it comes to protecting U.S. trade laws, I believe the Senate bill is a strong bill. But let me end by emphasizing the importance of these laws.

Why do our trade agreements basically work? They work only because there is respect for the agreements themselves, and for the enforcement of those agreements. But how long will Americans support new negotiations or existing agreements if they see foreign governments taking advantage of us?

I believe the language in this fast-track bill makes it very clear that Congress will not tolerate weakening changes to U.S. trade laws. And I—and the great majority of my colleagues—will continue to pursue this issue as we move forward in future trade negotiations.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Texas.

Mr. GRAMM. Mr. President, I want to talk about trade promotion authority. I want to talk a little bit about the history of how we came to be here. I want to talk about why this issue is so critically important. I want to talk about the Craig amendment. And I want to talk about how we are reaching a point where we are beginning to endanger trade promotion authority altogether.

This is a lot to talk about, and I know there are a lot of other people who want to speak, so let me begin. And let me start at a logical point: 1934.

Imagine that it is 1934 in America. One out of every three Americans is out of work. The gross domestic product of the country has declined by almost a third. We have adopted a series of protective tariffs including the onerous Smoot-Hawley tariffs initiated by Republicans and supported by Democrats. And in the process, we not only have a depression in our own country, but we, by starting a trade war worldwide, have turned the global recession of 1929 and 1930 into a global depression.

And in that humbling moment of 1934, where everything we did related to trade and the economy was wrong, there was a rare bipartisan consensus. It occurred because the country was in so much trouble, and because there was a recognition that we had created our own problem. At that moment in 1934, Republicans and Democrats got together and passed what was called the Reciprocal Trade Agreements Act. That Act allowed the President to negotiate 29 trade agreements between 1934 and 1945. We literally were the leader in starting up world trade again.

As world trade was reignited, as our economy started to grow, and as we fought and won World War II, the bipartisan consensus on trade grew. We saw that trade is a good thing that promotes jobs, growth, opportunity, prosperity, and freedom. The bipartisan consensus expanded to the point where in 1948 we adopted the General Agreement on Tariffs and Trade, known as GATT, and initiated a worldwide effort to try to open up global trade.

Subsequently, from 1947 to 1963, we completed five successful negotiating rounds under GATT. But then, in 1962, something happened that is highly relevant to the debate we are having today over the Dayton amendment. By 1962, the principal impediment to trade in the world was not protective tariffs. Instead, the key impediment was non-tariff measures anti-trade laws adopted by countries that limited the ability of trade to flow freely. For example, countries began to adopt laws allowing producers within a country to get special protection if they were harmed by trade, and allowing countries to subsidize their exports if they felt they were losing out in trade.

By 1962, therefore, President Kennedy recognized it was no longer enough to negotiate tariff reductions. We needed to negotiate away all the barriers that we and other countries had put up that consisted not of tariffs, but of non-tariff trade protections. Therefore, the Kennedy Round focused on issues such as countries' use of export subsidies, and of anti-dumping laws. When the Kennedy Round of negotiations was completed, it addressed not only tariffs, but sought to establish some worldwide rules related to countries' use of anti-trade laws.

But at that point, when presented with the Kennedy Round by the Johnson Administration, Congress approved legislation undoing the provisions of the Kennedy Round Agreement that related to anti-trade items such as export subsidies—the very provisions we are debating today in the Dayton amendment. Congress effectively amended the deal. The Kennedy Round of negotiations was agreed to by other GATT members and became the new foundation for world trade. But because Congress basically changed the deal, the United States did not participate in or get the full benefits of the Kennedy Round. We had negotiated this entire set of agreements with our trading partners. But when we changed one critical ingredient, our trading partners said: We are not willing to negotiate with the United States and then let Congress strike the parts in which the United States made concessions and yet leave the parts where we, the United States' trading partners, made our concessions.

When the Kennedy Round went ahead without the United States in 1967, so shocked was Congress that in 1974 we created a new process that today is known as fast track. And every succeeding President since President Ford has had fast-track trade authority. That trade authority has allowed the President to go out and negotiate agreements with our trading partners. In those agreements we give up some things we don't want to give up, and our partners give up some things they don't want to give up, but the United States and the group of countries involved decide that overall, the trade agreement is in their interest. And that was the procedure that we had in place until 1994, when the fast-track provisions expired.

Since then, we have found that few countries in the world are willing to negotiate with us, because any trade agreement negotiated could be amended in Congress. Obviously, countries are not willing to make concessions that bind them when our concessions would not bind us should Congress decide to change them.

As a result, there are some 130 trade agreements worldwide that we in the United States are not part of. For example, Europe has negotiated an expanded trade agreement with South American nations. We have no similar agreement. Mexico has negotiated and successfully completed free trade agreements with Central and South American nations. We have no such agreements. Canada has negotiated free trade agreements with South American nations. We have been unable to have such agreements. So today, appliances that could be produced cheaper and better in the United States are being sold in Chile today by Canadian manufacturers because their manufacturers have an advantage over ours: they have a free trade agreement that means lower tariffs. Chilean consumers could buy better American appliances cheaper, but without a trade agreement, they can't buy them without having to pay a tariff. Canada benefits from that trade, and we do not.

We have come here today to try to set this situation straight. We have come here today to try to give the President the authority to promote American exports and to engage in trade liberalization around the world.

Without getting into a long harangue about it, let me say that Republicans have been asked to pay a tremendous level of tribute to get to this point. The President asked the Senate for an up-or-down vote on trade promotion authority. That request was denied. Instead, the majority has said that to get

a vote on trade promotion authority, we must add a trade adjustment assistance bill to it, and that bill must contain a new provision requiring the government to pay 70 percent of the health care costs of people who lose their jobs because of trade, even though many Americans have no health care benefit when they are working.

Moreover, we have been asked to agree—and to this point we reluctantly have agreed—that if you are a worker whose company is affected by trade and is not competitive, you get not only 2 years of unemployment and 70 percent of your health care benefit, but you get part of your wages paid for by the government. Let's say you lose your job in the steel mill but you have always wanted to be a batboy for the Pittsburgh Pirates. If you take the lower-paying job as a batboy, we will supplement your wages to make up half the difference of what you lost in salary from the steel mill wages as compared to the Pittsburgh Pirates bat boy wages. Meanwhile, if you lose your job because a terrorist destroys the factory you work in, you get 6 months unemployment and you get no health care.

It is fair to say that there are 45 Republican Members of the Senate who are adamantly opposed—adamantly opposed—to those provisions. We have created two new entitlements that are unfunded and that nobody knows what they cost. We are creating the incredible anomaly where we will be taxing people who are working and who don't have health insurance in order to subsidize 70 percent of the health care costs of certain people who are unemployed but had health insurance when they worked. They now will be getting a taxpayer subsidy, even though the people paying the subsidy don't have health care themselves. And we are being asked to sign on to a system where the American Government for the first time is going to get into wage guarantees. There is no sense beating this old dead horse, but let me say that these are the same kinds of deals that Europe is desperately trying to get out of. They can't create jobs because they can't cut old jobs because they have to pay all these benefits. Yet in this tribute we are having to pay to get the trade bill, we are going in the direction that the Europeans are actively trying to get out of. We are going in the direction of imposing heavy socialistic programs that are going to have a stifling effect on the budget.

And now, in the midst of a bill that already has all these provisions that 45 Republicans hate, that will drive up the deficit, that will make the economy less competitive, and that create a terrible injustice in the system, we now are presented with an amendment before us that will literally undo fast-track authority by allowing Congress to change the deal.

Can you imagine if in buying and selling a house, or any other commonplace negotiation, you suddenly are told you must pay more than you negotiated to pay? Can you imagine how commerce would break down when deals can be renegotiated after the negotiations are done?

The whole purpose of paying this heavy tribute, and adopting all this terrible, harmful public policy is to get the positive effect of fast track whereby there is an up-or-down vote on accepting the negotiated deal. But now in comes the Dayton-Craig amendment that says to the President, OK, you can negotiate, you can give, you can take, but when the trade bill comes back, if you have negotiated in areas where Congress has written laws to hinder trade, then we get to vote on those provisions separately. And if you cannot get 51 votes, then those provisions are taken out.

What country in the world is going to be foolish enough to negotiate with us when they know there is going to be a separate vote on the parts of the agreement that we in the United States like the least? We would never negotiate with another country under circumstances where their legislative body could take out the parts of the negotiation they did not like but leave in the parts we did not like.

This amendment kills trade promotion authority because it is counter to the very thesis that underlies it. What is trade promotion authority about if it is not about an up-or-down vote on a trade agreement, without amendment? How can a provision which allows part of an agreement—the part that is likely to be least popular in the United States—to be voted on separately? How can anybody be confused that this amendment absolutely kills trade promotion authority?

As the Dayton-Craig amendment has been debated, people have gotten the idea that this amendment has to do only with unfair trade practices. But most of this amendment has nothing whatsoever to do with unfair trade practices. And even where it does, it is obvious on its face that if we could negotiate agreements to fix those practices both here and in our trading partners' countries, we would want to do it.

Let me now go through the provisions of law that would be affected by the Dayton-Craig amendment.

First, the Dayton-Craig amendment says that Congress would have the right to strike, by majority vote, any provision that would limit actions against foreign subsidies such as income or price supports. The first law the amendment talks about title VII of the Tariff Act of 1930, which includes our countervailing duty law. What is that law about? That law is about American taxpayers subsidizing American producers to compensate for the subsidies that foreign governments are giving to their manufacturers and their agricultural producers.

I ask my colleagues, when we cannot sell our agricultural products in Europe because of their subsidies, when we have spent 25 years trying to get them to reduce those subsidies, why in the world would we want to set forth a rule saying that American negotiators can negotiate anything except agricultural subsidies. Why in the world would we ever want to ban negotiations in which the Europeans agree to cut their subsidies and we agree to cut ours? Yet by taking subsidy disciplines off the table, that effectively is what we'd be doing.

What this amendment really would like to do is allow negotiations reducing European and American agricultural subsidies to go forward, but once that agreement gets over here, allow Congress to strike the provisions reducing American agricultural subsidies. Why in the world would the Europeans ever enter into such an agreement? They would never enter into such an agreement.

When 60 cents out of every dollar of farm income in America now is coming directly from the Government, when we are paying farmers literally millions of dollars to produce products that we end up having to dump on the world market, and when we claim we do this because our foreign competitors are doing the same thing, why in the world should we prevent the President from getting together the major agriculture-producing countries and saying let's stop cheating, let's get rid of these income and price support subsidy programs so we can have freer trade in agriculture?

My point is that this amendment would ban for all practical purposes all agreements that have to do with export subsidies. It would ban any agreement that has to do with eliminating the unfair trade practice of subsidies by us or by our competitors. I want my colleagues to understand that when the proponents of this amendment stand up and say they simply do not want agreements that undermine our laws protecting Americans and American producers, what they are really talking about is our ability to negotiate away harmful subsidies. Why in the world should we not be negotiating with the Europeans, the Koreans, or the Japanese to suggest that we all reduce the amount of subsidies that we are paying to dump steel on the world market? Why don't we all agree to reduce the subsidies that are resulting in overproduction of agricultural products?

The net result of this provision will not be to protect American manufacturers and farmers from losing their subsidies. The result of this amendment, if adopted, will be that there will never be another trade agreement that has anything to do with reducing export subsidies. And of all the nations on Earth, we would be the biggest beneficiary of such an agreement. What country in the world can outproduce Iowa in agriculture? We could sell billions of dollars of agricultural products in Europe if we could negotiate an end to export subsidies. Why should we prohibit the President from negotiating them? We ought to be encouraging him to negotiate them. But this amendment, despite all the rhetoric about

eliminating our ability to protect our producers from unfair trade, protects us right out of being able to eliminate unfair trade.

The second provision of the Dayton-Craig amendment refers to our antidumping laws. Now, on its surface, the amendment sounds good. The President would not be able to negotiate anything that would prevent America from protecting its producers from dumping. In other words, we will not be dumped upon. But what does dumping mean?

First of all, dumping means all these low-price quality items Americans can buy for their families at department stores. But forget for a moment that American families enjoy a better quality of life from low-price imports. Why shouldn't we negotiate an agreement that says why should we subsidize products to dump on your market and why should you subsidize products to dump on our market when we could get together and negotiate an armistice where we both stop dumping?

When one listens to the rhetoric of supporters of the Dayton-Craig amendment, gosh, it sounds appealing. They say, do not eliminate our protections against dumping. But when we protect our right to dump and our right to protect ourselves against dumping, we effectively eliminate our ability to negotiate for a world where we stop dumping by everybody. That just does not make sense to me.

Third, another law covered by the Dayton-Craig amendment is Section 337, which relates to U.S. patents and copyrights. From listening to the rhetoric, you might think the amendment says that anything the President might do that weakens American patents and copyrights will require a separate vote.

But who owns all the patents and copyrights in the world? What nation in the world has tried to write language protecting patents and copyrights into every trade agreement since 1948? The United States of America. We are the only country in the world that wants to talk about copyrights and patents. Why? Because we own copyrights, and we own patents. Why in the world would we want to bar the President from holding negotiations in the very areas where the United States will benefit the most? If we, who hold the vast majority of the copyrights and patents in the world, could negotiate an international agreement on respecting copyrights and patents, would we not be the principal beneficiary of it?

Mr. DAYTON. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield, but let me finish this one point.

How can we get other countries to submit to negotiate on their patent and copyright laws if we say that we want you to change your laws but we are totally unwilling or unable to negotiate on our laws?

I will be happy to yield.

Mr. DAYTON. The Senator raises an excellent point. There are negotiations that occur that are in the best interest of the United States. Of course, we want to encourage those negotiations to proceed. Is the Senator aware there is nothing in the Dayton-Craig amendment that would require the Senate to step in on these matters? It simply permits the Senate, by a majority of the Members, to do so if, in the view of the majority of the Members, what has been negotiated is not in the best interest of the United States.

Mr. GRAMM. Let me respond. The Senator asks whether I am aware that the Senate could decide not to strip out this provision. Yes, I am aware of that point. But every country with whom we wanted to negotiate would realize that Congress nonetheless had the ability to strip provisions out. And what country would negotiate changes to its patent and copyright laws knowing that whatever change to we agreed to could be stripped out?

Let me use a contracts example. I have only a limited number of contracts examples because I am an old schoolteacher and have been a politician for a long time, and most of the examples I have are consumer examples. But what if we had negotiated a contract that I would buy your house, but we wrote into the contract that I had the ability to change one part of the contract to suit me but that you did not have a right to change a part of the contract to suit you? No party to a contract would agree to that.

I am not talking about changing copyrights and patents unilaterally. I am talking about reciprocal commitments. Congress has passed resolutions again and again demanding that trade agreements require our trading partners to change their copyright and patent laws. It has been something we have trumpeted, it is in our interest, and we should be promoting it everywhere. But how are we going to get countries to change their laws when any changes we agree to can be voted on separately? As much as I might want your house, and even if I offer a very good price, if I can come back after the contract is signed and change the price, you are not going to negotiate with me.

Mr. DAYTON. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. DAYTON. I agree with the Senator that certainly under the terms the Senator describes, my understanding of the way this would work, if there were an agreement and the United States, by an act of this body, changed the terms of that agreement, the agreement would not be valid; the agreement would not apply.

I certainly agree with the Senator there would be no country that would want to sign and agree to something that can be changed unilaterally and still apply. My understanding is the entire agreement would have to go back to the World Trade Organization, or wherever, to be renegotiated.

Mr. GRAMM. Let me make up an example. Let's say we are negotiating with the Chinese on a trade agreement, and one of the provisions we want is for them to recognize and respect our patents and copyrights on everything from books to CDs to DVDs. If you go to China, you will see that while you cannot bring them back with you because our Customs will not let you, and for good reason, everywhere in China you can buy pirated CDs, DVDs, books, and the like. Let's say we could work out an agreement with them that required enforcement against patent infringement in return for our reducing a patent term on an AIDS medicine or on some broad spectrum antibiotic that is important to their population's general health. Even if we had to compensate the United States patent holder because of the takings provision, there might very well be a good deal in the making there. Yet, we could not make that deal if a separate vote were allowed.

My example may be somewhat unrealistic, and I am sure if Ambassador Zoellick were here he would have 100 good examples, but I think it makes the point.

Let me go to the next provision of law that would be covered by the Dayton-Craig amendment. The third area has to do with section 201. The proponents of this amendment say over and over that we cannot negotiate away our protections against unfair trade. Yet Section 201 has nothing to do with unfair trade. It makes no pretense at unfair trade. Section 201 simply is a remedy whereby American producers can get relief if foreign competition is successful and if the injured American producers can show they are losing jobs because of imports.

It has nothing to do with unfair trade. In a sense, it has to do with successful trade. Granted, we are concerned about Americans losing their jobs, and we have assistance programs to give them some cushion. But is there anybody here who cannot imagine that we might be willing to eliminate those protective barriers in return for the elimination of similar barriers in Europe, Japan, Korea, or China? Or that we might find a better way to compensate and protect injured companies, perhaps through trade adjustment assistance?

This whole debate, the whole title of the amendment, the whole preamble to the amendment, is about unfair trade. Yet probably the most important laws covered by this amendment has nothing to do with unfair trade.

Am I in favor of unilaterally waiving every 201 right in America? The answer is ''No.'' But my point is that if we could eliminate similar barriers against American exports, can no one imagine the possibility there might be an agreement that would be advantageous to everybody? Yet no such agreement could ever be consummated under the Dayton-Craig amendment because nobody would negotiate the elimination of their protective safeguard against American exports unless

we eliminate or modify our Section 201 provision. Negotiation in this area would be a nonstarter.

As I said when I started my remarks, our need for fast track arose in the Kennedy Round, when President Kennedy recognized that the greatest impediment to trade was no longer tariffs but domestic laws that limited trade. It was when he tried to change those laws that Congress came in and changed the deal. The Kennedy Round went into effect without our being a party to it, all because of the issues that are raised by the amendment before the Senate. The Round died for exactly the issue that are listed here in the Dayton-Craig amendment. The recognition that you cannot change a negotiated deal after the fact is what led to enactment of fast track. Senator BAUCUS and I were involved in negotiations the other day. There are a lot of things in that final deal I really do not like. But I do not have the right to go back after the fact and say Senator BAUCUS gave up on items A, B, C, D, and E, which is great, but I want to renegotiate and change our deal. I do not have a right to do that. A deal is a deal. That is the very issue the Senate is dealing with here.

The next provisions of law covered by the Dayton-Craig amendment are chapters 2, 3, and 5 of title II of the Trade Act of 1974. This is the fourth so-called unfair trade protection provision. Yet as one reads those chapters, they have nothing to do with unfair trade. They simply have to do with the assistance provided to companies and workers negatively affected by imports or by a company's shift in production. Some may not favor shifts in production, but when did it turn into an unfair trade practice? Every day, Americans are moving investments from one country to another. We are the world's largest investor. In fact one of the things we are trying to do in the underlying bill is to get other countries to allow investment in America and allow greater freedom for American investments in their country.

Even if a shift in production were an unfair trade practice, how could we say to countries that we want to negotiate away prohibitions you have against producing in the United States, but we aren't willing to do the same? Remember when we had the big battle with Japan over autos? We wanted them to produce some of their automobiles in America, and we negotiated over it, and in fact they did increase production here. But why would they ever negotiate if we have said in advance that we are not willing to eliminate prohibitions against plant relocation in our own country? Why should the Japanese allow companies to move out of Japan or set up programs that impede the process if we are not willing to do it?

I could go on at length about the other laws covered by this amendment. The amendment is written very broadly. It may list 5 bills in particular, but it is written so broadly that in my opinion it covers at least 18 other laws that are part of current trade law: for example, section 1317 of the Omnibus Trade and Competitive Act of 1988; the Antidumping Act of 1916; the Continued Dumping and Subsidy Offset Act of 2000; section 516A of the Tariff Act of 1930; section 129 of the Uruguay Round Agreements Act; and the list goes on. The plain truth is, given the way it is written, not even the authors of this amendment truly know what it does.

I will conclude by making some final points. I understand the need for consensus. We do not get to write these bills by ourselves. It requires give and take. My belief, and the belief of the vast majority of members of the Republican Conference in the Senate, is that we have given. We gave on health benefits that are not paid for, that we think represent bad public policy, that take away from poor working people to give to relatively high income, nonworking people. We gave on 2 years of wage guarantee benefits for people affected by trade. Meanwhile, somebody who lost their job because of a terrorist attack gets 6 months of unemployment, no health benefits, and no wage insurance benefits. We are getting to the point where we have already paid for the trade bill, and if this amendment passes on top of those payments, we will not be getting a bill at all.

The principal ingredient of trade promotion authority—in fact the heart of it, in its purest form—is very simply the right of the President, within the parameters we set out in law, to go out and negotiate a trade agreement and bring it back and subject it to a yes-or-no vote in Congress. We do not have the right to amend a trade agreement; we simply have to take the whole thing or reject the whole thing. That is what trade promotion authority, or fast track, is. Yet the pending amendment says the President does not get an up-or-down vote because in some 23 different areas of law, many of which have absolutely nothing to do with unfair trade, we can have a separate vote and if a majority votes to make a change, then the trade agreement is modified. Under those circumstances, nobody will negotiate with us and the President effectively does not have fast-track authority.

So what we have is a bill that claims to be about fast-track authority, which is a single take-it-or-leave-it vote on a deal. And yet we have an amendment before us that eliminates that provision and requires a separate vote on things in the agreement that we do not like.

I do not see how the two can be reconciled. It seems to me that when you are voting for this amendment, you are voting against trade promotion authority. I do not think you can have it both ways. You cannot say on the one hand that we will give the President the right to get his agreements voted on up or down, take it or leave it, yes or no; and then on the other hand say we can adopt an amendment that says but of course on some 23 different provisions of law we don't have to take it or leave it, we can change it.

Today, through a letter from the Secretary of Agriculture, the Secretary of Commerce, and the Trade Representative, the President rightfully has indicated that he will veto the bill if the Dayton-Craig amendment is included in it.

To conclude, we paid a very heavy price to get fast track, and this amendment takes fast track away. Rather than pay all these new tributes—the expanded trade adjustment assistance, these new health benefits that are not paid for, the new entitlements that are not paid for, this wage insurance that smells very much like the programs that are killing some European countries that have not created a net new job in countries in 20 years—we are quickly reaching the point where even the strongest proponents of free trade have to say this amendment breaks the axle of the wagon. Even the strongest proponents are saying that with all else we paid to get a vote on the trade promotion authority bill, if this amendment is in the bill it means we don't have trade promotion authority, so why pay for all the other things?

I urge my colleagues as we try to find a solution to this problem. That solution might be a compromise in which we set up an oversight committee to allow those concerned about these laws to monitor negotiations, and provide 90 days' notice of any potential trade agreement that changed any of these laws. There are many ways we can enhance the ability of Members to be involved and get advance notice to allow them build political opposition. I hope those who want to pass this bill will find a way to get around this dilemma.

We are already at the point that given what we are already paying for this bill, it almost is not worth it. I believe that at this point, many Republican Members of the Senate are holding their nose and saying: OK, we have to do a bunch of bad things, but we will get trade promotion authority and maybe some of the bad things will be addressed in conference. But over and over bills have gotten worse, not better, in conference. If you are for trade promotion authority, if you want the deal we put together to work, I believe we need help in finding a way to respond to the concerns raised without providing for a separate vote, because a separate vote destroys trade promotion authority.

If the two Senators who offered the amendment wanted to be on the oversight committee for the Senate, I would be willing to write the bill to make sure they were put on it. I don't have any objection to oversight and I am for notice. Then, if people were getting ready to vote against a fast-tracked trade agreement, they could tell the President that if he makes these changes, he is jeopardizing my vote. And they would have 90 days to build up an alliance to lobby against it.

When ''lobbying'' is mentioned people say oh gosh, that's terrible, terrible. But making your voice heard is a good thing guaranteed under the Constitution.

But what we cannot agree to without killing the underlying bill is Congress' ability to change the trade agreement once it has been negotiated. The President must be able to say to our trading partner that a deal is a deal; not that wait, it was a deal, but the part we agreed to that we did not like is not a deal because 51 Members of the Senate decided to amend it.

I accept and am for the process whereby 51 Members of the Senate can defeat the implementing bill for a trade agreement. I have never voted against an implementing bill, although I can imagine a trade agreement that I would think was so bad that it was not worth it. I believe I ought to have the right to vote no. And I have that right under fast track or trade promotion authority. But I do not have the right to change the deal.

This amendment would allow Congress to change the deal, which is why it is a killer amendment. It is the antithesis to what trade promotion authority is about. You cannot be for trade promotion authority, which is a single vote on the deal, and then be for an amendment that allows votes to amend the deal. I don't see why the people who are for this amendment don't simply vote against the bill, and let those who are for it have a chance to vote for it. The Dayton-Craig amendment would gut that process. It would leave the Senate in the unhappy position of having a fast track bill that includes an amendment that undoes fast track.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Idaho.

Mr. CRAIG. Mr. President, I have listened intently to my colleague, the senior Senator from Texas. The reason I do that and I have done that for a good many years, I always learn a great deal. I am always extremely cautious to get on the floor and debate in opposition to a position held by my colleague from Texas, with his skill but, most importantly, his knowledge in this area. It is very important. I hope all listen.

I was taking notes as if I were a student at Texas A&M and he were the economics professor. In fact, that is what we heard today, a rather professorial statement about the ideals of trade in an ideal environment. I disagree not with that statement.

I also agree with the historical perspective that he offered from the 1960s through the 1970s and the Kennedy Round and the circumstances the world found itself in and the need for us to change from being the exclusive holder in a constitutional Republic of the right to determine international commerce flows to one where we delegated that thought by law to the executive, in a great more detail. That, of course, is what we did with fast track. That was the 1960s and the 1970s.

Through that period of the 1970s and the 1980s and the 1990s, the world changed a great deal—really all for our betterment in the broad sense. As economies changed and we invested in world economies, there is no question that the economic engine of the United States drove the world and took a lot of poor countries and made them more prosperous. Part of it was because we allowed access to our markets while at the same time we promoted their markets and invested in their countries. All of that is true, and it will be every bit as true tomorrow and a decade or two from now as it was then. I don't disagree with that.

What I am suggesting is in the year 2002, as we once again search for a way to promote trade, we take a nearly 40-year-old model and say it works, it fits, it is the right thing to do again. Is it the right thing for us to—almost in an exclusive way—delegate full authority to the executive branch in an area that is constitutionally ours? I believe it is. I believe it is with certain conditions that are very limited and very direct. I don't believe they change the dynamics of a relationship and ultimately a negotiation.

It is very difficult to blend a parliamentary government's negotiators and what they understand their role is with that of a constitutional Republic. I know; I have been there. I have seen the frustration of the European parliamentarian who cannot understand why the President's men or women cannot speak for the United States and cut a deal and confirm it and that is the way it will be if the President signs off on it.

The reason they can't is because of us and because of a little item we call the Constitution. While we have delegated that authority by law, we have also said it has to come back here on an up-or-down vote.

What Senator DAYTON and I do is go a slight step further and say that in those areas that are fixed by law, law that we created, you have to come back to us. And not under this sweeping environment and nostalgia and euphoria of a trade package that is going to spin the world into greater economies are we going to pick apart an agreement. What we are saying is simply this. We are saying that you, Mr. President, and your team must come back as advocates and sales men and women. As you sell the whole package, you have to sell a few of the parts.

I hope, ultimately, when we see a conference report, it has a 90-day notification in it that sets the Congress to task in the sense that it notifies it that they will be making some change in current law and we are preparing ourselves, we are looking at it, we are making decisions, and the President's men and women are here on the Hill advocating and saying: It is a quid pro quo: For a reduction here, we get this here; for a reduction in our subsidies in agriculture, the Europeans are going to reduce their subsidies, they are going to take away some of their hidden barriers, and we are going to have greater access to markets.

I think that would sell here in the Senate. I think it would work. I think you could find 50 plus 1 who would support that.

But you have to sell it. We have delegated the authority of negotiation, but we have not delegated the authority and the conditions of final passage. That alone is ours under the Constitution. That is why this is an important debate and, while it may change the character from the historic perspective of fast track, I do not believe it neuters, I do not believe it nullifies, I do not believe it causes our negotiators more encumbrance as they sit down at the table.

That is because right upfront the terms are understood. It does not deny them the right to negotiate anything. Everything is on the table. What it does say to the executive branch of Government is: Come home and sell your product. Come home and convince Congress you have done the right thing and here are all the tradeoffs and the alternatives. Because on the whole Congress agrees with the Senator from Texas: Trade for the whole of our economy and for job creation is very important.

Earlier in the day when I was debating the initial Dayton-Craig amendment as offered, I talked about Idaho's economy. We have to have trade. I know we have to have trade. I am going to work to get trade. But I want to tell the Senator from Texas that a good number of years ago a young man from Texas came to Idaho. He had been from Idaho originally but was working in Texas at a company called Texas Instruments, a little old high-tech company that became a big old powerful, important, and valuable high-tech company. He came home to Idaho, and he convinced a group of investors to go with him and his brother because they had a better idea about how to build memory chips.

They got a group of investors together, and they built a fab, and they started producing memory chips—late 1980s, early 1990s. They were doing a great job building a DRAM memory chip, selling it to the world, and then all of a sudden came the Japanese aggressively into the market, deciding they wanted the market, they were going to control the market. They had built great fab—or fabrication capacity—and they were dumping in our markets. And down went that little company in Idaho.

They came to me and others from Idaho. We went to a President—George Bush—and said: President Bush, if you do not help us, this little company is going to be destroyed and we are going to lose all of our memory chip capacity in this country. There were futurists saying this was the loss of the new intelligentsia, of the U.S. economy, and

if we lost this and gave it away to the Japanese, we would never have this new economy.

The then-President Bush stepped in and said: You are right, and he stuck an antidumping clause against the Japanese—backed them off. At that little fledgling company in Idaho, the lights went back on, they began to produce chips again. Now they are an organization known as Micron. They employ 30,000-plus people. They produce 40 percent of the memory chips of the world. They are Idaho's major employer. And they are in other States. They just bought a fab in Virginia.

But for a moment in time, the President of the United States used antidumping provisions and stopped the Japanese and, in part, shifted the world. From that moment through the decade of the 1990s, until today, this country has led in the area of new technologies. It truly was the economy of the 1990s, in part—a small part but an important part—because we helped shape a marketplace and we disallowed government-sponsored, government-supported manufacturers in other countries from dumping in the world market and, most importantly, in our market.

That is why these tools are important. If they are negotiated away, then it is phenomenally important for this Congress to speak to it. Nowhere do we say they cannot be brought to the table. Nowhere does the Dayton-Craig amendment say they cannot be negotiated. It simply says to the negotiators, our negotiators: You have a job to do. You have a very important job to do, and that is to sell it. And the same logic that sells the whole trade package, 50-plus-1 votes here in this body, blocks a point of order on any changes in trade law. That seems to be reasonable. That seems to be common sense.

We can go through all the provisions, and the Senator from Texas did that and expanded on them and talked about intellectual property and copyrights.

People come to the United States for the purpose of inventing so they can own a piece of their invention and profit by it. That is why we have had copyright law. That is why we have led the world and why we lead the world today in inventions, in new technologies, largely because those who create—those who create through thinking, and that materializes in the form of a useable object in the market, in the laboratory, in the manufacturing unit—can profit by that for a period of time. We protect them.

Yes, we will negotiate those items. But what we will not do is negotiate ours away. We are going to try to make the world a transparent place.

I am amazed that as the world shifted from tariff to antidumping, countervailing kinds of trade remedy laws, as is being argued here today, we would want to back ours off. I understand trading. I understand quid pro quo: You do this and we will do this. But what you do must be transparent, what you do must be enforceable, because what we do as a representative republic, by the very character of our country and the character of our laws, is open. It is done in the public eye. It is done in the arena of the international trade debates.

At the Commission downtown—I have been there to testify; so has the Presiding Officer—we have talked about trade issues. We have talked about agricultural policy. We have argued before the Commissioners to make sure that the findings are correct and they are right. We have been there on Canadian-related issues.

The only reason we are allowed to go is that we have the law so that ultimately, if wrongdoing is found, if dumping is found, there is a remedy. That remedy usually allows us to cause the other country to comply, to come into balance with us. That is what is important here, isn't it? That is what helps our farmers. It doesn't protect them, it helps them. It allows competition in a fair market. It doesn't protect and isolate our manufacturing jobs. It balances it. We hope it makes them competitive.

We had a vote just a few moments ago, and 60 Senators at least disagreed with the motion to table the Dayton-Craig amendment. Here is probably the reason. Let me read this for the record, and then I will step down because others are here to debate.

During the Doha Round of the WTO in Qatar last year, we know our trade ambassador largely believed he was forced to put on the table, as a negotiable item, our trade remedy provisions. We in the Senate were concerned about that. On May 7 of last year, here is what we said:

Dear Mr. President:

We are writing to state our strong opposition to any international trade agreement that would weaken U.S. trade laws.

Key U.S. trade laws, including antidumping law, countervailing duty law, Section 201, and Section 301, are a critical element of U.S. trade policy. A wide range of agricultural and industrial sectors has successfully employed these statutes to address trade problems. Unfortunately, experience suggests that many other industries are likely to have occasion to rely upon them in future years.

Why? Because of a changing, growing, maturing world economy there will be competitors out there. Let's make sure they are fair.

Each of these laws is fully consistent with U.S. obligations under the World Trade Organization and other trade agreements.

Let me repeat: Each of these laws is consistent with U.S. obligations under the World Trade Organization and other trade agreements.

Moreover, these laws actually promote free trade by countering practices that both distort trade and are condemned by international trading rules.

U.S. trade laws provide American workers and industries the guarantee that, if the United States pursues trade liberalization, it will also protect them against unfair foreign trade practices and allow time for them to address serious import surges. They are part of a political bargain struck with Congress and the American people under which the United States has pursued market opening trade agreements in the past.

Congress has made clear its position on this matter. In draft fast track legislation considered in 1997, both Houses of Congress have included strong provisions directing trade negotiators not to weaken U.S. trade laws.

Some of those provisions are in the current document here on the floor to which we are offering an amendment.

Congress has restated this position in resolutions, letters, and through other means.

Unfortunately, some of our trading partners, many of whom maintain serious unfair trade practices, continue to seek to weaken these laws. This may simply be posturing by those who oppose future market opening, but—whatever the motive—the United States should no longer use its trade laws as bargaining chips in trade negotiations nor agree to any provisions that weaken or undermines U.S. trade laws.

We look forward to your response.

Sincerely—

And it is signed by 62 Members of the Congress, Democrat and Republican alike.

What we are offering today in the Dayton-Craig amendment is fully consistent with the letter we sent to the President last May 7. The vote we had an hour or so ago to table the Dayton-Craig amendment is almost to the vote similar to this letter. In other words, I do not believe the Senate has changed its mind. I think the President has a very clear message.

But what is most important is not our President. We want him to negotiate. We want him to put the items on the table. We want him to engage the world. We want to trade. We want our producers to produce for a world market. What we do not want is an agreement struck that is impossible to take. What we do want is for the rest of the world to know that we will, in some ways, protect and provide for the American, the U.S. economy in a way that allows us to prosper while allowing other countries entry into our economy, and we hope they will allow us into theirs, and in fair, balanced, and equitable processes.

That is what is at issue. I believe that is the essence of the debate. Idealism has its place. Academic arguments are critically important. But today we talk about the practical application of the law and our constitutional responsibility, and the impact it has on my farmers and my ranchers and my working men and women, who, like me, believe they have to trade in a world market to stay economically alive.

I yield the floor.

Mr. DAYTON. Will the Senator yield for a brief question?

Mr. CRAIG. Yes, I am happy to yield.

Mr. DAYTON. The Senator raised an excellent point which I had not thought of until the Senator made the point: 62 Senators signed that letter. Sixty-one Senators voted today in support of the Craig-Dayton amendment.

And the one Senator who was necessarily absent was a cosponsor of that amendment.

So does the Senator believe, then, this sends a message when 62 Senators sign a letter that they mean what they say?

Mr. CRAIG. I thank the Senator from Minnesota. The point is well taken.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask my friend from North Dakota to yield to me without losing his right to the floor.

Mr. DORGAN. Mr. President, I yield to the Senator from Nevada without losing my right to the floor.

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

The Senator from Nevada.

Mr. REID. Mr. President, I very much appreciate my friend for yielding.

What I want to say is that we have an amendment now before the Senate. I believe we should act on this matter. I have told my friend, the Senator from Iowa, we are not going to do anything as long as he is on the floor. But I would say, through him to my friend from Texas, my dear friend, Senator GRAMM, that if he wants to filibuster this amendment, he is going to have to have a real filibuster. He is not going to be able to come and go from the floor because we have to move on.

I know his heart is in the right place, ''his heart'' meaning Senator GRAMM's heart is in the right place. But we have had a vote this morning that shows 61 Senators are in favor of this amendment. It would seem to me we should move on this amendment and go on to something else.

I spoke to the Senator from North Dakota earlier today. He has at least four or five very substantive amendments. I think we should get on to those. I have spoken to other Senators who have amendments. I know there are approximately 10 amendments from the other side. And it is being held up.

I repeat, if the Senator from Texas wants to conduct a filibuster, he is going to have to conduct a real, honest filibuster, not just tell us he is going to talk a lot on this. If I did not have the relationship I have with my friend from Iowa—and I hope we can work something out—we would have moved the question when the Senator—not this Senator was off the floor but when the Senator from Texas was off the floor.

So I hope we can move forward. There are a number of people who are not real anxious to move this legislation at all. And my friend from Texas, who claims he is in favor of it, is working into the hands of those who do not want to move the legislation. It is kind of a unique twist of logic, as far as I am concerned. I know my friend from Texas is very logical. He has the mind of an academic. And I understand that. But being very base about all this, there are certain parliamentary rules in the Senate, and we are going to stick to them. We are not going to have a gentleman's filibuster. It is going to be a real filibuster or no filibuster.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Nevada makes an interesting point about the difficulty of getting a vote even on amendments that have wide support.

Nearly a week and a half ago I offered my amendment dealing with chapter 11 of NAFTA, to deal with the issue of secret multinational tribunals that consider trade bases behind closed doors. This was an amendment that was bipartisan, and had wide support. I offered my amendment, and there was a tabling motion. We had 67 Members of the Senate vote against tabling, and then we could not get the amendment adopted. A number of days elapsed where we just could not get the amendment adopted.

It appears the same thing is happening here. The same Member of the Senate is doing it. He certainly has a right to do that, but as the Senator from Nevada says, if somebody wants to filibuster this, then let him come to the floor and bring a pitcher of water, get some comfortable shoes on, and stand here for a few hours.

But what I hope we will do is adopt the Dayton-Craig amendment. It is quite clear, from the evidence of the vote on tabling a while ago, that this amendment will pass by a very significant margin. And the sooner the better.

I tell you, I listened, at great length, to my friend from Texas. I must say that I actually taught economics in college for a couple years, but I was able to overcome that experience and go on to lead a different life.

The issue that is before us is not about economic theory. It is about the reality of trade relationships we have with other countries—and what real remedies we have to address that unfair trade.

I am sure there are people listening to this debate or watching this debate, and they think this all sounds like a foreign language: CVD, antidumping, 301, 201, chapter 11.

But trade issues can and should be discussed in terms of how they impact real people. This debate is about real people in our country that decide to form a company, to produce a product and market it, and then have to contend with foreign competition. I have no problem with fair competition—I welcome it. But when our producers' competitors overseas are exploiting the labor of a 12-year-old for 12 cents an hour locked in a garage 12 hours a day, is that fair competition?

Take a person who works in a manufacturing plant and has worked there 22 years, is an honest employee, has committed his or her life to that employer, only to discover that next month the identical product is coming in from Bangladesh or Sri Lanka or Indonesia, produced by children working 12 hours a day or 14 hours a day, getting just cents per hour. Fair competition?

American workers are told that they cannot compete. You, Mr. and Mrs. America, can't compete because working in this factory we have 12-year-olds who will work for less money than you will. They live in countries where it is all right to work them 12 hours a day and pay them $2 at the end of a day. That is not fair competition.

The issue is, what are the remedies? What can we do about that? Should we be able to do something about it? Should our trade laws allow our companies and our workers to do something about trade that they think is fundamentally unfair?

The answer clearly ought to be yes. If the answer is not yes, then just forget about the past 100 years of history dealing with labor and other issues.

There are people who died on the streets in America some three-quarters of a century ago, during the struggle of American labor to get the right to organize and form labor unions. There are people who risked their lives in this country because they demanded that we have a safe workplace. There are people who risked their jobs and their lives fighting for the issue of child labor laws so we could take kids out of the coal mines.

The fact is, we worked on all of these issues for a long time. Over a century this country had to digest these issues. Should we have a requirement for a safe workplace? Should we have child labor laws so people aren't putting 8 and 10 and 12-year-olds down in the mines? Should we have a requirement of a minimum wage? Should we have the right to organize as workers? The answer to all of those issues has been yes. But it was never an easy yes. It took this country decades to get through those discussions and debates. As I said, there were some people who died on the streets during the violence that ensued over those debates.

A century later we have some who say, let's just get a big old pole and pole vault over all those issues and act as if they don't exist. Because you can start a company and you don't have to worry about that. You don't have to worry about whether you hire kids. Just go to another country and hire kids. You don't have to worry about paying a decent wage. You can go somewhere else and pay them 24 cents an hour to put together canvas bags so they can be shipped to Fargo or Los Angeles or Pittsburgh. You don't have to worry about dumping chemicals and pollutants into the streams and the air. Just move your factory somewhere else where they don't have environmental laws, laws that protect the drinking water and the air. You can

just pole vault over all of that and decide to move all these jobs somewhere.

The person who is working in that factory and has been there 22 years says: Wait a second. What has happened to my job?

That person is told: Your job is gone, my friend. Your job is somewhere else because you were too expensive. There are kids who will work for less money in another country. They will work all the overtime hours they are told to work, and they have no recourse.

I happen to believe that expanded trade and fair trade is good for this country. I think it enhances this country. It increases the opportunity for a better economy. But I don't think we can talk about fair trade without addressing the issues I am describing.

We have a lot of people in our country who work hard all day, every day. To be told that somehow they can't compete because someone else can produce that product at a fraction of the price because they don't have to follow any rules, anyplace, anytime, that is not fair trade.

What we have is a situation where globalization is here. No one is attempting to turn back globalization. It is a fact of life today in the world. This is a globalized economy. The question isn't whether globalization. The question is what are the rules for globalization. What are the rules for the global economy?

There is an admission price to this marketplace, and that is fair trade. That is part of what we are trying to define with respect to the rules of the global economy.

My colleagues, Senators DAYTON and CRAIG, have offered an amendment. It is a fairly straightforward amendment. It says that if and when the next trade agreement is negotiated under fast track rules and brought back to the Congress, we ought to have the right to have a separate vote on any provision that diminishes the protections we now have to take action against those who engage in unfair trade practices against our businesses and against our workers.

If they do anything behind a closed door in some foreign land where they negotiate a trade agreement to diminish our protection to take action against unfair trade, we reserve the right to have a separate vote on it.

Let me show you what Mr. Zoellick said in Doha, Qatar. I wonder how many of the Members of the Senate could point to Doha on a world map. I will tell you why this ministerial meeting was held in Doha: Because they couldn't hold it anyplace else. You have to find a place that is very hard to find and has very few hotel rooms in order to avoid the people who will demonstrate against these trade agreements these days. So they picked Doha, Qatar.

Last November at the ministerial meeting, Trade Representative Zoellick agreed that U.S. antidumping laws could be discussed as a new trade round gets underway.

Why is this important? Well, we have laws that say to other countries and other producers, you can't dump your products into this country. You can't, for example, produce a product that costs you $100 to produce and dump it in the American marketplace for $50 apiece to undercut the American producer.

My colleague from Texas said: Gee, that is a good thing, isn't it, that they are going to send a $100 product over here and sell it for $50.

Well, I guess it is a good thing if you don't lose your job as a result of it. I don't know of one Senator or one Member of the House who has ever lost a job because of a bad trade agreement. Just name one, just one man or woman serving in the Senate or House who has ever lost their job because of a bad trade agreement. It is just folks out there who work all day in factories being closed because of bad trade agreements who lose their jobs.

That is not theory. Those are broken dreams. Somebody coming home from work having to say: Honey, they told me I have lost my job today because I can't compete. I can't compete with 50 cents an hour wages, working 12-hour days in a factory where they don't have to worry about pollution. That is what antidumping laws try to remedy.

What Senators DAYTON and CRAIG say with this amendment is very simple: If you want to negotiate an agreement, Mr. Trade Ambassador, that negotiates away our antidumping laws, then Congress has a right to have a separate vote on that provision pertaining to our trade laws. Because this Congress is not any longer going to allow you to dilute or delete the protections and remedies which we have to deal with unfair trade.

I have spoken at length in this Chamber about my concern about our trade policy. We have a trade deficit that is growing and growing and no one cares a whit about it: Over $400 billion a year. Every single day we add over $1 billion to our trade deficit and our current accounts balance.

We used to have debates about deficits in this Chamber, about fiscal policy deficits when the budget deficit was $290 billion and going in the wrong direction. We would have debates, we would have people doing handstands and cartwheels about how awful it was. Not a word about the trade deficit.

One can make the case in theory that the budget deficit is a deficit we owe to ourselves. One cannot make that case about the trade deficit. The trade deficit is going to be paid for by a lower standard of living in America's future, and over $1 billion a day every single day we are adding to the merchandise trade deficit.

This trade policy of ours is not working. We cannot load ourselves up with debt and choke on this trade debt and say: Boy, this is a good thing; this is really working well.

I have been very critical of our trade ambassadors, Republicans and Democrats, for not having the backbone to take action when we see unfair trade. We now have remedies that are not used. Even when they use remedies, I always scratch my head and think: What a strange approach.

We have a little dispute with Europe. The dispute is with respect to beef produced with hormones that are banned in Europe. We went to the WTO, and the WTO ruled in our favor. But Europe said: Fly a kite. Europe would not comply with the WTO requirement, and so we took action against Europe.

Mr. President, do you know what we did to Europe? Our negotiators said: We are imposing sanctions on imports of truffles, Roquefort cheese, and goose liver. That will sure strike fear in the hearts of competitors. Those engaged in unfair trade ought to know from here on forward, America takes tough action to deal with goose liver imports.

My point is, our country does not stand up for its economic interest in international trade very often, and to weaken the remedies that already exist—they did that under the United States-Canada agreement and under NAFTA. Section 22 used to be helpful to us. Not anymore. Section 301 is weakened and diminished as an area of trade protection.

It is interesting, I pointed out the antidumping laws we now have are on the trading block. Our allies who want to get rid of these antidumping laws in our country will negotiate them away, if they can. And by the way, they will do that in secret because the American public and Congress will not be there when it is done. It will be done, in most cases, in a foreign land behind a closed door. They will bring it back here and say: you have one vote on it, yes or no, and it deals with a broad range of issues and you cannot get at the antidumping provision we traded away because you just get a yes or no on the entire product. That is why Senators DAYTON and CRAIG say this is not the right thing to do.

I was interested to hear, this morning, one of my colleagues talk about all of the trade problems we have, as if to suggest we should blame ourselves for the problems. We have trouble getting high-fructose corn syrup into Mexico. So that is our problem? I do not think so. That is Mexico's fault. Grain coming in from Canada by the Canadian Wheat Board unfairly subsidized, that is our problem? Not where I sit it is not. That is Canada's unfair trading practice. I could go on and list a dozen more. Seventy percent tariff on wheat flour into Europe, is that fair? I do not think so.

I cannot even begin to talk about our trade problems with China. And it's not just unfair trade, it's also about badly negotiated trade agreements.

A year and a half ago, we negotiated a bilateral agreement with China. The United States agreed that after a long phase-in with respect to automobiles, any Chinese cars that are sent to the United States will be subject to a 2.5-

percent tariff on them. Any U.S. cars that are sent to China will be subject to a 25-percent tariff.

So we have a 2.5-percent tariff on the Chinese cars coming into our market, but the Chinese can impose a tariff that is 10 times higher on U.S. cars into China. You ask: How did that happen? Because our negotiators negotiated away the store. It is the same squishy-headed nonsense our negotiators do every time they negotiate.

Will Rogers once said—I have told my colleagues this many times—the United States of America has never lost a war and never won a conference. He surely must have been thinking of our trade negotiators. They seem to manage to lose within a week or two of leaving our shores.

Whenever I talk about trade, someone will call my office and say: you are a protectionist. I am not. If protectionism means standing up for America's economic interest, then count me in, sign me up, that is what I want to do but I am not asking for anything special for anybody. I want all our people to have to compete—farmers, businesses, and others. But I want the competition to be fair, and if the competition is not fair, then I want the remedies available to address that unfairness. Those remedies have been weakened dramatically, and they will be weakened further, mark my words, in the next set of negotiations.

This amendment is not in any way, as some have said, a killer amendment. That is not what this amendment is about. If my colleagues want to stand up for American jobs and demand fair trade and demand the remedies that will get you to fair trade, then it seems to me they have an obligation to support this amendment.

I was pleased with the last tabling vote because it showed an overwhelming number of Members of the Senate understand this issue and are no longer going to sit quietly by and say: You go ahead and negotiate. Get on an airplane, go someplace, roll up your shirt sleeves, and negotiate. Whatever you come back with, that is fine, we will handcuff ourselves. You can negotiate away our antidumping laws; you can trade away our remedies; and we will agree to handcuff ourselves and not have a vote on it.

I believe the Senate is finally saying to those who will listen: We are not willing to do that.

I did not support providing fast-track trade authority to President Clinton, and I do not support giving it to President Bush. I say to this administration, as I said to the past administration: Negotiate agreements and you will do so with my best wishes. And I hope you will negotiate good agreements for our country, agreements that stand up for our economic interest, and agreements that demand that the rules for that competition be fair. Then come back, and when you see unfair trade, be willing to stand up, have the guts to stand up for this country's interest.

The reason there is so much anger about trade these days—we see it in the streets during these ministerials, and we hear it in the debates—is because we are so anxious to negotiate the next agreement and so unwilling to enforce the last agreement.

We have done so many agreements with Japan that nobody can even find the agreements. USTR cannot find all the agreements the United States has with Japan, let alone enforce them. We have something like eight to nine people in the Department of Commerce enforcing our trade agreements with respect to China. The same is true with respect to Japan, eight or nine people. Why? Because this country is not serious about enforcing trade laws. This country is serious only about negotiating the next agreement and not caring how many people lose their jobs because of unfair trade that results from that agreement.

My beef with trade is that, A, we negotiate bad agreements and, B, we consistently fail and in most cases refuse to enforce the agreements we do negotiate.

I will conclude by saying this: We have, for the 50 or so years following the Second World War, largely dealt with trade as a matter of foreign policy. For the first 25 years after the Second World War, it was not a problem dealing with trade as foreign policy. This country could tie one hand behind its back and beat anybody at any time in almost anything in international trade. So our concessions in trade to almost every country were concessions that reflected the struggle that economy was having and our ability to help them in that struggle.

The second 25 years after the Second World War, our competitors became shrewd, tough international negotiators. Our trade policy must change to be a trade policy that demands the rules of fair competition, and is no longer about foreign policy.

There is one issue in recent days that demonstrates that trade is still, in many cases, foreign policy, and that is with Cuba. Cuba is a communist country, no question about that. So is China. So is Vietnam. We have people traveling back and forth to China and Vietnam. We trade with China and Vietnam, but we have a 40-year failed embargo with Cuba. Until I and a couple of others from this Chamber fought to get food shipped to Cuba, we could not even ship food to Cuba. Cuba could not buy food from us. That did not hurt Castro. He never missed a meal. It hurt poor, sick, and hungry people. That has finally changed, except we have some people in the State Department who still do not want to ship food to Cuba, and they are trying to impede in every possible way American food from being sold in the country of Cuba. So once again, trade policy is not trade policy, it is foreign policy.

I think it would be smart if we could get some of the folks in the State Department to stop meddling in trade policy. They should start worrying a little more about terrorists with bombs and a little less about Cubans who want to buy beans in this country.

I have taken a long, meandering road to get to the point, but it is therapeutic to talk about these trade issues from time to time. The Dayton-Craig amendment is a very simple, straightforward amendment that this Senate ought to enact and ought to do so soon. We have now been on this amendment a good many hours. These are people who apparently support fast track but do not support the Senate imposing its will with a popular vote, as was the case on a motion to table the Dayton-Craig amendment. I hope that we can get past this and put our trade ambassador and our trading partners on notice, that we will not trade our remedies that exist against unfair trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3411 TO AMENDMENT NO. 3401

Mr. KENNEDY. Mr. President, one of the greatest public health challenges we are facing in the world today is the pandemic of AIDS in Africa, increasingly in India and the subcontinent, spreading as well into China, and also the Soviet Union. It is most dramatically expressed in the neediest and the poorest countries of the world.

I think Africa has been on the minds of many of us in the Senate about how we were going to respond and how we were really going to provide international leadership. The United States has been a country that has developed a variety of different medications over the period of recent years, as well as treatment for a wide variety of different kinds of AIDS cases, particularly in the area of pediatric AIDS and other types of challenges that have affected those with HIV. We are now involved in responding to the real challenge of Kofi Annan and the world community in providing world leadership, in providing funding, and being replicated by other countries. We still have a long way to go, but I think many of us who have watched this develop in terms of the breadth of the support from our Members have been impressed that we are finally beginning to measure up, although I think we do have a long way to go.

Having said that, one of the great challenges that these countries have is acquiring the various kinds of prescription drugs they need. One of the issues that will be presented, should this legislation be passed and signed into law, still will be what is the availability of some of these generic drugs, which might provide a lifesaving circumstance to millions of people around the world if they are able to be produced, in these countries that do not have the resources to buy the brand name drugs.

The question has been whether these countries that are facing this kind of extraordinary crisis would be able to issue what is called a compulsory license that would permit them to buy

generic drugs that are being either produced or can be produced in their own country or in another country, and that has been very much an issue. This amendment, which I would offer myself with a number of our colleagues, would make it very clear that if the country itself issued what is called a compulsory license, based upon the critical need and public health disaster they are facing, it could not be considered to be in violation of the trade laws, and they would be able to either develop that capability within the country or, for example, if we were talking about Botswana, which has a high incidence of HIV and AIDS, be able to make contracts with other countries and purchase a generic, which they would be interested in doing, as I understand, with Brazil or other nations.

It is perhaps, in many respects, one of the most important clarifications in terms of the health care crisis of HIV and of AIDS. This provision will make a very substantial difference. The cloudiness that currently surrounds this issue will be eliminated with this amendment. The amendment is very simple. It ensures those countries hit hardest by the AIDS crisis and other public health emergencies will have access to the affordable medicines to address these crises. It does this by expressing support for the Doha declaration on TRIPS and the public health as adopted by the World Trade Organization last November.

The Doha declaration was supported by Ambassador Zoellick, the pharmaceutical industry, and thousands of public health advocates and religious leaders. It is one of the most important global health issues we face today, and I am pleased we could address it in a bipartisan manner.

I will submit a more complete statement for the RECORD, but I acknowledge and thank the chairman, Senator BAUCUS, and Senator GRASSLEY and their staffs for their willingness to consider this amendment.

I am not going to ask that the current amendment be temporarily set aside, but I had the opportunity to talk with the chairman earlier—the ranking member was not present—with his staff, and so at an appropriate time—and I will leave it up to the managers to work out what is the appropriate time—I hope this amendment might be considered favorably.

As I say, this is a matter of enormous importance and incredible consequence. It really will result in the savings of hundreds of thousands of lives. It needs to be clarified in an important way. I welcome the strong bipartisan support of my colleagues who are supportive of this proposal on both sides of the aisle. It will be enormously welcomed by the neediest countries in the world.

AMENDMENT NO. 3408

Mr. WELLSTONE. Mr. President, I rise to support this important amendment. This amendment will help preserve our trade laws by allowing Congress to exclude trade remedy provisions from any agreement receiving fast track consideration. This is extremely important at a time when our trade laws are under attack at the WTO.

Here's how it would work: Should Congress receive a trade agreement containing a provision changing current U.S. trade remedy law, the provision would be subject to a point of order. After hearing the administration's concerns about minority obstructionism, Senators DAYTON and CRAIG changed this amendment so that the point of order is now subject to a simple majority vote. Yet, still the administration opposes this amendment. It opposes the legislature of the United States having a simple up or down vote on a provision of a trade agreement that changes existing law that this body made. In fact, the Secretary of Commerce, the Secretary of Agriculture, and the USTR have said they would strongly recommend to the President that he veto this bill if the Dayton-Craig amendment passes.

This amendment is entirely appropriate. Given many of the trade agreements we have seen, at a minimum, this body should ensure we retain our authority and obligation to fully deliberate and debate and proposed changes to U.S. trade remedy law. The amendment would provide a critical channel through which Senators could act to prevent such undesirable agreements as the one made—in spite of our strong and vocal opposition—at the latest WTO negotiations in Doha: In May 2001, 62 Senators sent a letter to the President specifically opposing any weakening of trade remedy laws in international negotiations; in a subsequent Hill appearance USTR Zoellick made a public commitment to Senator ROCKEFELLER that the administration would not permit this to happen.

At Doha however, other WTO member countries demanded U.S. trade remedy laws be put on the table as a condition of beginning the new round. So, despite the word of the Administration that this would happen—it did. The administration broke its word to us and our trade remedy laws are on the table. With this amendment, we will send a strong message directly to other WTO countries and the administration that the U.S. Senate will not tolerate any weakening of these critical laws.

Oddly enough, while the administration continues to allow our trading partners to rewriter U.S. trade remedy laws, China refuses to even discuss theirs. Accordingly to last Friday's Inside U.S. Trade:

China over the past week continued to resist efforts aimed at reaching agreement on timelines and procedures for information it must provide to the World Trade Organization committees in charge of reviews of its trade remedy laws that were set up as a condition of China's entry to the WTO. China charged this week that these proposed procedures go beyond the obligations of its accession commitments . . . Specifically, China, argues it is not obligated to discuss specific procedures for the reviews of its antidumping, subsidies and safeguards mechanisms.

There is absolutely no reason for us to allow the safeguards provided by our trade laws to be undermined by the concerted efforts other countries in multilateral negotiations. All of our trade remedy laws—from the antidumping and countervailing duties to the Trade Act's section 201 and 301—are entirely consistent with WTO principles and help protect U.S. workers and producers from unfair trade practices.

At a press conference last week, USTR Zoellick said this amendment would prevent the U.S. from negotiating on trade remedies, and because this issue is a priority for U.S. trading partners, the amendment would lead these countries to refuse to negotiate at all. This statement should make it clear to all that not only does this administration believe certain countries are willing to trade with us only if they are able to weaken or undermine our trade remedy laws; but that it intends to accommodate them. By permitting a point of order against any trade agreement provisions that change our trade laws, this amendment provides an extra level of protection for these vitally important safeguards. These laws have been effectively employed in a variety of sectors to address numerous trade imbalances or to give domestic producers vital time to address major import surges.

Our spring wheat farmers in Minnesota have been struggling for years to win effective relief against cheap imports from Canada. And its not that Minnesota wheat producers cannot compete with their Canadian counterparts—it is that the Canadian system is run so very differently from ours that direct competition simply does not occur. The Canadian Wheat Board enjoys monopoly control over their domestic wheat markets. Its ability to set prices months in advance effectively insulates Canadian wheat farmers from the commercial risks that Minnesota growers are routinely exposed to, and gives their product a built-in advantage right here in our own American market. Unfortunately our softwood lumber producers have faced many of the same obstacles in competing with their Canadian counterparts. Of course we are disappointed that we were unable to informally resolve our differences with our close friend and ally. But at least we have meaningful trade remedy laws we can fall back on. The International Trade Commission and the Department of Commerce found earlier this month that our lumber industry is threatened with material injury from subsidized Canadian imports. As a result, countervailing duty and antidumping duties will be issued on these products.

Another Minnesota industry that has been immeasurably helped by these trade remedy laws is that of sugar beet

production. Together with our hard working neighbors in North Dakota, our beet sugar industry is the largest in the country—an estimated $1 billion in economic benefits flows from it each year. Yet without the protection of our trade remedy laws, this industry could be in serious jeopardy. Our trading partners in the EU are one of the largest exporters of beet sugar in the world yet it is well-known that they have been heavily subsidizing their production. Our industry cannot and should not be expected to compete with such heavily subsidized imports. This is why there are antidumping and countervailing duty orders currently in effect on imported European beet sugar. As Minnesota beet sugar producers know all too well, these orders are entirely appropriate and very necessary countermeasures to the considerable subsidies that EU producers enjoy.

We cannot expect our producers to be able to compete with the unreasonably low prices that subsidies or closed, monopolistic systems produce. We look forward to the day when there is a more level playing field. But until that day comes, it is vitally important that we protect and maintain these trade remedy laws that all too often represent their only hope for much-needed relief.

As we have learned over the past decade, trade liberalization has increased the opportunities for unscrupulous countries or industries to manipulate markets through unfair trade practices. With major new agreements like the FTAA on the horizon, it is imperative that we maintain these important laws so that they can continue to be used to protect our workers and companies from the risks posed by those who seek to distort and manipulate the very markets we are seeking to open to free and fair competition.

Mr. HATCH. Mr. President, I rise to oppose the Dayton-Craig amendment.

I have no doubt that the sponsors of the Dayton-Craig amendment have nothing but the best intentions. They believe that they are protecting the interests of the American public by walling off our Nation's trade remedy laws.

Senators DAYTON and CRAIG believe that the Congress should take a special look to determine whether a particular trade agreement undermines our trade remedy laws. These important protections include the anti-dumping and countervailing duty laws.

I understand what my friends, Senators DAYTON and CRAIG, are attempting to do with their amendment. But the trade promotion authority bill before us today already addresses their major concern—the weakening of our domestic trade laws.

The bill before us already gives clear direction to our U.S. negotiators to ''avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade.'' This includes dumping, subsidies, and safeguards.

Under the provisions of the Dayton-Craig amendment, a minority of this body could work to defeat future trade agreements. By raising a point of order objection, any one Senator could slow the chance for any future trade agreement and 41 Senators could effectively kill a global trade agreement signed by the President, passed by the House and supported by a majority in the Senate, for any reason—even one totally unrelated to trade laws—as long as the implementing bill contained any change, no matter how minor, to a U.S. trade law.

If this amendment were to pass and become law, the United States' negotiating position would be severely weakened in any future trade talks. Our trading partners will view this amendment as a vulnerability—in essence, by passing this amendment we are outlining to our potential trading partners our greatest negotiating weakness.

If we declare U.S. trade laws off limits, I must ask if this is really the best way to encourage other countries to bring their trade laws up to U.S. standards which, most would agree are the gold standard that all countries strive to meet? But sometimes you can't get here from there immediately, and you have to take intermediate steps along the way.

While I believe that the United States has enacted and plays by a fair set of rule with respect to trade remedy laws, we should never send a signal to our neighbors that our laws cannot be improved and should not be the subject for discussion.

I have absolute faith that the President, Secretary Evans, and Ambassador Zoellick would never do anything to fundamentally undercut our trade remedy laws.

And what if I am wrong, and the administration gave away the store in a negotiation on our antidumping laws?

The remedy would be simple—the Congress would not adopt the trade treaty. The President would quickly get the message and would learn how far is too far.

While this would be harsh medicine, it would be what the doctor ordered. The Constitution gives the Congress an active role in the development of international trade policy. We are not to be a potted plant or a rubber stamp.

There is good reason to believe that we will not go down this path absent the Dayton-Craig amendment.

Let me be clear, as part of granting fast track authority to the President, Congress naturally will expect extensive consultation and notification procedures.

Success in passing TPA will require a close partnership between the executive and legislative branches of our Government. The Constitution grants Congress the authority to promote international commerce.

However, the Constitution also gives the President the responsibility to conduct foreign policy. Thus, the very nature of our Constitution requires a partnership between the executive and legislative branches of government in matters of international trade negotiations. That is what the trade promotion authority bill is all about—a partnership between the executive and legislative branches of government to enable U.S. consumers, workers and firms to be effectively represented at the negotiating table.

The current TPA bill already establishes extraordinary procedures for congressional consultations and review of negotiations involving U.S. trade remedy laws. Under the procedures outlined in this bill, the President must give an advance report to the Senate Finance and House Ways and Means Committees at least 90 days before the United States enters into a trade agreement. This report must outline any amendments to U.S. laws on antidumping, countervailing duties and safeguards that the President proposes to include in a trade implementing bill.

After the President notifies Congress of his trade negotiation intentions, the chairs and ranking members of the relevant committees then report to their respective chambers on their own assessments as to the integrity of the proposed changes to the TPA's objectives.

The effect of these provisions would be to assure that the President and the Congress are on the same page regarding proposals in trade negotiations on subsidies, dumping, and safeguards.

I might add that one need not look back very far to prove the resolve of President Bush's administration in upholding our trade laws. Just this year the President took action to save the U.S. steel industry and made a bold move to slow the unfair import of softwood lumber.

This is not an administration, in my opinion, that is looking to weaken our trade laws.

Here is what the administration has said about the Dayton-Craig amendment:

> . . . the amendment derails TPA without justification. The Bush administration has demonstrated its commitment to U.S. trade laws not through talk but through action. We have been committed not just to preserving U.S. trade laws, but more importantly, to using them. The administration initiated an historic Section 201 investigation that led to the imposition of wide-ranging safeguards for the steel industry. The administration's willingness to enforce vigorously our trade laws, in Canadian lumber and other cases, sends the clearest signal of our interest in defending these laws in the WTO.

This administration takes the trade protection laws very seriously.

The administration has also warned us about what may very likely happen if we adopt this seemingly good-government amendment.

Here is what Secretary Evans, Secretary Veneman, and Ambassador Zoellick are worried about, if we adopt this misguided amendment: ''the rest of the world will determine that the U.S. Congress has ruled out even discussion of a major topic. Other countries will refuse to discuss their own

sensitive subjects, unraveling the entire trade negotiation to the detriment of U.S. workers, farmers, and consumers.''

It seems to me that this is a dynamic that we ought to worry about.

And I think this could very well extend to places where it can materially injure American leadership in high technology. As Ranking Republican Member of the Senate Judiciary Committee, I am particularly concerned that some nations might remain derelict, or become derelict, in their responsibilities of implementing the TRIPS provisions of GATT. These are the intellectual property provisions relating to international trade.

It is the TRIPS provisions that govern such valuable intellectual property as patents and copyrights. We know that a great deal of American inventive capacity is tied to the software, information technology, entertainment, and biotechnology industries. We are the world's leaders in these vital areas. We should not encourage or allow other nations to unilaterally enact their own Dayton-Craig-type provisions that act to allow them to delay TRIPS implementation.

All you have to do is to read the latest USTR report on special 301 with respect to intellectual property to see the potential scope of the problem. This lays out which countries need to do better in meeting their obligations under TRIPS with respect to intellectual property.

Just so everybody knows, the priority watch list countries are: Argentina; Brazil; Columbia; the Dominican Republic; the EU; Egypt; Hungary; India; Indonesia; Israel; Lebanon; the Philippines; Russia; Taiwan; and Uruguay. In addition to these countries, Ukraine continues to be listed as a priority foreign country because it has been determined by USTR that it has a particularly poor record in this area.

Dayton-Craig can only send a signal to these priority watch list countries that they can try to avoid their intellectual property responsibilities by saying that they want to take aspects of their IP laws off the table just like the United States may do with our trade remedy laws.

So it is not only the traditional sectors like farming that have a stake in this but also the most cutting edge industries that rely on patents and copyrights.

Let me say that I am a strong supporter of our trade remedy laws. In fact, I think I may have irritated a number of my colleagues on the Finance Committee and in the full Senate by helping to lead the charge on the steel issue this Congress.

It seems like my friend Senator ROCKEFELLER and I kept bumping into one another as we testified before the International Trade Commission in both the injury and remedy phases of the steel case.

I am a proponent of trade but I am against dumping of products into the United States. I know what the dumping of steel has done to 1,400 laid-off steel workers and their families in Utah.

Frankly, many of my colleagues might think my actions amounted to protectionism, but I think that the facts compelled the ITC and President Bush to conclude otherwise.

I commend the strong action that President Bush took in response to the crisis in the steel industry. The steel 201 case was an example that our trade remedy laws can work.

I part company with those who take the well-intentioned, but I think ultimately counter-productive, position that Congress should essentially get a second bite of the apple when it comes to the trade remedy laws.

I have no doubt of the good intentions behind this amendment. But seems to me that you either believe, or disbelieve, in the wisdom and integrity of the fast track process. Either we have an up or down vote on the whole package or we don't. We should not be picking and choosing in a way that invites interminable debate and innumerable amendments.

If you don't like an agreement—for any reason, not just the trade remedy laws but for the old-fashioned reason that it is just not a good thing for your state and your constituents, then by all means, vote against it.

The Dayton-Craig amendment, if adopted, will invite similar responses from our trading partners. If we try to take these matters off the table, we can only guess what matters they will deem as inviolate.

Let the trade negotiators negotiate. I have faith that no USTR—in either a Republican or Democratic administration—will ever give away the store on trade remedy laws. And, in the unlikely event that this occurs—the Constitution gives the Congress the final word.

TPA is an essential tool for sound trade expansion policy, a tool we have been without since its expiration in 1994. For over a decade, the United States has too often sat on the sidelines while other nations around the world continued to form trade partnerships and lucrative market alliances. The lack of fast track has put the United States at a disadvantage during trade negotiations.

I submit that this amendment does nothing less than hand trade opponents a tool to block future agreements that are overwhelmingly in America's interests.

I urge my colleagues to oppose the Dayton-Craig provision.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. What is the regular order?

The PRESIDING OFFICER. Further debate on amendment No. 3408.

Mr. BAUCUS. I ask for regular order.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3408.

The amendment (No. 3408) was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3411 TO AMENDMENT NO. 3401

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Is it appropriate to send my amendment to the desk?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3411 to amendment No. 3401.

Mr. KENNEDY. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To include the Declaration on the TRIPS Agreement and Public Health as a principal negotiating objective of the United States)

Section 2102(b)(4) is amended by adding at the end the following new subparagraph:

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

Mr. KENNEDY. Mr. President, sometimes Democrats and Republicans can stand shoulder to shoulder with health advocates and industry representatives, find common ground, and develop constructive ideas to address some of the world's most pressing problems.

We can do this today by supporting the World Trade Organization's Declaration on TRIPS and Public Health, adopted at its Fourth Ministerial Conference last November in Doha. ''TRIPS'' stands for Trade-Related Aspects of Intellectual Property. The TRIPS Agreement is one of the agreements maintained by the World Trade Organization. TRIPS is the final word when it comes to international patent issues.

In recent years, there has been some confusion over the TRIPS Agreement and the ability of poorer countries to gain access to affordable medicines to fight some of the worst plagues of our age—including malaria, tuberculosis, and AIDS. Many health advocacy groups, including Doctors Without Borders and the World Health Organization, as well as faith-based and secular groups like Oxfam, expressed concern that dying people in impoverished nations could not receive medicines because their countries were not being afforded the flexibility in the TRIPS Agreement to acquire them cheaply.

Developing nations facing health emergencies reported political pressure when they tried to employ compulsory licensing—that is, the temporary suspension of a drug's patent and an order to a manufacturer to produce that drug

at a lower cost—or parallel importing, looking for the lowest price of a branded drug on the global market. The nations encountered threats of litigation through the WTO for trying to save the lives of their citizens. The poorest countries felt that our international trade agreements, written with the intent of lifting people out of poverty, were now being used against the poorest and most vulnerable when they needed them most.

After the anthrax scare here in Washington and the East Coast the United States raised the possibility of issuing a compulsory license for Cipro—the drug proven to kill anthrax, to ensure that an adequate supply of the drug was available at a reasonable cost. HHS Secretary Thompson discussed publicly the steps that would be taken, pursuant to the TRIPS, to issue and implement such a license. Few people in the United States would question such a move to protect our nation's public health.

Four people died from the recent anthrax outbreak in the United States. If an outbreak that results in four fatalities and another dozen infections is an emergency, what do we call a situation in which nearly 14,000 people will die every day from AIDS, tuberculosis, or malaria? If the TRIPS has the flexibility to accommodate the richest country in the world, it must be able to accommodate the poorest as well.

The global health crisis we face today is unprecedented. The World Health Organization reports infectious diseases are the leading killer of young people in developing countries. These deaths occur primarily among the poorest people because they do not have access to the drugs and commodities necessary for prevention and cure. Approximately half of infectious disease mortality can be attributed to just three diseases—HIV, tuberculosis, and malaria. These diseases cause over 300 million illnesses and more than 5 million deaths each year.

The WHO also reports that the economic burden is enormous. Africa's gross domestic product would be 32 percent greater if malaria had been eliminated 35 years ago. A nation can expect a decline in GDP of 1 percent annually when more than 20 percent of the adult population is infected with HIV. Of the nearly 40 million people infected with HIV worldwide, roughly 28 million of them live in Africa. If we are serious about promoting wealth across the globe, global health must be at the forefront.

Many poorer countries have shown that effective disease fighting strategies can reduce tuberculosis deaths five-fold. HIV infection rates can be reduced by 80 percent. Malaria death rates can be halved. But when a country has a health care budget of less than $50 per capita, the costs of the tools—and the drugs—to fight these diseases is often beyond reach. As a result, many studies estimate that 90 to 95 percent of people infected with HIV in the developing world do not have access to the medicines they need for treatment or prevention.

Recognizing the staggering global health crisis the world is now facing, the trade ministers of 142 countries decided to provide the clarity in the TRIPS Agreement that was so desperately needed. To ensure that all nations have access to lifesaving medicines, the WTO issued the Declaration on TRIPS and Public Health. Among other things, it said,

''We agree that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of all WTO Members' right to protect health, and in particular, to promote access to medicines for all.''

I ask unanimous consent that a copy of the Declaration on TRIPS and Public Health be printed in the RECORD at the end of my statement.

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

(See exhibit 1.)

Mr. KENNEDY. The declaration was immediately heralded across the globe as a tremendous achievement. It struck an honest balance between the legitimate interests of intellectual property protection and the preservation of public health. US Trade Representative Robert Zoellick said immediately after Doha, ''The adoption of the landmark political declaration on the TRIPS Agreement and public health is a good example of developed and developing nations advancing common goals by working through issues together.'' He later added, ''We were pleased with this process . . . and we believe this declaration affirms that TRIPS and the global trading system can help countries address pressing public health concerns.''

Alan Holmer, the president of the Pharmaceutical Research and Manufacturers of America also welcomed the declaration, saying, ''The Declaration recognizes that TRIPS and patents are part of the solution to better public health, not a barrier to access. Without altering the existing rights and obligations under TRIPS, the declaration provides assurances that countries may take all measures consistent with the agreement to protect the health of their citizens.''

I was very pleased with the adoption of this landmark declaration. Never before had the World Trade Organization taken such a bold stance that the protection of public health, particularly among the poorest in the world, was paramount. I want to commend U.S. Trade Representative Robert Zoellick for the leadership he displayed in ensuring this declaration's adoption, and WTO Director General Michael Moore for his tireless efforts in communicating the message of the declaration across the globe.

In order to ensure that the U.S. trade negotiators fully support the implementation of the Doha Declaration in future negotiations, this amendment adds a single sentence to the section on negotiating objectives for intellectual property issues—''respect the Declaration on TRIPS and Public Health, as adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.'' This amendment directs our trade negotiations to support the declaration without reservation.

This amendment, as critical as it is to the health of millions around the globe, is merely a small step in addressing this overwhelming issue. The United States must play a more active role in fighting these diseases in the developing world. We must contribute significantly more to the global AIDS fund at the United Nations. We must do more to help develop the health service infrastructure in poor countries so they can deliver and administer treatment and prevention programs. We must provide more resources to USAID and private organizations to enhance micro-enterprise efforts, build local economies, and empower individuals so they can take care of themselves.

I'm pleased that this amendment can be accepted unanimously, because some issues are too important to be partisan. I want to extend special thanks to Senators BAUCUS and GRASSLEY and their wonderful staffs for their leadership, and for their willingness to work so closely with me on this issue. They know we don't always see eye-to-eye on trade issues, but they recognize the importance of this issue and I know they share my concerns. I look forward to working closely with them in the future on this critical issue.

EXHIBIT 1

WORLD TRADE ORGANIZATION MINISTERIAL CONFERENCE, FOURTH SESSION, DOHA, 9–14 NOVEMBER 2001

DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH—ADOPTED ON 14 NOVEMBER 2001

1. We recognize the gravity of the public health problems afflicting many developing and least-developed countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics.

2. We stress the need for the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) to be part of the wider national and international action to address these problems.

3. We recognize that intellectual property protection is important for the development of new medicines. We also recognize the concerns about its effects on prices.

4. We agree that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all.

In this connection, we reaffirm the right of WTO Members to use, to the full, the provisions in the TRIPS Agreement, which provide flexibility for this purpose.

5. Accordingly and in the light of paragraph 4 above, while maintaining our commitments in the TRIPS Agreement, we recognize that these flexibilities include:

(a) In applying the customary rules of interpretation of public international law, each provision of the TRIPS Agreement shall be read in the light of the object and purpose of the Agreement as expressed, in particular, in its objectives and principles.

(b) Each Member has the right to grant compulsory licenses and the freedom to determine the grounds upon which such licenses are granted.

(c) Each Member has the right to determine what constitutes a national emergency or other circumstances of extreme urgency, it being understood that public health crises, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, can represent a national emergency or other circumstances of extreme urgency.

(d) The effect of the provisions in the TRIPS Agreement that are relevant to the exhaustion of intellectual property rights is to leave each Member free to establish its own regime for such exhaustion without challenge, subject to the MFN and national treatment provisions of Articles 3 and 4.

6. We recognize that WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement. We instruct the Council for TRIPS to find an expeditious solution to this problem and to report to the General Council before the end of 2002.

7. We reaffirm the commitment of developed-country Members to provide incentives to their enterprises and institutions to promote and encourage technology transfer to least-developed country Members pursuant to Article 66.2. We also agree that the least-developed country Members will not be obliged, with respect to pharmaceutical products, to implement or apply Sections 5 and 7 of Part II of the TRIPS Agreement or to enforce rights provided for under these Sections until 1 January 2016, without prejudice to the right of least-developed country Members to seek other extensions of the transition periods as provided for in Article 66.1 of the TRIPS Agreement. We instruct the Council for TRIPS to take the necessary action to give effect to this pursuant to Article 66.1 of the TRIPS Agreement.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is my intention to back the amendment. This amendment makes an important contribution to the underlying trade promotion authority bill.

Before addressing the substance of the amendment, I put it in context. The Doha ministerial held in Qatar last year was a profound breakthrough for the United States and the World Trade Organization. For the first time in many years, over 130 nations came together to launch a new round of international trade negotiations. This is no small achievement, as virtually every action taken during the Doha ministerial had to be done by consensus. These nations strongly believed a new round of international trade negotiations was in their best interests. I agree it is in their best interests, and it is in the best interests of the United States. I also think it is in our best interests to get these negotiations underway and give the President the authority he needs to negotiate the best deals for our workers and small and large businesses.

During the WTO ministerial at Doha, the members of the organization adopted a political declaration that highlights the provisions in the TRIPS agreement that provide members with the flexibility to address public emergencies, such as the epidemics of HIV, tuberculosis, and malaria. The objectives on intellectual property, which are part of this bill, were drafted before completion of the Doha ministerial. Senator KENNEDY's amendment updates these objectives to take into account the important declaration on public health made at the Doha meeting. It is a good addition to the bill. I am pleased to accept it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I highly compliment the Senator from Massachusetts. This is an extremely important statement. Millions of people in the world are suffering from HIV/AIDS, and the current patent the companies have, as important it is, is a measure that should be relaxed so people in many parts of the world get assistance.

The amendment recognizes the special declaration concerning public health that was adopted last November in Doha. The special declaration provided assurance to poor countries facing the immense challenges of dealing with public health emergencies caused by pandemics of infectious diseases like HIV/AIDS, that measures necessary to address such crises in these countries can be accommodated by the WTO TRIPS Agreement, the Agreement on Trade-Related Aspects of Intellectual Property Rights.

This assurance complements the numerous commitments that the United States Government, and its public and private sectors have made to help these countries cope with the HIV/AIDS pandemic.

WTO members also used the declaration to reaffirm their commitment to effective intellectual property standards such as those in the TRIPS Agreement. The declaration recognizes that effective intellectual property standards serve an important public health objective of stimulating development of new drugs.

I highly recommend this amendment to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, Mr. KENNEDY, numbered 3411.

The amendment (No. 3411) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The majority leader asked me to announce there will be no more rollcall votes today.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to proceed as in morning business.

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

(The remarks of Mr. ALLEN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, for the past several days, we have been debating the merits of granting fast-track trade negotiating authority to the President. Today, I would like to illustrate the importance of this measure and that of its companion, Trade adjustment assistance, to my home State of Montana.

Montana's role in the global economy is directly linked to our success in passing this important trade package. More importantly, if my State is to grow economically, we must secure opportunities beyond our borders.

Those opportunities represent risk, growth, change, and challenge for a State that is highly reliant on export markets and highly sensitive to imports.

Just as the founders of Montana—fur trappers, gold prospectors, cattle ranchers, hardrock miners—were driven west in pursuit of trade opportunities, so, too, must the citizens of modern Montana seek new markets. In fact, some would say that our viability in the 21st century is contingent upon our ability to expand and compete in the global marketplace.

To further this endeavor, we must negotiate responsible trade agreements that help Montana workers, business, farmers, ranchers and entrepreneurs.

At the same time we must recognize some of the problems associated with trade, which include worker dislocation or intensified competition, must also be addressed.

I believe that fast track and trade adjustment assistance are critical to economic growth and strength of Montana. Let me tell you why.

First, Montana exports nearly a half billion dollars in products a year. This includes $260 million in agricultural commodities, $100 million in industrial machinery, $24 million in chemical products, and $37 million in wood and paper products.

Second, as a key State in the Rocky Mountain Trade Corridor we are expanding more to Canada and Mexico—our first and second largest trading partners. Respectively, these countries

import more than $300 million and $34 million of Montana products with China, Japan, Germany, and the United Kingdom next in line.

With new trade agreements that open markets to Montana products and readjust some of the current trade inequities, my State's economy stands to grow and prosper.

Within this same context, the principle trade negotiating objective of the fast-track legislation calls on our negotiators to remove barriers that decrease market opportunities for Montana exports or distort imports that put producers at an unfair advantage. These barriers include governmental regulatory measures such as price controls and reference pricing which deny full market access for United States products.

Take, for example, the Canadian Wheat Board. The Government of Canada grants the Canadian Wheat Board special monopoly rights and privileges which disadvantage U.S. wheat farmers and undermine the integrity of the trading system.

These rights insulate producers from commercial risk because the Canadian Government guarantees its financial operations, including its borrowing, credit sales to foreign buyers, and initial payments to farmers. As a result, the Canadian Wheat Board takes sales from U.S. farmers and prices drop.

The negotiating authority granted the President that fast track is aimed at stopping these unjust trade practices.

Some folks say they don't want any new trade agreements until the old ones are fixed, I like the ring of that, but sometimes it is not terribly practical. I say, you can't fix something from the sidelines, you must be at the table. Fast track is a means to that end. If you want to fix an old agreement, clearly the other side is going to want to fix the old agreement from its perspective, too. It is never a free lunch.

The bill also strives to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, expanded export market opportunities, and provide for the reduction or elimination of trade barriers that disproportionately impact small business.

Let me illustrate what effective negotiations at the WTO mean for Main Street Montana.

A company in Bozeman could be able to ship more trailers for mining equipment to Latin America.

Discussion on pharmaceuticals could help companies like All American Pharmaceutical in Billings and Technical Sourcing International in Missoula.

Montana's tech corridor in Bozeman could seek clarification on European manufacturing standards for electronics, increasing market opportunity for small technology businesses.

Aviation firms such as Blue Sky Aviation in Lewistown, Garlick Helicopters and Tamarak Helicopters in the Bitteroot Valley could see a normalization in requirements for aviation products.

Medical standards could be addressed helping Glacier Cross of Kalispell enter new markets.

And Lawyer Nursery could spend less time fighting phytosanitary barriers and focus more on providing seeds and seedling trees to developing nations.

The bottom line is that good jobs will be created in Montana if we are willing to give our negotiators the strong hand needed to secure sound trade agreements.

In addition to small business owners, Montana's agricultural industry stands to benefit from sound trade agreements. For agriculture, the goal is to obtain competitive opportunities for U.S. exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in U.S. markets.

The fast-track bill includes a concrete set of trade objectives for agriculture that targets my five key concerns.

First, we must reduce tariffs to levels that are the same as or lower than those in the United States. These are the same tariffs that block Montana beef exports to Korea and Japan.

Second, we must eliminate all export subsidies on agricultural commodities while maintaining bona fide food aid and export credit programs that allow the U.S. to compete with other foreign export promotion efforts. As you well know, the EU maintains the lion's share of export subsidies—60 times more than the United States. How can we ever expect a level playing field if we are undersold time and again by government-backed competitors?

Third, we must allow the preservation of programs that support family farms and rural communities but do not distort trade.

Currently we are engaged in passing a new farm bill. This bill seeks to reflect and respond to the counter-cyclical nature of our farm economy. It strives to limit production through sound conservation programs and maintains trade provisions, including the Export Enhancement Program and Market Access Program, which help our products overseas.

The U.S. exported over $53 billion last year. However, our trade policy will only be effective if the commodity support and conservation programs of the farm bill are balanced. We cannot afford for one leg of the stool to be weaker than the others. Without family farmers, increased trading opportunities are irrelevant.

Fourth, we must eliminate state trade enterprises wherever possible. Montanans know far too well the effects of competing with the Canadian Wheat Board. As I mentioned above, we must bring price transparency and competition to the marketplace. The Canadian Wheat Board is nothing close to that. Anything short of this flies in the face of fair trade.

And fifth, we must develop rules to prevent unjustified sanitary or phytosanitary restrictions not based on sound science. For three decades we fought to pry open the Chinese market to Pacific Northwest wheat due to TCK. That was a real struggle. I spent a lot of time on that. It was difficult to get the Chinese to listen to us. They finally cracked open a little bit. Now we are struggling with markets in Chile and Russia that place arbitrary sanitary barriers on U.S. exports of beef, pork, and poultry.

I will closely monitor any upcoming trade negotiations to ensure that these goals are met. Further, I will not hesitate to call for the repeal of fast-track trading authority or pursuing a resolution to limit fast track, at any time during the process if these objectives are not met.

Let me share a few more points that make the case for fast track in my State. In order to address and maintain Montana's competitiveness in the global economy, the bill directs the President to preserve the ability of the U.S. to enforce rigorously its trade laws, including antidumping, countervailing duty, and safeguard laws.

Montana has benefited from these laws. These laws have been used against unfair, or a surge in, imports of softwood lumber from Canada and lamb from Australia and New Zealand. In addition, our wheat industry is considering launching a case against the Canadian Wheat Board.

These laws are not protectionist. Far from it. They simply ensure that Montana workers, agricultural producers, and firms, can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions.

These laws are designed to help other countries play fair. If all countries played fair, our trade laws would not be necessary. They are there only to help make sure that when other countries are not playing by the rules of the road we have ways to protect ourselves against unfair foreign trade barriers. All our trade remedy laws, as you know, Mr. President, are totally WTO legal. They are totally consistent with WTO.

On a related note, I am often approached about the problem of a strong dollar for commodities and manufacturing. The overvalued dollar is certainly a problem, and I do not have the perfect solution today that balances these concerns with Treasury's intent to maintain a strong economy and control inflation.

However, within this bill, the administration is directed to work with our trading partners to draw up a blueprint to deal with the trade consequences of significant and unanticipated currency movements and to scrutinize whether a foreign government is engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade.

Rest assured, I recognize these concerns, and I believe this is a step toward finding a solution and not an easy one to resolve but certainly a major step forward.

In Montana we know the value of preserving our environment while optimizing the use of our natural resources. At the same time, we cannot afford to compete with shoddy worker and environmental rights.

This measure brings that message to the world recognizing that trade and environmental policies are mutually supportive: That we should seek to protect and preserve the environment and enhance the international options of doing so, while optimizing the use of the world's resources. And, it promotes respect for worker rights and supports efforts to crack down on the exploitative child labor.

This bill is different from past fast-track legislation because it is the first to ever seek provisions that aim to ensure that parties to the agreements not weaken or reduce the protections afforded in their domestic environmental and labor laws as an encouragement for trade. It is a first, and major development. It also works to establish rules to prevent frivolous investor claims that contravene the public good.

I have a few words about part two of this package, the Trade Adjustment Assistance program or TAA. This is a program with a simple but admirable objective: to assist workers injured by imports to adjust and find new jobs. many Montana workers are now employed and many firms still in business thanks to TAA.

Take for example the 221 employees who lost their jobs as a result of the suspension of operations at the ASARCO lead bullion facility in East Helena. It was a bitter blow to that community when that announcement was made. Due to the decline in the mining and mineral processing industries in the Western U.S., these workers faced few prospects for re-employment in a similar sector.

Thanks to income support provided by trade adjustment assistance, and NAFTA–TAA, 50 percent of these workers are involved in or did seek training—many at the Helena College of Technology and a few at heavy equipment operating school.

They are learning everything from trucking to computer technology. Now nearly 42 percent have found full-time employment. Workers at Plum Creek Timber in Seeley Lake are similarly taking advantage of this program.

TAA is often seen as the last resort, but it also provides a chance for companies to retool. This is especially true of TAA for firms, a related program that provides assistance to over 10 small companies in Montana to help them readjust and effectively compete with imports.

With TAA for firms, Montola Growers is researching new markets for its safflower oil, Tele-Tech Corporation is designing new products and print ads for its sophisticated electronic devises, Thirteen Mile Lamb and Wool Company is designing new garments for manufacture by contract knitters, and Pyramid Lumber is improving its milling efficiency.

Without TAA for firms, we would see closed signs on many business doors. Unfortunately, more worthy projects exist than funding to support them. For that reason, I support significantly increased funding in order for this program to continue and expand its good work.

Additionally, this trade adjustment assistance bill includes a new provision that will offer up to $10,000 in cash assistance to Montana farmers and ranchers injured by imports. Let me be clear, this is a real opportunity to retool and reform a family farming operation, to make it competitive and sound, for generations to come. Like trade adjustment assistance for firms, this program is a means to keep an operation in business and keep our Montana families on their land.

One final item tucked neatly away in the TAA title is a provision to protect Montana sugarbeet growers from unfair trade practices. We all recall the black eye that stuffed molasses gave the industry, and we can not afford to suffer from such blatant circumvention again. This provision allows the Secretary of Agriculture to monitor imports of sugar to ensure that they do not circumvent the existing quota.

If they do, the Secretary will report to the President who can then ''snap-back'' the offending commodity into the appropriate tariff line. This should send a clear message that America will no longer tolerate efforts to manipulate the trading system to the disadvantage of our sugar producers.

The trade package before us today will help Montana move toward a greater role in the global economy. I hope my colleagues will feel the same about their own constituencies and lend their support to this important matter.

Mr. President, I thank you for listening. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business with Senators permitted to speak therein for a period not to exceed 5 minutes each.

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

CARTER, MISSION TO CUBA

Mr. ALLEN. Mr. President, many of us have anticipated the trip of former President Carter to Cuba with a mixed sense of hope and concern. We had hoped that he would use this unique opportunity to help bring ideas of freedom and democracy to the repressed people of Cuba, just 90 miles off our shores.

However, it was amazing and disappointing for many of us to learn of Mr. Carter's visit to a Cuban biotechnology facility and his acceptance, at face value, of the assurances of communist Cuban officials there that the facility is engaged solely in medical and humanitarian pursuits.

More distressing is that former President Jimmy Carter was accorded the same privilege and courtesy extended to former Presidents who have requested top-secret intelligence briefings and situation reports on global areas of interest of the United States.

In the post-9/11 world, it is important that we as a united country protect the safety and security of our people.

Instead, what we have in Mr. Carter's visit to this biotech facility is a former President—who himself was once responsible for our foreign policy and the safety of the American people—dismissing the concerns of his own government, revealing information to which he was privy in top-secret briefings, and buying wholesale the assertions of the dictator Fidel Castro and his minions.

The words and actions of Mr. Carter at this facility are a breach of trust, and it is made even worse, in that the individual involved in that breach is one in whom the American people once placed the ultimate trust and responsibility of the Presidency.

Rather than spending his time with Fidel Castro and his henceman, I would suggest the name of at least one person Mr. Carter would be better advised to get to know.

Just a few short days ago I joined the Congressional Cuba Political Prisoner Initiative. As part of this initiative, I have decided to sponsor or ''adopt,'' if you will, a Cuban political prisoner named Francisco Chaviano Gonzales, and to advocate on his behalf, and on behalf of the thousands of others being held in Cuba in clear abuses of their basic human rights.

Francisco Chaviano is president of the National Council for Civil Rights, an organization dedicated to promoting democratic practices, racial equality and human rights. He was arrested after government agents broke into his home and confiscated documents revealing human rights abuses in Cuba—specifically, information about the Castro government's sinking of a tugboat that claimed the lives of 41 men, women, and children who were attempting to escape to freedom.

Chaviano was arrested and detained in prison for 1 year, and although a civilian, he was tried by military tribunal and sentenced to 15 years in prison.

He has been confined in isolation and deprived of basic medical care for long periods of time. After being allowed to visit him for the first time in eight years, his wife reported that he is in very poor health. Other members of the civil rights organization have followed in Chaviano's footsteps and continued to press the Cuban government for democratic reforms, at great peril to themselves.

Jimmy Carter is a man who is often praised in the media as a ''model ex-President'' or a ''statesman'' for his work with Habitat for Humanity. I do believe there is still time for him to make a more positive contribution to the plight of the Cuban people and to American foreign policy regarding Fidel Castro.

Mr. Carter is scheduled to deliver a speech to the Cuban people tonight. His remarks have the potential to do enormous good or to cause further harm. Rather than legitimizing a tyrant and a man who doesn't care for the well-being of his own people; he could advocate positive change for the beleaguered Cuban people.

If Mr. Carter in his speech tonight is looking for a road map to freedom and prosperity for the Cuban people, he need look no further than the words and principles of freedom written by George Mason in the Virginia Declaration of Rights. This document, adopted on June 12, 1776, helped form the basis of our Declaration of Independence and 15 years later in our Bill of Rights as the first amendments to our Constitution.

I would read a few excerpts from George Mason's historic words from various articles of the Virginia Declaration of Rights, which I think are instructive.

Article 1: That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Article 2: That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.

Article 3: That government is, our ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration. And that, when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conductive to the public weal.

Article 12: That the freedom of the press is one of the great bulwalks of liberty, and can never be restrained but by despotic governments.

Article 16: That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience . . .

Those are the words of freedom, and of the inherent rights to which all people are entitled, even if only temporarily subjugated.

Therefore, I call on former President Carter to embrace these truths and to use this unique opportunity to advance these enduring principles of liberty in Cuba.

I urge him to support the Varela Project, which is a petition drive that has collected the 10,000 signatures needed under Castro's so-called ''constitution'' to force a referendum on whether his government should be allowed to continue.

I call on Fidel Castro to heed the concepts first enunciated by George Mason 226 years ago in the Western Hemisphere, and I also call upon him to schedule free and fair democratic elections on the island of Cuba within the next year.

Mr. President, I will close with more words from George Mason, who said:

There is a passion to the mind of man, especially a free man, which renders him impatient of a restraint.''

Mr. Carter has the power to either to fan the flames of those passions and aspirations of the Cuban people, or to throw cold water on them. The choice he needs to make is clear. Do not flinch. Stand strong for freedom!

Thank you. I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 3, 1991 in Boston, MA. A Northeastern University student was arrested for making anti-Semitic and anti-homosexual death threats. The student, Garrett McAdams, was accused of threatening to kill a Jewish Realtor and bomb the offices of a gay student organization.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I wish to explain my absence from yesterday's vote on the nomination of Paul G. Cassell to be U.S. District Judge for the District of Utah. After spending yesterday working with constituents in Connecticut, I was scheduled to fly back to Washington in time to make the vote. Unfortunately, high wind and tornado threats caused flights into Washington to be cancelled. I ultimately returned to Washington by train and too late to cast my vote. Had I been here, I would have cast my vote in the affirmative.

NATIONAL POLICE OFFICERS WEEK

Mrs. CLINTON. Mr. President, each day our Nation's law enforcement officers step onto the street, putting their lives on the line to protect our communities. These honorable men and women risk so much so that others can feel safe.

New Yorkers owe our State and local law enforcement officers an enormous debt of gratitude. The historic drop in crime that we have seen in the last few years is truly a reflection of their fine work and tireless dedication. The low-crime rate that New York City enjoys today would never have been possible without the extraordinary work of the New York City Police Department.

One small step we can take to begin to repay that debt is ensuring that our men and women in blue are equipped with the tools they need to protect themselves from the constant dangers they face; and that police departments around the country have the additional resources they need meet new demands placed on them.

In the past several months, their responsibility have only grown larger. From the first moments our country saw NYPD officers at the base of the World Trade Center towers, the role of police officers around the country was changed forever. The September 11 terrorist attacks put communities around America on the frontlines in our war against terrorism at home, and our local public safety officers must now be prepared for the unimaginable: biological and terrorist attacks.

We pay tribute to the hard work and sacrifice of our police officers not just this week but every day of our lives as we move freely about our communities, largely uninhibited by fear and danger. We should take a moment to recognize the peace of mind that our local law enforcement officers provides us, and life's precious gifts that come with that assurance.

Public service is one of our country's most noble callings and law enforcement captures that spirit of sacrifice and devotion to community. We thank the families of police officers for their ever present courage and selflessness. To the police officers who uphold our laws and protect our communities from crime, we give our appreciation, admiration and immeasurable pride for the jobs you do every day.

ADDITIONAL STATEMENTS

TRIBUTE TO HARRISON WILLIAMS

• Mr. HOLLINGS. Mr. President, last November when our former colleague Harrison Williams passed away, I don't believe his legislative accomplishments were recognized by this body, and I wanted to remember my friend, the enormously popular Senator from New Jersey.

I had the privilege to serve with him for 15 of his 23 years, and he achieved more than most people will ever realize because he worked the old-fashioned way: making headway, not headlines. He sponsored progressive legislation that with 30 or 40 years hindsight, we now see has made an incredible difference in millions of people's lives.

The good mass transit systems we have in our Nation today we have because Pete was mass transit's champion. Americans have the best safety and environmental working conditions in the world because he created the Occupational Safety and Health Administration. We have pension protections because of him. We have greater accessibility for the handicapped because of him. Anything related to worker's rights, or working conditions, he had his hand in.

Like all of us he was not perfect, and he paid a price. But this Senator will remember my friend for his legislative accomplishments, and believes the words he said himself when he left this Chamber: That time, history and Almighty God would vindicate him for the principles for which he fought.

My wife, Peatsy, and I know how much his wife, Jeanette, and his four children, miss him, and we hope the best for them.•

MORRISTOWN MEMORIAL HOSPITAL

• Mr. CORZINE. Mr. President, I rise today to congratulate Morristown Memorial Hospital, a member hospital of the Atlantic Health System, for their receipt of the American Hospital Association's NOVA award. This prestigious award recognizes outstanding commitment to improving community-based health care.

The NOVA award honors Morristown's TeenHealthFX.com program, a free interactive Web site, providing teenagers with confidential and anonymous answers for difficult-to-ask health questions. This innovative program has succeeded at breaking down many of the barriers that so often prevent teens from obtaining critical health care information. Created in 1999, through the collaborative efforts of community leaders, teen, and health care professionals, this site has served as a gateway to area health care providers and a source of health care information for more than 100,000 young visitors.

I want to thank Morristown Hospital for supporting such an important and effective program. It is not enough to simply make health information available to our young people. That information needs to be made available in a setting that is comfortable for teenagers to access. This is exactly the environment that TeenHealthFX.com has created in New Jersey. TeenHealthFX.com represents the type of creative thinking and collaboration that our communities must undertake if we are going to improve the health and health habits of teenagers and young adults. Again, congratulations to Morristown Hospital and thank you for your continued commitment to improving health care for all New Jerseyans.•

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrent of the Senate:

H.R. 4546. An act to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that pursuant to section 303(a) of Public Law 106–286, the Speaker appoints the following Member of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China to fill the existing vacancy thereon: Mr. BROWN of Ohio.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6982. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Annual Performance Plan for Fiscal Year 2003 and the Program Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6983. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2001 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–6984. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Audit of Advisory Neighborhood Commission 8A for Fiscal Years 2000, 2001, and 2002 through December 31, 2001''; to the Committee on Governmental Affairs.

EC–6985. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6986. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the Fiscal Year 2003 Performance Plan and the Fiscal Year 2001 Annual Performance Report; to the Committee on Governmental Affairs.

EC–6987. A communication from the Director, Trade Development Agency, transmitting, pursuant to law, the report of the Agency's Financial Statements for September 30, 2001; to the Committee on Governmental Affairs.

EC–6988. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Change in the Survey Cycle for the Portland, OR, Appropriated Fund Wage Area'' (RIN3206–AJ60) received on May 8, 2002; to the Committee on Governmental Affairs.

EC–6989. A communication from the Director, Office of Personnel Management, Employment Service, Office of Employment Policy, transmitting, pursuant to law, the report of a rule entitled ''Placement Assistance and Reduction in Force Notices'' received on May 8, 2002; to the Committee on Governmental Affairs.

EC–6990. A communication from the Director, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employment Priority Consideration Program for Displaced Employees of the District of Columbia Department of Corrections'' (RIN3206–AI28) received on May 8, 2002; to the Committee on Governmental Affairs.

EC–6991. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–6992. A communication from the Special Counsel, transmitting, pursuant to law, the Annual Performance Report of the Office of the Special Counsel for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6993. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6994. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Department of Parks and Recreation's Purchase Card Program Requires Substantial Improvement and Increased Oversight''; to the Committee on Governmental Affairs.

EC–6995. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–6996. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6997. A communication from the Merit Systems Protection Board, transmitting, pursuant to law, the Board's Report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–6998. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6999. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Fiscal Year 2003 Performance plan and the Fiscal Year 2001 Performance Report; to the Committee on Governmental Affairs.

EC–7000. A communication from the Director, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the Inventory of Commercial Activities for 2001; to the Committee on Governmental Affairs.

EC–7001. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Director, Bureau of the Census, received on May 8, 2002; to the Committee on Governmental Affairs.

EC–7002. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–361, ''District of Columbia Public Schools Free Textbook Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–7003. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–358, ''Youth Pollworker Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–7004. A communication from the Acting Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Fiscal Year 2003 Performance Plan and the Fiscal Year 1999, 2000, and 2001 Performance Reports; to the Committee on Governmental Affairs.

EC–7005. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to Budgetary Implications of Selected General Accounting Office Work for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7006. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–357, ''Election Recount and Judicial Review Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–7007. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–356, ''Residential Permit Parking Area Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–7008. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–355, ''Office of Employee Appeals Attorney Fees Clarification Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–7009. A communication from the Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Management Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–7010. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Government National Mortgage Association (Ginnie Mae) Management Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–7011. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2001 and the Annual Performance Plan for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7012. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—February 2002'' (Rev. Rul. 2002–18) received on May 7, 2002; to the Committee on Finance.

EC–7013. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2002–15) received on May 7, 2002; to the Committee on Finance.

EC–7014. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Dutch Investment Yield Tax Revenue Ruling'' (Rev. Rul. 2002–16) received on May 7, 2002; to the Committee on Finance.

EC–7015. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement and Report Concerning Advance Pricing Agreements'' (Ann. 2002–40) received on May 7, 2002; to the Committee on Finance.

EC–7016. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' (Notice 2002–26) received on May 7, 2002; to the Committee on Finance.

EC–7017. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Partial Relief from Section 170(f)(8) for Post-September 11, 2001, Contributions to Charity'' (Notice 2002–25) received on May 7, 2002; to the Committee on Finance.

EC–7018. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Determination of Basis of Partner's Interest; Special Rules'' (RIN1545–AX94, TD8986) received on May 7, 2002; to the Committee on Finance.

EC–7019. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance for Applying Article XVIII(7) of the U.S.-Canada Income Tax Convention'' (Rev. Proc . 2002–23) received on May 7, 2002; to the Committee on Finance.

EC–7020. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Non-enforcement During Pendency of Proposed DOL Class Exemption from Prohibited Transaction Rules'' (Ann. 2002–31) received on May 7, 2002; to the Committee on Finance.

EC–7021. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''IRS Failure to File Penalty and DOL Delinquent Filer Program'' (Notice 2002–23) received on May 7, 2002; to the Committee on Finance.

EC–7022. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''No-Rule Revenue Procedure'' (Rev. Procs. 2002–3, 2002–1) received on May 7, 2002; to the Committee on Finance.

EC–7023. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Loss with Respect to Stock and Other Personal Property'' (RIN1545–AW09, TD8973) received on May 7, 2002; to the Committee on Finance.

EC–7024. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2002–7'' received on May 7, 2002; to the Committee on Finance.

EC–7025. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''EGTRRA Effect on Certain Distributions from a Section 401(k) Plan, etc.'' (Notice 2002–4) received on May 7, 2002; to the Committee on Finance.

EC–7026. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Covered Compensation Revenue Ruling'' (Rev. Rul. 2001–55) received on May 7, 2002; to the Committee on Finance.

EC–7027. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Effect of the Family and Medical Leave Act on the Operation of Cafeteria Plans'' (RIN1545–AT47) received on May 7, 2002; to the Committee on Finance.

EC–7028. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2001–66'' received on May 7, 2002; to the Committee on Finance.

EC–7029. A communication from the Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a preliminary report relative to Community Nursing Organization Demonstration; to the Committee on Finance.

EC–7030. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a interim report on the Evaluation of Abstinence Education Programs; to the Committee on Finance.

EC–7031. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Rev. Rul. 98–1'' (Rev. Rul. 2001–51) received on May 8, 2002; to the Committee on Finance.

EC–7032. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority [27 CFR Part 252, Exportation of Liquors]'' (RIN1512–AC44) received on May 8, 2002; to the Committee on Finance.

EC–7033. A communication from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amended Procedure for Refunds of Harbor Maintenance Fees Paid on Exports of Merchandise'' (RIN1515–AC82) received on May 9, 2002; to the Committee on Finance.

EC–7034. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 2002–13'' received on May 9, 2002; to the Committee on Finance.

EC–7035. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—January 2002'' (Rev. Rul. 2002–14) received on May 9, 2002; to the Committee on Finance.

EC–7036. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''January–March 2002 Bond Factor Amounts'' (Rev. Rul. 2002–8) received on May 9, 2002; to the Committee on Finance.

EC–7037. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''IRS Announces Regulations will be Issued to Prevent Duplication of Losses with a Consolidated Group on Dispositions of Member Stock'' (Notices 2002–18, 2002–12) received on May 9, 2002; to the Committee on Finance.

EC–7038. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules for Certain Reserves'' (Rev. Rul. 2002–12) received on May 9, 2002; to the Committee on Finance.

EC–7039. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Loss Limitation Rules'' (RIN1545–BA51, TD8984) received on May 9, 2002; to the Committee on Finance.

EC–7040. A communication from the President of the United States, transmitting, pursuant to law, a report that provides the aggregate number, location, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the antinarcotics campaign in Colombia, in support of Plan Colombia; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with amendments:

S. 1867: A bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes. (Rept. No. 107–150).

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 Mr. BURNS:

S. 2510. A bill to authorize the Secretary of Agriculture to accept the donation of certain lands previously disposed of from the public domain, together with certain mineral rights on federal land, in the Mineral Hill-Crevice Mountain Mining District in the State of Montana, to be returned to the United States for management as part of the national public lands and forests, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CARNAHAN (for herself and Mrs. HUTCHISON):

S. 2511. A bill to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mr. COCHRAN, Mr. DODD, Mr. HELMS, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. SMITH of Oregon, and Mr. WELLSTONE):

S. 2512. A bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself and Mrs. CLINTON):

S. 2513. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mrs. LINCOLN, Mr. DAYTON, Mr. KENNEDY, Mrs. CLINTON, Mrs. FEINSTEIN, and Mrs. BOXER):

S.J. Res. 37. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002. and submitted to the Senate on March 15, 2002; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. MCCAIN, Mr. LIEBERMAN, Mr. WYDEN, Mr. AKAKA, Mr. REED, Mr. TORRICELLI, Mr. FITZGERALD, Ms. COLLINS, Mr. LUGAR, Mrs. BOXER, and Mr. KENNEDY):

S. Res. 267. A resolution expressing the sense of the Senate regarding the policy of the United States at the 54th Annual Meeting of the International Whaling Commission; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 268. A resolution designating May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. COCHRAN, and Mr. INHOFE):

S. Res. 269. A resolution expressing support for legislation to strengthen and improve Medicare in order to ensure comprehensive benefits for current and future retirees, including access to a Medicare prescription drug benefit; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 813

At the request of Mr. SANTORUM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 813, a bill to amend title XVIII of the Social Security Act to increase payments under the medicare program to Puerto Rico hospitals.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 952

At the request of Mr. GREGG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1828

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1931

At the request of Mr. LIEBERMAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1931, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 2051

At the request of Mr. REID, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2119

At the request of Mr. DODD, his name was added as a cosponsor of S . 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2189

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2189, a bill to amend the Trade Act of 1974 to remedy certain effects of injurious steel imports by protecting benefits of steel industry retirees and encouraging the strengthening of the American steel industry.

S. 2200

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2200, a bill to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

S. 2268

At the request of Mr. MILLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2454

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2454, a bill to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

S. 2465

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2465, a bill to extend and strengthen procedures to maintain fiscal accountability and responsibility.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2483

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2483, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

AMENDMENT NO. 3396

At the request of Mr. DAYTON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3396 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3403

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 3403 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 2510. A bill to authorize the Secretary of Agriculture to accept the donation of certain lands previously disposed of from the public domain, together with certain mineral rights on federal land, in the Mineral Hill-Crevice Mountain Mining District in the State of Montana, to be returned to the United States for management as part of the national public lands and forests, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, I am pleased to announce the introduction of the Mineral Hill Historic Mining District Preservation Act of 2002. The purpose of this act is for the Forest Service to accept a donation from TVX Mineral Hill, Inc., an inholding of approximately 570 acres of private land in the Gallatin National Forest. This inholding overlooks the northern entrance of Yellowstone National Park and is within well-known elk habitat. The donation also includes 194 acres of mineral rights underlying Federal lands.

This bill provides a win-win situation with benefits for the community, for wildlife, for the company, and for the environment. After a rich and storied history, the Mineral Hill Mine is played out and the opportunity to extract minerals has passed. The property is in very good condition and is being reclaimed in accordance with a reclamation plan approved by the Montana Department of Environmental Quality. The Forest Service has been closely involved during the reclamation planning and implementation processes to make certain that the property will remain in the excellent environmental state it is in today. As an added guarantee, the United States will also be the beneficiary of a $10 million insurance policy provided by TVX to clean up the site in the unlikely event that hazardous materials are discovered in the future.

The Mineral Hill Mine is located in the historic Jardine Mining District which was established during the 1860s. Many of the buildings at the site go back to that time period. Some of the buildings will be preserved for interpretation purposes and will be available to the public. In addition, the site will be used in cooperation with Montana Tech of the University of Montana for mining and geologic education. The Mineral Hill property is being donated by TVX to the Government without the necessity of a payment. There will be ongoing permits issued by the State of Montana and by EPA for monitoring of water discharge. This bill allows for those permits to be upheld and for the water processes to be maintained. In a letter to my office dated June 25, 2001, the Greater Yellowstone Coalition observed that ''we believe that there would be no adverse impact to the agency and indeed would be a benefit to the public that this donated land is conveyed with the obligation to maintain the NPDES permit already in force.'' This is exactly what the bill provides in section 11.

I am pleased to say that this is a bill with the support of all key parties. The Forest Service has agreed to the transfer and management of the land and has been actively involved in this process. The Gardiner Chamber of Commerce supports the project, as do the Commissioners of Park County. The Greater Yellowstone Coalition also supports the donation. Simply put, this legislation is in the public interest. On behalf of the people of Montana, I look forward to its passage.

By Mr. BIDEN (for himself and Mrs. CLINTON)

S. 2513. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the DNA Sexual Assault Justice Act of 2002, a bill that guarantees prompt justice to victims of sexual assault crimes through DNA technology. 99.9 percent, that is how accurate DNA evidence is. 1 in 30 billion, those are the odds someone else committed a crime if a suspect's DNA matches evidence at the crime scene. 20 or 30 years, that is how long DNA evidence from a crime scene lasts.

Just 10 years ago DNA analysis of evidence could have cost thousands of dollars and taken months, now testing one sample costs $40 and can take days. Ten years ago forensic scientists needed blood the size of a bottle cap, now DNA testing can be done on a sample the size of a pinhead. The changes in DNA technology are remarkable, and mark a sea change in how we can fight crime, particularly sexual assault crimes. The FBI tells us that since 1998 the national DNA database has helped put away violent criminals in 4,179 investigations in 32 states. How? By matching the DNA crime evidence to the DNA profiles of offenders. Individual success stories of DNA ''cold hits'' in sexual assault cases makes these numbers all too real.

For instance, in Florida, Kellie Green was brutally attached and raped in the laundry room of her apartment complex. Because of lack of funds, her rape kit sat on the shelf for three years until a persistent detective had it analyzed. The evidence matched the profile of a man already incarcerated for beating and raping a women 6 weeks before Kellie. Or take for example a 1996 case in St. Louis where two young girls were abducted from bus stops and raped at opposite ends of the city. The police were unable to identify a suspect. In 1999, the police decided to rerun the DNA testing to develop new leads. In January 2000, the DNA database matched the 1996 case to a 1999 rape case, and police where able to identify the perpetrator.

Just days ago, the New York Police Department arrested a man linked to the rape of a woman four years ago. In 1997, a woman was horribly beaten, robbed and raped, there were no suspects. Several months ago,the perpetrator submitted a DNA sample as a condition of probation after serving time for burglary. That DNA sample matched the DNA from the 1997 rape. Crime solved, streets safer.

Undoubtedly, DNA matching by comparing evidence gathered at the crime scene with offender samples entered on the national DNA database has proven to be the deciding factor in solving stranger sexual assault cases, it has revolutionized the criminal justice system, and brought closure and justice for victims.

In light of the past successes and the future potential of DNA evidence, the reports about the backlog of untested rape kits and other crime scene waiting in police warehouses are simply shocking.

Today I am introducing legislation, ''The DNA Sexual Assault Justice Act of 2002'', to strengthen the existing Federal DNA regime as an effective crime fighting tool. My bill addresses five, pressing issues.

First, exactly how bad is the backlog of untested rape kits nationwide? A 1999 government report found over 180,000 rape kits were sitting, untested, on the storage shelves of police department and laboratories all across the country. While recent press reports estimate that the number today is approaching 500,000 untested rape kits, I am told that there is no current, accurate numbers of the backlog. Behind every single one of those rape kits is a victim who deserves recognition and justice. Accordingly, my legislation would require the Attorney General to survey every single law enforcement agency in the country to assess the extent of the backlog of rape kits waiting to undergo DNA testing. To combat the problem of rape kit backlogs, it is imperative to know the real numbers, and how best to utilize federal resources.

Second, how can existing Federal law be strengthened to make sure that State crime labs have the funds for the critical DNA analysis needed to solve sex assault cases? To fight crime most effectively, we must both test rape kits and enter convicted offender DNA samples into the DNA database. There has been explosive growth in the use of forensic sciences by law enforcement. A government survey found that in 2000 alone, crime labs received 31,000 cases, a 47 percent increase from almost 21,000 cases in 1999. In addition, the labs received 177,000 convicted offender DNA samples, an almost 77 percent increase from 100,242 samples in 1999.

All across the country, laboratories report personnel shortages in the face of this overwhelming work. According to this same government survey, on average,there are 6 employees in a state crime lab—a lab that must not only do test DNA for hundreds of cases, but also run forensic tests on blood, footprints or ballistic evidence. The bill I'm introducing would: 1. increase current funding levels to both test rape kits and to process and upload offender samples; and 2. allow local governments to apply directly to the Justice Department for these grants. I thank my colleagues, Senators KOHL and DEWINE, who began this effort with the DNA Backlog Elimination At of 2000.

Third, what assistance does the FBI need to keep up with the crushing number of DNA samples which need to be tested or stored in the national database? I am told that the current national DNA database, known as the Combined DNA Index, or ''CODIS'', is nearing capacity of convicted offender DNA samples. My bill would provide funds to the FBI to 1. Upgrade the national DNA computer database to handle the huge projections of samples; and 2. process and upload Federal convicted offender DNA samples into the database. Efforts to include more Federal and State convicted offenders in our database just makes plain sense to fight crime. We know that sexual assault is a crime with one of the highest rates of recidivism, and that many sexual assault crimes are committed by those with past convictions for other kinds of crime. Their DNA samples from prior convictions help law enforcement efforts enormously.

Fourth, what additional tools are needed to help treat victims of sexual assault? One group that understands the importance of gathering credible DNA evidence are forensic sexual assault nurse examiners, who are sensitive to the trauma of this horrible crime and make sure that patients are not revictimized in the aftermath. These programs should be in each and every emergency room and play an integral role in police departments, bridging the gap between the law and the medicine.

Likewise, tapping the power of DNA requires well-trained law enforcement who know how to collect and preserve DNA evidence from the crime scene. Training should be a matter of course for all law enforcement. No rape kit evidence will lead to the perpetrator if the DNA evidence is collected improperly. The DNA Sexual Assault Justice Act would create a new grant program to carry out sexual assault examiner programs and training. And it would train law enforcement personnel in the handling of sexual assault cases, including drug-facilitated assaults, and the collection and use of DNA samples for use as forensic evidence.

Fifth, what can be done to ensure that sexual assault offenders who cannot be identified by their victim are nevertheless brought to justice? Profound injustice is done to rape victims when delayed DNA testing leads to a ''cold hit'' after the statute of limitations has expired. For example, Jeri Elster was brutally raped in her California home, and for years the police were unable to solve the crime. Seven years later, DNA from the rape matched a man in jail for an unrelated crime. Yet the rapist was never charged, convicted, or sentenced because California's statute of limitations had expired the previous year.

The DNA Sexual Assault Justice Act of 2000 would change current law to authorize Federal ''John Doe/DNA indictments'' that will permit Federal prosecutors to issue an indictment identifying an unknown defendant by his DNA profile within the 5-year statute of limitations. Once outstanding, the DNA indictment would permit prosecution at anytime once there was a DNA ''cold hit'' through the national DNA database system.

John De/DNA indictments strike the right balance between encouraging swift and efficient investigations, recognizing the durability and credibility of DNA evidence and preventing an injustice if a cold hit happens years after the crime. The law must catch up with the technology. I started looking at this issue almost two decades ago when I began drafting the Violence Against Women Act. In fact, it is the Violence Against Women Act that provided the first funding to sexual assault nurse examiner programs. The DNA Sexual

Justice Act of 2000 is the next step, a way to connect the dots between the extraordinary strides in DNA technology and my commitment to ending violence against women. We must ensure that justice delayed is not justice denied.

By Mr. WELLSTONE (for himself, Mrs. LINCOLN, Mr. DAYTON, Mr. KENNEDY, Mrs. CLINTON, Mrs. FEINSTEIN, and Mrs. BOXER):

S.J. Res. 37. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise today to submit a Resolution of Disapproval to reverse a rule submitted by the Center for Medicare and Medicaid Services, CMS. The rule, which takes effect today, lowers the Medicaid Upper Payment Limit for non-State government owned or operated hospitals. It reduces the Federal Medicaid match, or Medicaid Upper Payment Limit, from 150 percent of the Medicare rate to 100 percent. According to the administration's budget, the rule will cut $9 billion over 5 years, money currently targeted to public hospitals and other ''safety net'' health programs, the most vulnerable sector of our health care system. At a time when Medicaid programs in the States are struggling, we simply can't afford to take this amount from our health care safety net. Too many people will be hurt.

The regulation will mean a loss of about $30 million for Minnesota's public health care system this year, potentially more in future years. Hennepin County Medical Center alone stands to lose about $10 million this year. This is a hospital that provides essential health care for thousands of Minnesotans. For many, it is the only place they can go. Other hospitals and clinics around Minnesota will also be deprived of needed funding. At a time when our health care system, and particularly our public hospitals are struggling just to survive, we ought not to be taking resources away from them like this.

CMS Director Scully has attempted to justify this damaging reduction by pointing to instances in the past when States did not use the program's money for health care purposes. Director Scully is certainly correct. The program should be used for health care, not for anything else. But slashing the Upper Payment Limit means that none of this money goes to health care. That doesn't make any sense. The loopholes that existed in the program have already been closed. The rule is a $9 billion transfer away from those who desperately need health care, purportedly in order to solve a problem, but the problem has already been fixed. The rule is not needed and will cause great harm. I urge colleagues to support this resolution of disapproval.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 267—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POLICY OF THE UNITED STATES AT THE 54TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. MCCAIN, Mr. LIEBERMAN, Mr. WYDEN, Mr. AKAKA, Mr. REED, Mr. TORRICELLI, Mr. FITZGERALD, Ms. COLLINS, Mr. LUGAR, Mrs. BOXER, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 267

Whereas whales have very low reproductive rates, making whale populations extremely vulnerable to pressure from commercial whaling;

Whereas whales migrate throughout the world's oceans and international cooperation is required to successfully conserve and protect whale stocks;

Whereas in 1946 the nations of the world adopted the International Convention for the Regulation of Whaling, which established the International Whaling Commission to provide for the proper conservation of whale stocks;

Whereas the Commission adopted a moratorium on commercial whaling in 1982 in order to conserve and promote the recovery of whale stocks;

Whereas the Commission has designated the Indian Ocean and the ocean waters around Antarctica as whale sanctuaries to further enhance the recovery of whale stocks;

Whereas many nations of the world have designated waters under their jurisdiction as whale sanctuaries where commercial whaling is prohibited, and additional regional whale sanctuaries have been proposed by nations that are members of the Commission;

Whereas two member nations currently have reservations to the Commission's moratorium on commercial whaling and 1 member nation is currently conducting commercial whaling operations in spite of the moratorium and the protests of other nations;

Whereas a nonmember nation that opposes the moratorium against commercial whaling is seeking to joint the Convention, on the condition that it be exempt from the moratorium;

Whereas the Commission has adopted several resolutions at recent meetings asking member nations to halt commercial whaling activities conducted under reservation to the moratorium and to refrain from issuing special permits for research involving the killing of whales and other cetaceans;

Whereas 1 member nation of the Commission has taken a reservation to the Commission's Southern Ocean Sanctuary and also continues to conduct unnecessary lethal Scientific whaling in the Southern Ocean and in the North Pacific Ocean;

Whereas the Commission's Scientific Committee has repeatedly expressed serious concerns about the scientific need for such lethal research;

Whereas one member nation in the past unsuccessfully sought an exemption allowing commercial whaling of up to 50 minke whales, in order to provide economic assistance to specific vessels, now seeks a scientific permit for these same vessels to take 50 minke whales;

Whereas the lethal take of whales under scientific permits has increased both in quantity and species, with species now including minke, Bryde's, and sperm whales, and new proposals have been offered to include sei whales for the first time;

Whereas there continue to be indications that whale meat is being traded on the international market despite a ban on such trade under the Convention on International Trade in Endangered Species, and that meat may be originating in one of the member nations of the Commission; and

Whereas engaging in commercial whaling under reservation and lethal scientific whaling undermines the conservation program of the Commission. Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) at the 54th Annual Meeting of the International Whaling Commission the United States should—

(A) remain firmly opposed to commercial whaling;

(B) initiate and support efforts to ensure that all activities conducted under reservations to the Commission's moratorium or sanctuaries are ceased;

(C) oppose the proposal to allow a nonmember country to join the convention with a reservation that exempts it from the moratorium against commercial whaling:

(D) oppose the lethal taking of whales for scientific purposes unless such lethal taking is specifically authorized by the Scientific Committee of the Commission;

(E) seek the Commission's support for specific efforts by member nations to end illegal trade in whale meat; and

(F) support the permanent protection of whale populations through the establishment of whale sanctuaries in which commercial whaling is prohibited;

(2) at the 12th Conference of the Parties to the Convention on International Trade in Endangered Species, the United States should oppose all efforts to reopen international trade in whale meat or downlist any whale population;

(3) the United States should make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to implement the goals set forth in paragraphs (1) and (2); and

(4) if the Secretary of Commerce certifies to the President, under section 8(a)(2) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(2)), that nationals of a foreign country are engaging in trade or a taking which diminishes the effectiveness of the Convention, then the United States should take appropriate steps at its disposal pursuant to Federal law to convince such foreign country to cease such trade or taking.

Mr. KERRY. Mr. President, as Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, I rise today to submit a resolution regarding the policy of the United States at the upcoming 54th Annual Meeting of the International Whaling Commission, IWC. I wish to thank the Ranking

Member of the Subcommittee, Ms. SNOWE, for co-sponsoring this resolution. I wish to also thank my colleagues Mr. HOLLINGS, Mr. MCCAIN, Mr. WYDEN, Mr. FITZGERALD, Mr. LIEBERMAN, Mr. AKAKA, Mr. REED, Mr. TORRICELLI, Ms. COLLINS, Mr. LUGAR, Mrs. BOXER and Mr. KENNEDY for co-sponsoring as well.

The IWC will meet in Japan from May 20 to 24, 2002. Despite an IWC moratorium on commercial whaling since 1985, Japan and Norway have harvested over 1000 minke whales since the moratorium was put in place. Whales are already under enormous pressure worldwide from collisions with ships, entanglement in fishing gear, coastal pollution, noise emanating from surface vessels and other sources. The need to conserve and protect these magnificent mammals is clear.

The IWC was formed in 1946 under the International Convention for the Regulation of Whaling, Convention, in recognition of the fact that whales are highly migratory and that they do not belong to any one Nation. In 1982, the IWC agreed on an indefinite moratorium on all commercial whaling beginning in 1985. Unfortunately, Japan has been using a loophole that allows countries to issue themselves special permits for whaling under scientific purposes. The IWC Scientific Committee has not requested any of the information obtained by killing these whales and has stated that Japan's scientific whaling data is not required for management. At this meeting, Japan intends to propose to add an additional 100 whales to the whales it kills for scientific purposes. Japan's claim that it needs these whales for scientific purposes is ever more tenuous: last year, Japan unsuccessfully sought to obtain an exemption allowing 50 whales to be commercially hunted to provide economic assistance to specific vessels. This year, Japan is seeking to use these same vessels to kill the same number of whales, in the name of ''science.'' The additional 50 whales include new species, sei whales. Norway, on the other hand, objects to the moratorium on whaling and openly pursues a commercial fishery for whales. Iceland, currently a nonparty, is proposing to join the Convention, but only if it is granted a reservation that exempts it from the ban on commercial whaling.

This resolution calls for the U.S. delegation to the IWC to remain firmly opposed to commercial whaling. In addition, this resolution calls for the U.S. to oppose the lethal taking of whales for scientific purposes unless such lethal taking is specifically authorized by the Scientific Committee of the Commission. The resolution calls for the U.S. to oppose the proposal to allow a non-member country to join the Convention with a reservation that would allow it to commercially whale. The resolution calls for the U.S. delegation to support an end to the illegal trade of whale meat and to support the permanent protection of whale populations through the establishment of whale sanctuaries in which commercial whaling is prohibited.

SENATE RESOLUTION 269—EXPRESSING SUPPORT FOR LEGISLATION TO STRENGTHEN AND IMPROVE MEDICARE IN ORDER TO ENSURE COMPREHENSIVE BENEFITS FOR CURRENT AND FUTURE RETIREES, INCLUDING ACCESS TO A MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. CRAIG (for himself, Mr. COCHRAN, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 269

Whereas our nation's senior citizens and the disabled need and deserve the highest quality health care available;

Whereas the Medicare program has not fundamentally changed since its creation over 35 years ago and has not kept pace with recent improvements in health care delivery;

Whereas the Medicare Trustees report that the current system is not sustainable;

Whereas Medicare only provides limited access to many lifesaving and health enhancing pharmaceutical and biological medicines;

Whereas America's seniors need a comprehensive, voluntary outpatient prescription drug program under Medicare; and

Whereas Medicare prescription drug coverage can best be provided through comprehensive steps to modernize and strengthen the Medicare program: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) by September 30, 2002, the Senate should consider legislation to comprehensively modernize the Medicare program under which beneficiaries will be offered more choices, including outpatient prescription drug coverage;

(2) this legislation should ensure that the Medicare program's financial solvency is preserved and protected;

(3) this legislation should permit beneficiaries to choose from a variety of coverage options, including an option to continue benefits under the current plan as well as an option to choose from benefits offered by multiple competing, private insurance plans that rely on competition to control costs and improve quality; and

(4) this legislation should provide at least one option providing comprehensive outpatient prescription drug coverage to Medicare beneficiaries, including those having high prescription drug costs.

Mr. CRAIG. Mr. President, I rise today to submit a Sense of the Senate Resolution expressing support for Medicare Reform and the addition of a prescription drug benefit. I am pleased that Senator THAD COCHRAN and Senator JAMES INHOFE are joining with me in this effort today.

The Medicare program is of vital importance to our Nation's seniors and has been providing them dependable, affordable and high quality health care for over 35 years. Despite this, I think we would all agree that the system has not kept pace with modern medicine or coverage available to those covered by private insurance. The practice of medicine has changed dramatically since the inception of the Medicare program. The many new technologies and drugs that are available to our seniors today weren't even an option 35 years ago.

No senior should have to worry about whether he or she can afford the medicine they need to stay healthy. I am well aware that the rising cost of prescription medicine and prescription drug coverage is a great concern for today's seniors and tomorrow's retires. Indeed, in some cases, prescription drugs are as important as a doctor's care. It is this reality that makes it so critical we focus our efforts on finding a solution.

As discussion continues, it is crucial we develop effective options for simultaneously modernizing and securing Medicare. We can not afford to add an expensive new comprehensive benefit without real reform to the program and we need to focus our attention on the necessary steps to ensure Medicare remains dependable and up to date.

This is why I am choosing to submit this Sense of the Senate Resolution expressing support for a prescription drug benefit and Medicare modernization. I am calling on the Senate to work to pass legislation on this issue before September 30, 2002 and to give current and future seniors the benefits they deserve. Included in this resolution are principles that I believe should be included in any Medicare or prescription drug legislation that passes this year. I hope my colleagues will join me in supporting these principles and working towards the goal of passing substantial Medicare reform.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3408. Mr. DAYTON (for himself and Mr. DORGAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

SA 3409. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to amendment SA 3408 proposed by Mr. DAYTON (for himself and Mr. DORGAN) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3410. Mr. THOMPSON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3411. Mr. KENNEDY proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3412. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3413. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3414. Mr. BINGAMAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3408. Mr. DAYTON (for himself and Mr. DORGAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of section 2103(b), add the following:

(4) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (trade authorities procedures) shall not apply to any provision in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337);

(iii) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.);

(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(v) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

(B) POINT OF ORDER IN SENATE.—

(i) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), 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 clause (i) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, 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 clause (i) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

SA 3409. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to amendment SA 3408 proposed by Mr. DAYTON (for himself and Mr. DORGAN) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

(4) ADDITIONAL PRINCIPAL TRADE NEGOTIATING OBJECTIVE.—

(A) IN GENERAL.—Section 2102(b) of this Act is amended by adding at the end the following:

''(15) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

''(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

''(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 2102(c) of this Act is amended—

(I) by striking paragraph (9);

(II) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively; and

(III) in the matter following paragraph (11) (as so redesignated), by striking ''(11)'' and inserting ''(10)''.

(ii) Subparagraphs (B), (C), and (D) of section 2104(d)(3) of this Act are each amended by striking ''2102(c)(9)'' and inserting ''2102(b)(15)''.

(iii) Section 2105(a)(2)(B)(ii)(VI) of this Act is amended by striking ''2102(c)(9)'' and inserting ''2102(b)(15)''.

(C) PRESIDENTIAL REPORT TO COVER ADDITIONAL TRADE REMEDY LAWS.—Section 2104(d)(3) (A) and (B)(i) of this Act are each amended by inserting after ''title VII of the Tariff Act of 1930'' the following: '', section 337 of the Tariff Act of 1930, title III of the Trade Act of 1974, section 232 of the Trade Expansion Act of 1962,''.

(D) EXPANSION OF CONGRESSIONAL OVERSIGHT GROUP.—

(i) MEMBERSHIP FROM THE HOUSE.—Section 2107(a)(2) of this Act is amended by adding at the end the following new subparagraph:

''(C) Up to 3 additional Members of the House of Representatives (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Ways and Means may select.''.

(ii) MEMBERSHIP FROM THE SENATE.—Section 2107(a)(3) of this Act is amended by adding at the end the following new subparagraph:

''(C) Up to 3 additional Members of the Senate (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Finance may select.''.

SA 3410. Mr. THOMPSON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 3202(b)(2) is amended by striking ''2002'' and inserting ''2003''.

SA 3411. Mr. KENNEDY proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Section 2102(b)(4) is amended by adding at the end the following new subparagraph:

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

SA 3412. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX of division A add the following:

SEC. ___. SIMPLIFICATION OF EXCISE TAX IMPOSED ON BOWS AND ARROWS.

(a) BOWS.—Section 4161(b)(1) of the Internal Revenue Code of 1986 (relating to bows) is amended to read as follows:

''(1) BOWS.—

''(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any bow which has a draw weight of 30 pounds or more, a tax equal to 11 percent of the price for which so sold.

''(B) ARCHERY EQUIPMENT.—There is hereby imposed on the sale by the manufacturer, producer, or importer—

''(i) of any part or accessory suitable for inclusion in or attachment to a bow described in subparagraph (A), and

''(ii) of any quiver or broadhead suitable for use with an arrow described in paragraph (3),

a tax equal to 11 percent of the price for which so sold.''.

(b) ARROWS.—Section 4161(b) of the Internal Revenue Code of 1986 (relating to bows and arrows, etc.) is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

''(3) ARROWS.—

''(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any arrow, a tax equal to 12 percent of the price for which so sold.

''(B) EXCEPTION.—The tax imposed by subparagraph (A) on an arrow shall not apply if the arrow contains an arrow shaft subject to the tax imposed by paragraph (2).

''(C) ARROW.—For purposes of this paragraph, the term 'arrow' means any shaft described in paragraph (2) to which additional components are attached.''.

(c) CONFORMING AMENDMENT.—The heading of section 4161(b)(2) of the Internal Revenue Code of 1986 (relating to arrows) is amended by striking ''ARROWS.—'' and inserting ''ARROW COMPONENTS.—''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

SA 3413. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant

additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION OF INCOME DERIVED FROM CERTAIN WAGERS ON HORSE RACES FROM GROSS INCOME OF NONRESIDENT ALIEN INDIVIDUALS.

(a) IN GENERAL.—Section 872(b) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and inserting after paragraph (4) the following new paragraph:

''(5) INCOME DERIVED FROM WAGERING TRANSACTIONS IN CERTAIN PARIMUTUEL POOLS.—Gross income derived by a nonresident alien individual from a legal wagering transaction initiated outside the United States in a parimutuel pool with respect to a live horse race in the United States.''.

(b) CONFORMING AMENDMENT.—Section 883(a)(4) of such Code is amended by striking ''(5), (6), and (7)'' and inserting ''(6), (7), and (8)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceeds from wagering transactions after September 30, 2002.

SA 3414. Mr. BINGAMAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 278 of the Trade Act of 1974, as added by section 302 of the matter proposed to be inserted, and inserting the following:

''SEC. 278. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Commerce $45,000,000 for each of the fiscal years 2003 through 2007 to carry out the purposes of this chapter.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 14, 2002, at 10:30 a.m. to conduct an oversight hearing on ''The Annual National Export Strategy Report of the Trade Promotion Coordinating Committee.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committees on Commerce, Science, and Transportation and Indian Affairs be authorized to hold a joint hearing on tribal communications on May 14, 2002, at 10 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, May 14, 2002, at 9:30 a.m. to conduct an hearing to receive testimony regarding the Persistent Organic Pollutants, POPs, Implementation Act of 2002, S. 2118, and the legislative proposal put forth by the Bush administration. The hearing will be held in SD–406.

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

JOINT COMMITTEE ON TAXATION

Mr. REID. Mr. President, I ask unanimous consent that the Joint Committee on Taxation be authorized to meet during the session of the Senate on Tuesday, May 14, 2002, at 10 a.m. to convene a joint review of the strategic plans and budget of the IRS.

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

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on ''Justice for Sexual Assault Victims: Using DNA Evidence to Combat Crime'' on Thursday, May 14, 2002, at 10:30 a.m. in Dirksen 226.

Witness List

Panel I: Dr. Dwight E. Adams, Assistant Director, Laboratory Division, Federal Bureau of Investigation, Washington, DC; and the Honorable Sarah V. Hart, Director, National Institute of Justice, Department of Justice, Washington, DC.

Panel II: Mrs. Debbie Smith, Williamsburg, Virginia; Ms. Linda A. Fairstein, former Chief of the Sex Crimes Prosecution Unit, New York County District Attorney's Office, New York, New York; Ms. Debra S. Holbrook, Registered Nurse and Certified Sexual Assault Nurse Examiner, Nanticoke Memorial Hospital, Seaford, Delaware; Ms. Susan Narveson, President, Association of Criminal Laboratory Directors, Phoenix, Arizona; and Mr. J. Tom Morgan, District Attorney, Stone Mountain Judicial Circuit, Vice President, National District Attorneys Association, Decatur, Georgia.

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE AND FISHERIES

Mr. REID. Mr. President, I ask unanimous consent that the subcommittee on Oceans, Atmosphere and Fisheries be authorized to meet on May 14, 2002, at 2:30 p.m. on S. 1825, Pacific Salmon Recovery Act, and Pacific salmon management issues.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, May 14, 2002, at 10 a.m. for a hearing to examine ''Tobacco's Deadly Secret: The Impact of Tobacco Marketing on Women and Girls.''

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 801, Major General Daniel James, III, to be Director of the Air National Guard; that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action; that any statements relating to the nomination be printed in the RECORD; and the Senate return to legislative session, without any intervening action or debate.

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

The nomination was considered and confirmed as follows:

AIR FORCE

The following named Air National Guard of the United States officer for appointment as Director, Air National Guard and for appointment to the grade indicated under title 10, U.S.C., sections 10506 and 601:

To be lieutenant general

Maj. Gen. Daniel James, III

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MAY 15, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. tomorrow, Wednesday, May 15; that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day; the Senate be in a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time from 9:30 a.m. to 10 a.m. under the control of the majority leader or his designee, and the time from 10 a.m. to 10:30 a.m. be under the control of the Republican leader or his designee; and at 10:30 a.m. the Senate resume consideration of the trade bill, with Senator WELLSTONE recognized to offer an amendment regarding labor impact.

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

PROGRAM

Mr. REID. Mr. President, we worked hard today. There were some good debates. There are Senators who have a lot of amendments they say they want to offer, and we need to move on those as quickly as we can. We ask Senators to be aware of what is going on in the

Chamber and to be ready at any given time to come and offer their amendments. The majority leader has indicated he wants this debate to proceed on this bill in the form of amendments being offered, but I think there will come a time when we are going to have to move on. I do not know if that means he would have to file a motion to invoke cloture, but I would assume so. So I hope Senators will realize they have a finite amount of time to offer amendments and we should move forward on these as quickly as possible because for people who wait for a day that may be more convenient to them, that day may be too late.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:42 p.m., recessed until Wednesday, May 15, 2002, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 4, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. DANIEL JAMES III