I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 3448

Mr. REID. Madam President, I renew my unanimous consent request on the bioterrorism conference report.

Mr. NICKLES. Madam President, there is no objection on this side.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3459

Mr. REID. I ask unanimous consent that the time now be charged against Senator HARKIN, who has 45 minutes under the order previously entered.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

Mr. REID. It is my understanding, following the statement of Senator HARKIN, that Senator CANTWELL is next in order.

The PRESIDING OFFICER. If no Republican speaker seeks recognition, that is correct.

Mr. REID. Madam President, I ask unanimous consent the Senator from Washington be recognized now for her time. Senator HARKIN is not here, and his time is being wasted. I ask that the order be inverted so Senator CANTWELL may now speak.

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

The Senator from Washington is recognized for 20 minutes.

Ms. CANTWELL. Mr. President, I rise this afternoon in support of the trade and worker assistance legislation before the Senate that we have been working on for the last 2 weeks. I recognize the important work of Senators BAUCUS and GRASSLEY and thank them for their tireless efforts in putting together a good trade proposal that will help workers and businesses throughout our country.

The Baucus-Grassley package embraces a balanced, comprehensive approach to free trade. This is the same approach adopted by our predecessors in the 93rd Congress when they passed the original 1974 trade act which did combine the flexibility of trade negotiation agreements with trade adjustment assistance. Indeed, with the combination of trade promotion authority with the largest expansion of trade adjustment assistance in history, we are making a downpayment on the economic growth and opportunity for many people in our country that will impact our prosperity in the future.

Trade is absolutely critical to my home State. It is critical to our current economy. It is critical to our future economy. The Puget Sound region is probably the most export-dependent region in the country, and Washington is probably the most trade-dependent State in the Nation. Trade supports about one-third of the Washington State workforce or roughly 750,000 jobs. These jobs pay, on average, 46 percent more than the overall statewide average. These are good jobs.

Washington truly is a portal to the Pacific. Our ports—from Bellingham, Everett, Seattle, Tacoma, Longview, to Vancouver—ship everything from electronics, airplanes, to fruits, vegetables, wheat, and hundreds of other products to over 199 countries.

I often hear from my colleagues when discussing trade promotion authority, What is it we are going to sell from the United States to these countries? The answer from my State reaches across many sectors: Agriculture, manufacturing, and high-technology products. Trade provides opportunities for both large and small businesses. Washington State, for example, is the largest producer of soft white wheat, of which about 85 percent of the crop is exported to foreign consumers at substantially higher prices than Washington wheat would receive domestically. In manufacturing, the Boeing Company basically generates about $30 billion in sales, a big part of the Puget Sound industry. And 70 percent of the revenues come from overseas. Of the current sale of Boeing products, 70 percent is to overseas markets. We expect that to be 74 percent in the next several years.

In our high-tech sector, Microsoft brings in about $25 billion in annual revenue, 50 percent of its sales being made overseas.

In these sectors—in agriculture, manufacturing, and in high technology—our State depends on foreign markets to make our economy work. It is not just large businesses; it is small businesses. Eric Jenson of Seattle founded a company designing and building bowed instruments, such as the cello. Initially his business was limited to domestic buyers, but by putting his company on the Internet, he thrust himself into world markets and now sells about 25 percent of his product overseas.

As any salesperson would tell you, if you want to sell something, you have to get your product into the store in a competitive fashion. If you have to pay a middleman to do so, the prices will be too high. Similarly, if we want to sell products to the world, we need to get into foreign markets and avoid high tariffs. Currently, our businesses and farmers face tremendous barriers to foreign markets. Indeed, while foreign companies are able to sell to American consumers at import duties that are averaging less about 2 percent, our companies and farmers often face trade barriers that are 10 times as high, basically closing them out of these market opportunities.

The key tool in lowering these tariffs and opening up markets is substantial bilateral and multilateral trade agreements. In this way, we can better pursue these agreements by giving the President trade promotion authority.

Yet while we give him trade promotion authority, it is clear we should not do that without making sure that certain objectives are met for protection of labor and the environment. That is why the Baucus-Grassley language makes clear to the President for the first time that the relaxation of environmental labor laws to provide a competitive advantage are absolutely unacceptable. By using the Jordan free trade language as a model, the Baucus-Grassley language made stronger by our passage of the Lieberman amendment, that I supported earlier last year, ensures that environmental and labor protections will be principal components for future trade relationships.

Also, the TPA bill, as amended, is absolutely clear that our domestic laws are not to be weakened in future trade agreements.

As we open markets and help provide training to our workforce, we need to make sure that countries do not unfairly subsidize industries or dump their products in our market. Again, the amendment offered by Senators DAYTON and CRAIG which passed, and which I supported, included extra protections for trade safeguards that ensure that our companies and farmers are protected.

While we have looked as these trade agreements, there is one very important aspect of this bill I want to point out: The area of trade promotion authority. Before I get to that, I will talk about the fact that there is a misconception: if we do not do trade promotion authority or trade agreement, somehow we will stop the reduction in manufacturing jobs.

It is clear we have seen a reduction in manufacturing jobs in our country and in other countries. But we have not seen a reduction in manufacturing output. What that really means is we have just gotten more efficient and effective at producing products, which means the workforce employed in these areas has been replaced by more productive efforts, which means we need to think about how we are retraining and reskilling our workforce for the future.

In the last 3 years, over 70 firms and 15,000 workers in Washington were displaced by trade activities and qualify for TAA benefits. Washington has probably been one of the highest States in the country qualifying for benefits under the trade promotion package. But this historic package goes further. I applaud my colleagues on the other side of the aisle for supporting what I think is a great economic development strategy for our future: Investment in the human workforce in our country.

This legislation will provide assistance to dislocated workers in several ways. The bill more than doubles our financial commitment to TAA programs, which is a very needed boost. The bill recognizes that to help workers, you have to help communities overall. It takes steps to expand trade promotion authority to a broader group of people. It expands the duration of the benefits from 52 weeks to 78 weeks and allows recipients to complete their training. And the trade promotion authority helps secondary workers who are also impacted by these job layoffs.

GAO published an initial report that shows that TAA recipients who completed training entered new jobs 15 percent more often than those who did not receive training, and that those who received training, on average, their wage was almost $2 more than their counterparts who did not get the training.

We are seeing that this is an effective benefit. An effective investment, a trade bill that will help open up markets overseas, provide U.S. products, and yet legislation that will also help workers whose jobs are lost because of trade activities and allow them to become more productive in the future by being retrained.

The global market provides tremendous potential for our country's future. I am glad my colleagues have had such a spirited debate on this issue. We need to do more.

As my State shows, more and more businesses will be seeking their economic vitality by and through these international markets. So we need to work harder here to make sure we give the power to the President, and to these companies, to make sure their products get fair treatment.

This package goes a long way toward accomplishing these goals. I look forward to working with Senators BAUCUS and GRASSLEY to help prepare our economy for the 21st century by making sure U.S. products have fair access to international markets.

I yield the floor.

AMENDMENT NO. 3459

Mr. HARKIN. Mr. President, I call up amendment No. 3459, which is at the desk, cosponsored by Senators MIKULSKI, WELLSTONE, and KENNEDY, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment? Without objection, the Senator's amendment is pending.

The Senator from Iowa.

Mr. HARKIN. Mr. President, the amendment I have now offered has to do with the issue of child labor in world trade. I would like to speak for a while because, among all the things we have talked about regarding trade and what we are promoting, I believe one of the most important elements, in terms of moving ahead in the world economic order that is going to break down barriers of trade, one of the most important facets is how we address the issue of child labor.

Increased world trade should not be an end in itself. It must also be a means of achieving more economic fairness, social justice, and broad-based sustainable development throughout the global economy. Accordingly, as we debate this trade bill, this Senate faces a critical test of our nation's moral resolve as well as our economic leadership.

The practical challenge before us is to help fashion enforceable rules for a new global economy. It must be a global economy that rewards working families in America and abroad as much as it benefits transnational corporations, investors, and consumers.

I have long supported policies to open foreign markets to our nation's exports through new trade agreements and through combating unfair trade practices. I believe that new trade agreements—on the right terms—offer many new opportunities for our nation's economy to grow and thrive.

I hope I am also a realist. Global economic integration is proceeding at an accelerating pace, fueled by private sector forces beyond the control of any national government. But markets are not self-actualizing and they certainly do not concern themselves with fairness or equity, left to themselves. Therefore, the real role of government at all levels now is to help define the terms on which globalization will proceed.

This trade debate is not about free trade versus protectionism. Those are empty labels that cloud our real choices.

And we all know that there are winners and losers every time our country enters into a new trade agreement. Our task is to make certain that the terms of every new trade agreement maximize the winners and minimize the losers.

Some argue that the losers in international trade are just those caught in the whirling winds of globalization—victims of the magic of the marketplace who must fend for themselves. It is not that simple and its not accidental. We choose who and what we protect. For example, the WTO currently spells out enforceable rules on capital subsidies and product dumping to promote fair competition in international trade, but WTO rules don't do the same for child labor. When it comes to abusive child labor, anything goes. Binding international agreements and U.S. trade laws rigorously protect intellectual property rights now, but not internationally recognized worker rights such as stopping the worst forms of child labor. We protect CDs, endangered plants, and spotted turtles, but not children who are brutally and systematically exploited in the global workplace.

And so today, I say it's time that trade agreements extended their protection to those who need it most—the exploited child laborers who help make and process many products were consume every day.

According to the best estimates released 10 days ago by the International Labor Organization, there are at least 352 million child laborers between the ages of 5 and 17 who are engaged in today's global economy.

At least 246 million of these powerless working children are involved in abusive child labor which the business, trade union, and government officials in the ILO agree should be abolished. Think about that—at least 246 million child laborers who have never seen the inside of a classroom. As many as 60 million of them are engaged in the worst forms of child labor. They are often killed or maimed for life. They are robbed of their childhood and denied any hope for a brighter future.

To put this in perspective, imagine a country as populous as the United States and Mexico combined in which the entire population is made up of child laborers. Within that population would be an underclass of children roughly equal to all of the people living in Germany, France, Great Britain, and Spain combined who work in conditions that cripple their bodies and minds, stunt their growth, deny them access to basic education, and shorten their impoverished lives.

Now I suspect some of my colleagues are going to argue today that child labor has nothing to do with international trade. But they are dead wrong.

I want to show my colleagues some of the faces of these child laborers associated with various tainted manufactured products and other goods flowing freely in international trade as we speak here today.

I would like to tell you a little something about their working conditions. On the first chart here is Silgi. Silgi was 3 when this picture was taken. She started knotting soccer balls to help her mother and four sisters make 75 cents a day. Her mother and four sisters and her altogether make 75 cents a day knotting these soccer balls, which our kids use on the soccer fields in America.

This is Tariq. Tariq is a 12-year-old Pakistani boy. He stitches these leather pieces together to make soccer balls. Pakistan produces 5 million soccer balls a year, just for the U.S. market. Tariq earns 60 cents a day making these soccer balls. As you can see, they have the nice swoosh on them there. You know they are not using these in Pakistan. This is what our kids are

playing with on those soccer fields every Saturday when we take them down to play. Think about it. Think about it the next time your kid kicks that soccer ball. Think about Tariq, 12 years old, making 60 cents a day. He is not in school. He is not learning anything. These soccer balls, obviously, go into international trade.

This is a photo of a sign. Three years ago, in early 1999, I took a trip to Southeast Asia to look at the issue of child labor. I was in Katmandu, in Nepal, when a former child laborer sought me out. I knew of him through other contacts. I had never met him before. I met him after dark on a Sunday night. He had arranged to visit a clandestine place where they make carpets. He knew the guard at the gate. He also knew, he thought, that the owner was gone. So we drove down there.

As we came up to the gate, here was the sign posted outside of this gate. It says in Nepalese but also in English:

Child labor under the age of 14 is strictly prohibited.

This is not a doctored document. I took this picture. I took this picture with my own hands before we went in.

As we went through a gate and down a dark alley, we took a left and there was this building. All the windows were blacked out. We walked in the door and this is what we saw. Children as young as 7, 8 years of age, sitting at these looms knotting these carpets. Again, to show you it is real, that is me. I was there. My assistant took this picture. They didn't know we were coming.

In the past, anybody who would go in there to inspect it would give them advance notice. They had a way of getting all of these kids out the back door and scattered around in a compound so you wouldn't see all those kids working.

This is on a Sunday night after dark with kids as young as 8 years of age sitting in a row. It is dark back here. But there are dozens and dozens of these kids along both sides up and down these rows working on these looms. It is dusty. All of that carpet dust comes out. That is what these kids breathe.

Again, don't tell me this isn't happening. I was there. I saw it firsthand.

These are two Nepalese girls I spoke to through an interpreter. They were very cautious about speaking with me. They had probably never laid eyes on an Anglo before. They were sitting there knitting carpet. I tried to determine their age. As best I could determine, they were under 12 years of age. But I really couldn't determine exactly what their age was.

All I can tell you is that at about this time the owner showed up. I was told the owner wasn't there. There was a big commotion going on. The owner came in. Of course, he was extremely upset we were on his premises and ordered us to leave, which we did, but not until I had the documentation that this was happening.

The next day—I don't have pictures—I went to a carpet manufacturer in the same city, Katmandu. There is a carpet manufacturer that adheres to the Rugmark label. They don't employ any child labor—none whatsoever. They certify it with a little rug mark. These rugs also go into international commerce. Here is one plant in Katmandu that does not hire child labor. They are making moneymaking carpets for international trade.

Probably 5 miles away is a place such as this. There are dozens of these around making carpeting with these kids for international commerce, and they are also competing with the carpets made by a legitimate a manufacturer who does not employ child labor.

This is Amir. Amir is second from the left. He is age 8. He quit school in the third grade and spends his days sitting on a concrete floor sharpening surgical scissors. These are surgical scissors and surgical knives. This is in Pakistan. Amir is 8 years old. He earns $2 a week. All day long, they breathe in this metal dust from sharpening these scissors.

Mr. President, I hope neither you nor anyone else listening to my remarks has occasion to go into a surgical room. If you do, think about the scissors and the knives the surgeon will use that were made by Amir, 8 years of age. Don't tell me this doesn't have something to do with international commerce.

This is 7-year-old Sonu. Sonu lives in Jullundur, India. He cuts yellow-dyed chicken feathers for badminton shuttlecocks. That is what he does 7 days a week.

There is a cover story in a Hong Kong newspaper about some Chinese girls just across the border who are making toys for McDonald's. Again, it goes into international commerce. The amount of money they earn in 1 day is about enough for them to buy a Happy Meal for 1 day.

I want to add this. I want to be fair to McDonald's. When McDonald's found this out, they took action to stop it. I commend McDonald's for at least taking action to stop it.

My point is that without vigorous enforcement and oversight, that is what happens in international commerce. If it had not been for someone breaking into that factory and taking these pictures, MacDonald's might not have known about it either.

This is a rather busy chart. This shows how child slaves—make no mistake about it, they are slaves, bought and sold. They are used in the cocoa and chocolate industry.

Last year, Knight Ridder newspapers in a series of articles exposed child slavery on west African cocoa farms. This is the cocoa that young slaves harvest and produce. It goes to Europe. It goes into the Philadelphia area. Fifty percent of all the cocoa entering the United States is unloaded in Philadelphia. Chocolate is made using this Ivory Coast cocoa harvested by child slaves.

Because of this, and because of what is happening globally with the use of child labor in international commerce, I am offering this amendment to make ending the worst forms of child labor a principal negotiating objective as nearly on a par as possible with the principal negotiating objective in this bill on protecting intellectual property rights.

It is often said, if you can protect the CD, you ought to be able to protect the child. If you are going to protect the song, how about protecting the kid?

I know Chairman Baucus and other members of the Finance Committee share my concerns about abusive child labor. There was some reference in the language in this bill, but I think we can and should do better.

Before explaining my amendment in greater detail, I want to make clear what constitutes the worst forms of child labor. We are not talking about children who work part time after school or on weekends in the corner grocery store. It is not, for example, kids helping with the chores on a family farm. There is nothing wrong with that. I worked in my youth. All of us did when we were young people. We worked. That is not the issue we are addressing.

This amendment is focused on the use of the worst forms of child labor in the production of tainted goods that flow in the international trading system today and which we import in the American marketplace. Let me cite a few examples of these products and where they come from, according to the U.S. Department of Labor.

We import more than $250 million worth of hand-knotted oriental rugs every year from India, Nepal, and Pakistan, produced by as many as 1 million child laborers, many of whom are kidnapped and enslaved, bonded, or indentured.

As I said, if you are ever wheeled into surgery, remember that many of the surgical knives and scissors are finished by thousands of child laborers in Pakistan—these pictures I just showed you. If any Member wishes, I can give you the names of the U.S. medical supply companies that freely import this surgical equipment.

Fortunately, there is now a universal definition of what constitutes the worst forms of child labor.

You may ask, What do you mean by the worst forms? We know. They are spelled out in ILO Convention No. 182, which was adopted unanimously in 1999, the first time ever. It was ultimately ratified at a record-setting pace by 117 trading nations, including, I am proud to say, the United States. In fact, the United States was the third country to ratify ILO Convention No. 182. It was a resolution offered by Senator HELMS and myself.

In November of 1999, it was adopted by the Senate on a 96-to-0 vote. The United States is now on record as ratifying and abiding by ILO Convention 182.

When we talk about the worst forms of child labor, what are we talking about?

We are talking about child slavery, child bondage, the use of children in pornography, much of which enters this country, trafficking in children, buying and selling of kids, the recruitment of children in the production or sale of narcotics, and hazardous work by children where they are breathing metal dust or making glass in India in very high temperatures. That is what we are talking about.

That is what is in ILO Convention 182. That is the worst form of child labor.

We are not talking about kids working part time or on weekends. It is slavery, it is bondage, it is pornography, and it is hazardous types of work.

Combatting abusive child labor and linking respect for other internationally recognized worker rights to the conduct of international trade is not new. At various times during the 20th century, numerous international agreements and U.S. policy have explicitly recognized that fair labor standards are necessary for the working of a fair trading system.

More to the point, I call to the attention of my colleagues article XX of the original GATT. Article XX was brought forward in the 1994 GATT deliberations. It was incorporated in the current operating rules of the World Trade Organization, the WTO.

This article spells out 10 different exceptions whereby WTO member countries may enact national laws without being in violation of existing WTO or GATT requirements and international trade rules.

This is what it says, article XX (a) and (b):

> Subject to the requirements that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:
> (a) necessary to protect public morals;
> (b) necessary to protect human, animal, or plant life or health.

Article XX: to protect human health and life, protect public morals.

Those are exceptions that countries may adopt and not be in violation of WTO.

At this time, and in this new era of globalization, we have the wherewithal to end the use of abused child labor in the production of goods for international trade. The only questions are whether we have the political will and whether America will lead the way.

More than 50 years after its adoption, article XX remains untested. There has been no trade jurisprudence to flush out its practical meaning or scope.

So I ask my colleagues, what better place to start than for this Congress to require U.S. trade negotiators to make it a principal negotiating objective to secure an effective international ban on trade in goods produced by defenseless children under 18 who are trapped in the worst forms of child labor?

We can do that by adopting this amendment, to make ending the use of the worst forms of child labor in international trade a principal priority for our negotiators. It is entirely in keeping with what President Bush said last year at the Western Hemisphere Trade Summit in Quebec. This is what President Bush said last year:

> Our commitment to open trade must be matched by a strong commitment to protecting our environment and improving labor standards.

What could be more important than protecting children?

Using international trade agreements to combat abusive child labor is good international development policy. Abusive child labor perpetuates the cycle of poverty across generations. It is both a cause and an effect to the grinding poverty in today's global economy.

Much of this should be self-evident. No nation has ever achieved broad-based economic prosperity on the backs of working children, and no such nation should be allowed to try according to any standard of fair international trade and competition.

Ending the use of abusive child labor, especially in the conduct of international trade, is not morally disguised protectionism. In fact, public support for continued trade liberalization will be enhanced by eliminating trade in products made with the worst forms of child labor.

Listen to the words of Ambassador Bill Brock, U.S. Trade Representative and Labor Secretary in the Reagan administration. This is what former Ambassador Brock said. I am not going to read the whole thing:

> Those countries which are flooding world markets with goods made by children . . . are doing more harm to the principle of free and fair trade than any protectionist groups I can think of.

I could not have said it better. No one could say it better. What Ambassador Bill Brock said is absolutely right: Those countries flooding the world markets with goods made by these kids are doing more harm to the principle of free and fair trade than any protectionist groups of which I can think.

This amendment is needed because we have this widespread use of the worst forms of child labor in products flowing throughout the international trading system.

First, as reported, this bill does not include the prohibition of the worst forms of child labor in the proposed definition of core labor standards. That is why I think this amendment is so necessary. The bill, as reported, does speak to it but does not include the prohibition of the worst forms of child labor.

It does not assign a high enough priority and visibility among U.S. trade policy objectives to deter the worst forms of child labor.

Secondly, the bill calls for ''promoting respect for worker rights and the rights of children consistent with core labor standards of the ILO'' as one of the eight overall trade negotiating objectives. That is decidedly weaker than what this amendment would do to make it a principal negotiating objective of the U.S., ''ensuring that any multilateral or bilateral trade agreement that is entered into by the U.S. includes provisions obligating all parties to such agreements to enact and enforce national laws and to meet their international legal obligations to prevent the use of the worst forms of child labor.''

That is what is in the amendment.

Third, the bill before us makes intellectual property rights one of 14 principal U.S. negotiating objectives and, as such, calls for ''providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.''

That is pretty clear and specific.

The amendment we have before us calls for the same clarity of purpose, resolve, and range of enforcement mechanisms with regard to preventing the use of the worst forms of child labor in international trade.

Quite simply, this amendment will ensure that the President has the authority and backing of the Congress to negotiate to end the worst forms of child labor in international trade on a par, as nearly as possible, with the President's authority to negotiate and protect intellectual property rights.

In conclusion, this amendment does not dictate a predetermined outcome on how best to negotiate enforceable means. It does not tie the hands of our trade negotiators in any fashion. But it does make it crystal clear that one, among several, of our 15 principal trade negotiating objectives will be the enactment and effective enforcement of national laws by other countries and compliance with their international legal obligations to eliminate the use of the worst forms of child labor in international trade.

A few days ago, I met in my office with several former child laborers from around the world. They were on their way to New York City with Kailash Satyarthi, leader of the Global March Against Child Labor, and one of the great heroes in the world today for getting kids out of the worst forms of child labor.

Kailash brought these kids from around the world to take them to the United Nations for the first ever General Assembly Special Session on Children.

I talked to one little boy in my office who had been branded on his face and his arms because he had been drinking a little bit of leftover milk. He came all the way from New Delhi to add his voice to a growing children's chorus in New York and from around the world, pleading for us adult policymakers ''to create a world fit for children.''

So for Ashraf, a young boy who escaped enslavement and was in my office, and for tens of millions of other

children still trapped in the worst forms of child labor, let's use our leverage, the power of our Government, our moral leadership, and require that U.S. negotiators do their part. They should bring back to this Congress enforceable trade agreements that outlaw and end this sordid, dirty dimension of international trade once and for all.

I urge my colleagues to support the amendment.

Mr. President, my staff, the staff of Senator BAUCUS, the staff of Senator GRASSLEY, along with people in the administration, have been working for the last few days to work out an agreement. We agreed to make some changes on our side, but still to keep the essence of this amendment alive, to make it one of the primary negotiating objectives—one of the primary negotiating objectives—and that is still in the amendment. So we have modified it and, as such, we have reached an agreement with Senator BAUCUS and with Senator GRASSLEY.

AMENDMENT NO. 3459, AS MODIFIED

So I have talked with managers of this bill on both sides, and I now ask unanimous consent to modify the amendment with the changes that I have sent to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of section 2102(b), insert the following:

(15) WORST FORMS OF CHILD LABOR.—The principal negotiating objectives of the United States regarding the trade-related aspects of the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) promoting universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, particularly with respect to meeting enforcement obligations under that Convention and related international agreements;

(ii) pursuing action under Article XX of GATT 1994 to allow WTO members to restrict imports of goods found to be produced with the worst forms of child labor;

(iii) seeking commitments by parties to any multilateral or bilateral trade agreement that is entered into by the United States to ensure that national laws reflect international standards regarding prevention of the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) seeking commitments by trade agreement parties to vigorously enforce laws prohibiting the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

Mr. HARKIN. It is my understanding from the managers that both sides will agree to my amendment as modified. I thank both Senator BAUCUS and Senator GRASSLEY, my colleague from Iowa, and their respective staffs for working with my staff. I know it took a lot of time. I know these things are sometimes hard to work out and think about—the meanings of words, phrases, and their impact. I thank them for working this out in a manner that preserves the essence of this amendment, which is, make it one of our primary negotiating objectives; that the President of the United States seek to ensure that countries with whom we have trade not only abide by their own labor laws but abide by ILO convention 182 to prohibit, to put an end to the worst forms of child labor in international trade.

I have been working on this issue for 10 years. I first introduced a bill in 1992. For me, today, to have this accepted by the managers to put into the fast-track bill represents a giant step forward. We made the first step a couple years ago when the Senate voted 96 to 0 to ratify ILO convention 182. Now this puts some teeth into it. This says that from now on when we negotiate trade agreements, this will be one of our primary negotiating objectives.

The next step, I hope, is for the conference to make sure they keep this language. The House does not have it. I hope our Senate negotiators can keep this language. It is vitally important. It has widespread support in this Chamber on both sides of the aisle. I know it has widespread support among the American people. It has widespread support among our trading partners in other parts of the world.

Now is the time for the United States to take that leadership. I hope and pray and trust that when this goes to conference, we will keep this provision that is so vital to ensuring that we have not only a free trading system in the future but a trading system that does not perpetuate this cycle of poverty and of ignorance throughout the globe because so many countries are using abusive child labor to make these products.

Hopefully, they will come back from conference and we will have that. I look forward to the day when a new trade bill comes before the Senate for us to ratify and in that trade bill are steps that are being taken, agreements that have been made to end abusive child labor in international trade. That will be the day when we can tell all these children I have shown in all the pictures that they do have a brighter future, that they will be able to go to school and learn and not be caught in this cycle of poverty and repression, bondage, slavery, childhood prostitution, and childhood pornography into which they are now trapped.

I thank Senator BAUCUS and Senator GRASSLEY and their staffs for working this out. I encourage them to do everything they can to hold this in conference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank Senator HARKIN for working closely with us over a long period of time to reach agreement on exact language. He has spoken as to how difficult that was and how hard everybody worked. I won't repeat any of that. I associate myself with that part of Senator HARKIN's remarks.

I support this amendment. For Senator BAUCUS and I, as managers of the legislation, were glad to have it go through in this fashion.

When discussing trade and particularly this trade promotion authority bill, it is important to put the issue of child labor in the proper context. What I want to say as the bottom line, before I say everything above the bottom line, is that trade is the instrument to improve the economy of countries because economies that are not in poverty do not have child labor problems that countries in poverty do have.

I will discuss this from two standpoints: One, how the bill was crafted even prior to Senator HARKIN's amendment to deal with the issues of child labor, and also what we are doing as Government and the people of the United States to help in other ways on the issue of child labor.

First, I will address what the United States has done with respect to internationally recognized working rights. Our country is not a newcomer to this arena. We have formally recognized core labor standards, including workers' rights, in our statutes since 1984. Many of the core labor standards that we recognize are similar or identical to those of the International Labor Organization.

In addition, the United States has consistently been on the front lines in fighting for internationally recognized workers' rights. We have also fought the problem of child labor around the globe, and we have done it quite effectively over the years.

I have consistently supported and encouraged these efforts because although these efforts have not been on the front pages of the newspaper, they do have a track record. We know that these efforts work.

Most of what we as a country do internationally is part of what I call a positive agenda for workers' rights and for the elimination of child labor. It has little or nothing to do with trade. The United States is the single largest donor to the International Labor Organizations's premier program for addressing the child labor problem, known as the International Program for Eradication of Child Labor. This program does a lot of heavy lifting and gets things done.

For example, the Program for Eradication of Child Labor works effectively with local nongovernmental organizations. This Program for Eradication of Child Labor helps to ensure that when children are found working in conditions where they are being exploited

and are taken from work, they are put into schools. It helps provide funds to poor parents so that when their children are taken from work, the family does not starve.

We do many other things as part of this ''positive agenda.'' The United States helps fund School Lunch Programs worldwide. Something as simple as providing a school lunch to a poor child in a developing country is one of the most effective things we can do to combat child labor because it helps supplement a poor family's income.

The United States is also actively engaged in labor law enforcement around the world. We provide technical assistance to help countries change their laws so that they can be more effective in combating child labor. We help train the inspectors in foreign countries who go out and investigate these child labor violations.

In addition, the U.S. Government is a signatory to the International Labor Organization Convention 182 on the worst forms of child labor such as slavery, bondage, enforced labor, child prostitution, and working in dangerous conditions.

Clearly, then, trade and openness is not the problem for poor countries. Rather, it is as simple as too little trade and not enough openness, particularly openness of their economy.

The International Labor Organization Convention on the worst forms of child labor is extremely significant for other reasons. It admits that the overwhelming cause of child prostitution, child slavery, and forced labor is, in fact, poverty.

This is where trade and open economies can and do make a huge difference in the lives of people. Over the past 20 years, globalization has been a great force for good in reducing poverty. It has sparked a dramatic rise in living standards in many countries across the world. Millions of people have been lifted out of poverty. There is overwhelming evidence that trade boosts economic growth.

A famous Harvard University study by Professor Jeffrey Sachs and Andrew Warner found that developing countries with open economies grew 4.5 percent a year, while developing countries with closed borders grew a paltry seven-tenths of 1 percent. So it is 4.5-percent growth for countries with open economies to less than 1 percent—seven-tenths of 1 percent—a year for countries with closed economies. That is simple, common sense. Open the economies of poor countries and they will grow economically and they can lift themselves out of poverty.

At that rate, open economies double in size every 16 years, while closed ones can only reach that goal in 100 years. Again, 16 years doubling for an open economy, 100 years for doubling the economy of a closed economy.

The rapid growth of developing countries that embrace free trade always leads to a rapid decrease in child labor. A 1998 World Bank report shows that once per capita GDP hits $500 per year—just $500 per year—the incidence of child labor falls dramatically. Clearly, then, promoting trade, freedom, and openness is one of the single most important things we can do to end child labor around the world.

It is not the only solution, though, and I don't pretend that it is. But trade and open markets are a key part of any solution to ending poverty and eradicating child labor.

The only way we can promote and lead the effort to open world markets is if the President of the United States has the authority to negotiate credibly with other countries at the bargaining table. That is what trade promotion authority is all about.

History has shown time and again that if the United States does not lead in the effort to open markets and tear down job-killing trade barriers, the gains we made in the past can be lost.

Finally, I want to point out that the core labor standards dealing with the worst forms of child labor that we are addressing in this amendment by Senator HARKIN are embedded in the same core labor standards that the United States has recognized and has promoted in our law since 1984.

So I commend my colleague from Iowa for making positive contributions to this debate. When it comes to child labor and workers' rights, this modified amendment and this total trade promotion authority bill does the right thing.

I strongly urge my colleagues to do the right thing again and pass it with the overwhelming bipartisan vote as we did coming out of the Finance Committee, 18 to 3.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 3459), as modified, was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I rise today to oppose the pending legislation to provide fast-track authority to the President. This is not the first time I have risen on this floor in order to urge colleagues to join in opposing this authority. The same issue was before us in 1997. At that time, the administration's request was rejected.

At this time, we are once again being asked to approve the same procedure, but it is being presented under a different name. It has been wrapped up in a different package. It is now being called ''trade promotion authority.'' In fact, that term is a euphemism—indeed, a misleading euphemism. The President already has broad and flexible authority to promote trade in numerous different ways, under a number of existing statutes.

The issue here is the latitude the Executive has to negotiate trade agreements and the role the Congress will play with respect to such agreements. I think that is more aptly described as fast-track authority, and that is the specific matter I want to address for a few moments.

Fast track is a procedure that radically redefines and limits the authority granted to Congress in article II, section 8 of the Constitution ''to regulate commerce with foreign nations.'' We need to recognize that here today. This is a vast derogation of congressional authority. It has only a brief history. It was first enacted in 1974, it expired just twenty years later, in 1994, and in my view its long-term ramifications are as yet little understood.

Fast-track authority differs fundamentally from the earlier discretion the Congress granted to the Executive in the Reciprocal Trade Act of 1934, which governed trade negotiations for 40 years. That discretion, known as proclamation authority, gave power to the Executive to set tariffs within limits and periods of time that had been set by the Congress. In other words, the Congress defined the parameters of Executive authority in trade negotiations, and the Executive had to work within those parameters in using the proclamation authority. It did not give to the President authority to negotiate trade agreements requiring changes in U.S. law, let alone limit the discretion of the Congress to approve or reject such changes.

In contrast, fast-track authority gives the President both the power to negotiate trade agreements requiring changes in existing U.S. law, and effectively denies to the Congress the power to approve or reject changes to U.S. law on their merits, leaving it only with a ''yes'' or ''no'' vote on the entire trade package.

Fast-track authority, therefore, greatly expands the latitude of the Executive to negotiate an agreement while eliminating the ability of the Congress to consider components of the trade agreement. Fast track guarantees that the executive branch can write legislation implementing a trade agreement and have that legislation voted on, up or down, within 90 days of its submission to Congress, with only 20 hours of debate and with no opportunity for amendment.

Let me repeat that. Fast-track authority gives the executive branch the power to write legislation implementing a trade agreement, to have that legislation voted on, up or down, within 90 days of its submission to the Congress, with only 20 hours of debate and with no opportunity for amendments by the Congress.

Even when vast changes in existing U.S. law may be at stake, under fast-track procedures, Congress has only all-or-nothing decision-making authority.

This is a sobering derogation of the congressional power set out in article I, section 8 of the Constitution, which explicitly gives to the Congress the power to regulate commerce with foreign nations.

In no other area of U.S. international negotiation and agreement do fast-track provisions prevail. All major U.S. tax treaties, arms control, territorial, defense, and other treaties are still accomplished through established constitutional procedures fully respecting the role of the Congress and the ability of the Congress, if it chooses, to make the determination to change or amend those agreements.

SALT I, SALT II, START, the nuclear weapons reduction treaties, the Atmospheric Test Ban Treaty, the Biological Weapons Convention, the Customs Harmonization Convention, the Montreal Protocol, dozens of international treaties, to mention only some—all these are among the international agreements negotiated by the United States without fast-track authority.

Proponents of fast track often argue that in the area of trade, the Executive will find it difficult, if not impossible, to negotiate agreements without fast-track authority, but a look at the record amply demonstrates this is not the case.

First, fast-track procedures are relevant only to trade agreements that require Congress to make changes in existing U.S. law in order for the agreements to be implemented. Most trade agreements do not require legislative changes and thus do not come within the purview of this provision.

Of the hundreds of trade agreements entered into between 1974 and 1994 when fast-track authority was in effect, only five have required fast-track procedures.

In 1994, after just 20 years, fast track elapsed. This is the only time period in the nation's history when we have had fast track, the only time we effectively shut Congress out of the process of thoroughly considering trade agreements.

In 1997 the Congress declined to extend it, and yet since 1994 hundreds of trade agreements were successfully negotiated and implemented. For example, in the year 2000, the Office of the U.S. Trade Representative identified the following agreements, all of them negotiated without fast track, as having truly historic importance: The Information Technology Agreement, under which 40 countries eliminated import duties and other charges on information technology products representing more than 90 percent of the telecommunications market; the Financial Services Agreement, which has helped U.S. service suppliers expand commercial operations and find new market opportunities around the world; the Basic Telecommunications Agreement, which opened up 95 percent of the world telecommunications market to competition; and the bilateral agreement on China's WTO accession, which opened this large economy to American products and services. I could cite many other examples.

During this twenty-year period when there was no fast-track authority—although we are being told that without it trade agreements cannot be negotiated, whereas the record shows this is clearly not the case—the Executive negotiated and then obtained congressional approval for normalizing our trade relations with a new Caribbean Basin initiative bill and with the Africa Growth and Opportunity Act. Without any fast-track authority, the previous administration negotiated major bilateral trade agreements with Jordan and Vietnam. The groundbreaking United States-Jordan agreement was submitted to and approved by Congress in January of last year, and although negotiated by the previous administration, the United States-Vietnam agreement was actually submitted to Congress by the current administration and was approved in June of last year. So recent efforts to arrive at trade agreements without fast-track authority have been notably successful.

The abundant experience of the last 8 years leads to the conclusion that the arguments for fast track are much overstated. Current negotiations on bilateral free trade agreements with Chile and Singapore offer yet another case in point since the administration has found it possible and prudent to carry forward negotiations initiated by its predecessor.

The case of Chile is particularly instructive. In 1994, Chile declined an invitation to join NAFTA, citing the administration's failure to obtain fast-track authority. Six years later, however, Chile reconsidered its position and in 2000 entered into negotiations on a United States-Chile bilateral agreement.

Negotiations have continued since then more or less on a monthly basis, and in a report dated April 1 of last year entitled ''Chile Political and Economic Conditions in U.S. Relations,'' the CRS concluded that Chile is willing and able to conclude and live up to a broad bilateral FTA with the United States, suggesting this could be a comparatively easy trade agreement for the U.S. to conclude.

The absence of fast track has not prevented negotiations with Chile or with Singapore. Yet we are now being asked to have the procedure apply retroactively without any strong case being made for its necessity.

Let me make a final observation. There is now considerable debate and concern around the world about globalization, and we have seen mounting levels of protests, both in this country and abroad. It is clear that the trend towards globalization has raised very fundamental questions on a range of issues, including labor standards and environmental standards. A real basis for public concern is precisely the sweeping power to affect these issues that fast-track authority gives to the administration. There are many other issues, of course, but labor standards and environmental standards are two leading examples. For good reason, the public is apprehensive when important decisions can be made behind closed doors, without adequate open debate and consideration, which is exactly what happens with fast-track authority.

One of the most important functions of the Congress is to provide a forum in which matters of public concern can be thoroughly and openly discussed, in which alternatives can be presented and either accepted or rejected. The fast-track authority virtually completely undercuts congressional power—something the nation in all its history never countenanced, except during the 20-year period between 1974 and 1994. In effect fast track excludes the people's representatives from engaging in a process whereby they can examine the components of a trade agreement.

People say: But the Congress may change the trade agreement. So be it. That is the risk we run. Congressional scrutiny of arms-control agreements has never been restricted by fast-track authority, and surely they are as important as trade agreements.

We do not take those on an all-or-nothing basis. They are not presented to us for a simple yes-or-no vote. We have the opportunity to consider the various components of the package and to pass some judgment upon them. That is one of the most important functions of the Congress.

Indeed, I think one of the deep concerns of the American people is that trade agreements affecting vital areas of social and economic policy should not be hurried through the Congress using an expedited and restrictive procedure. It must be clearly understood that this procedure puts the Congress in the position of being able only to say yes or no to the entire package. It denies to the Congress the ability to carry out its constitutional responsibilities in terms of regulating commerce with foreign nations. I therefore strongly urge the rejection of the fast-track procedure contained in this legislation and intend to vote against this bill.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, what is the situation with regard to time? Are we dividing it? Are we under the normal postcloture that any Member can have an hour? Is that the program?

The PRESIDING OFFICER. The Senator is correct; we are following the normal procedure.

Mr. GRAMM. Mr. President, I do not know where we go from here in terms of procedure. I would like to say a few things. I will try to be brief.

Mr. REID. If the Senator will allow me to make one statement in answer partly to his question, we have set up a queue of speakers, and Republicans certainly have the right to have a speaker

now, which would be the Senator from Texas. Following that is Senator KENNEDY. Following Senator KENNEDY's statement and if there is a Republican after him, we would start the bioterrorism debate for 90 minutes and then we would start voting on this matter.

The Senator from Texas asked a question earlier. Under the hour that the Senator has postcloture, how much time does he have, I ask the Chair.

The PRESIDING OFFICER. The Senator from Texas has 28 minutes remaining.

The Senator from Texas.

Mr. GRAMM. Mr. President, we have a bunch of amendments pending, and I am against every one of them. Let me outline why.

First, this bill is about trade. I am for it. All these amendments are against it. We are getting ready to pass this bill, I hope, by 70 votes or so. So if a Senator is for the bill and wants more trade, the quickest way to get it in the best form is to vote against these antitrade amendments.

I am going to address three of them really quickly. First, the Hollings amendment. I want to remind my colleagues that thanks to the generosity of the American taxpayer, if someone loses their job because of international competition, they get a series of benefits under trade adjustment assistance that no other American gets. Anyone who loses their job, for example, in the textile industry qualifies for trade adjustment assistance if they can show or it can be shown that their job loss had anything to do with foreign competition; that it was the most significant factor in them losing their job.

As a result, textile workers are eligible for trade adjustment assistance today. The amendment of Senator HOLLINGS says if someone has lost their job in the textile industry anytime over the last 3 and a half years, or if they lose their job in the future, even if it has absolutely nothing to do with foreign trade, they should qualify for trade adjustment assistance.

I think any of our colleagues can see the inequity in that. My State is the ninth largest textile State in the Nation. I love my textile workers as much as anybody else does, but I do not know how having a program to help people who lose their jobs because of foreign competition can be justified, and a judgment is made based on each circumstance, and then come along and say, but if someone works in the textile industry and they have lost their job, we are going to treat them differently than everybody else. I think there is a tremendous equity problem in that, and I think people working in the textile business would understand it. Also, the fact that it would apply not just for people who lose their jobs in the future but for 3 and a half years in the past.

So for that reason, I oppose the Hollings amendment.

Turning now to the Landrieu amendment, of all groups that benefit from trade, the maritime industries are the biggest beneficiaries. The great bulk of foreign trade comes into our ports. I am blessed in Texas, thank God, every day, to have many great ports. My maritime workers get to work on shipping things out, they get to work on bringing things in, and of all the people I have, they are among the most pro-trade people, for the obvious reason: Not only do they benefit as Americans, but they benefit because they get an opportunity to have more competition for their services.

The Landrieu amendment extraordinarily says if someone loses their job in the maritime industry, whether it has anything to do with foreign competition—because they would get trade adjustment assistance if it did, under current law—that they qualify for trade adjustment assistance.

What I think is extraordinary about this amendment is not that it treats people differently based on what kind of job they have, which I kind of think a little bit violates equal justice under the law, but of all the workers who would be said tend to be benefited by foreign trade, maritime workers would be virtually at the top of the list.

In fact, looking back over my political career, the unions that have tended to support me have been maritime unions. Now they all ought to support me, but they have not. The maritime people have supported me because I support foreign trade. I do not understand why, of all workers in America, we would single out maritime workers as losers from trade. A, they are the biggest beneficiaries; and, B, to the extent that anybody was a loser, they could qualify for trade adjustment assistance.

So I think the argument for the Hollings amendment is very weak. I think it is inequitable. I think it is unfair. It is illogical. I think all of those things, and more, apply to the Landrieu amendment.

Turning very briefly to the Corzine amendment, the Corzine amendment says the President cannot enter into a trade agreement that has provisions that privatize public services.

Now the Corzine amendment—I am not sure exactly how it is going to be argued because I had not heard it argued, but let me explain the problem with it. One of the biggest problems we have is getting countries such as Japan to let our contractors bid on their telephone company equipment and technology, trying to get them to let our contractors bid on building airports. The fundamental argument we use is we force them, whether these activities are controlled by government or whether they are controlled in the private sector, to move toward opening up competition.

The Corzine amendment would not allow us to negotiate a trade agreement where we push a foreign competitor to open up a public service for competition. My guess is Senator CORZINE is going to argue he does not want a trade agreement that opens up something our Government does for competition. The problem is, we cannot have trade agreements where we say, OK, we are not going to negotiate anything that opens up a public service in America for competition and expect other countries to do the same.

I remind my colleagues, no matter how much you think of government doing things, rather than the private sector, we do less than anyone in the world. When we cannot bid on selling telephone equipment in Japan, it is because they have a national telephone company that is basically run and controlled by the Government. Certainly we don't want to write in our fast-track authority that we cannot negotiate to force Japan to open up those contracts to AT&T, to Bell, to all of our manufacturers. We have spent years doing that. I don't think we would want to undo it.

One might argue if the Corzine amendment could simply prevent cooperation in things provided by the Government in America, that would be one thing. I personally don't think that is very good. But if you did, the problem is, these trade agreements are bilateral. You cannot take something off the table in our negotiations and leave similar things on the table in negotiating with our trading partner.

I am not quite clear what he is trying to get at. Whatever it is, it is not good. We generate less of our GDP through government-provided services than any other major country in the world. Our biggest problem in many areas in promoting exports of American products is opening up government monopolies. This language basically takes us out of all those markets. It is a very bad proposal, in my opinion.

Let me make it clear to our colleagues: I would like to see us enter into an agreement where we could go ahead and begin voting on the amendments that are pending so we can guarantee each side has a very short window to sum up things. We have been debating this bill for 18 days and our memories are starting to get stretched a little. We probably have a dozen amendments, more or less, that are pending which could be voted on. If we simply sit around and squander 3½ hours and let the clock run out on postcloture time, under the rule there is no debate of these amendments, they simply are voted on.

I urge, especially the leaders on the other side of the aisle, to work out an agreement where we can begin voting and give people a short period of time to make their argument so we can vote. I understand we have a meeting at 2:30 and we are going to do bioterrorism during that hour. I hope when we come back from that meeting at 3:30, rather than waiting until 6:03, or whenever the time is, we could begin at that point voting, and we could give people a little bit of time to say what their amendment is about and give other people a little bit of time to say

why they are against it. We have a couple of pending amendments that have points of order against them. It would be my intention when we get back from the 2:30 meeting, to see if we can make those points of order against those amendments—there may be an effort to waive the point of order. If so, there would be a vote at that point. I hope we can get this process going. There is no reason, in my opinion, to wait around until 6 o'clock and not give people an opportunity to make their case.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, at least it was the intention of the leadership, following my comments, we were going to go to the bioterrorism conference. As I understand it—I know our colleagues will be attending a 2:30 meeting and briefing—I will speak for a period of time and then the Republican side will speak for a period of time and then we will go to the time agreement on bioterrorism, and there is 45 minutes a side; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. And we will have a vote after the using of the time?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I thank the Chair.

Mr. President, I have serious reservations about this bill and I intend to vote against it. I have a lifelong record of supporting free trade. I have supported trade agreements in the past. I have supported trade agreements with China and Vietnam. I supported NAFTA. I supported GATT. But this bill protects the rights of corporations at the expense of workers and the environment. It is not free trade and it is not fair trade when we must compete with countries and foreign businesses that abuse their workers and ignore their obligations to the environment with impunity.

The proponents of this bill have said that this is the most progressive trade bill on the issues of labor and the environment ever to reach the Senate. I agree there is progress on some fronts, but I'm very disappointed that we didn't do more. It is clear that, before the Congress gives up much of its constitutional responsibility to regulate international commerce, much stronger safeguards must be put in place.

Labor rights protections must be a vital part of our international trading system. These protections help to lift the standards for workers around the world, and to help protect America's workers from unfair foreign competition. As we work with other nations to develop rules for the global economy, we can't create new rights for businesses and leave workers out in the cold.

By fighting for the rights of workers in our own country and around the world, we are representing the best values of the American people—that an honest day's work should receive an honest day's pay that workers deserve fairness in the workplace, fair pay and fair working conditions, and that workers are a resource to be supported, not a commodity to be abused.

I am very concerned this bill creates a dangerous double standard on the rights of corporations and the rights of workers. On the one hand, this bill directs the United States Trade Representative to encourage our trading partners to adopt U.S. standards of intellectual property law—the most complex and difficult patent laws to maintain and enforce in the world—and includes even stronger language on the enforcement of patent laws. If a trading partner fails to enforce the highest standards of patent law, retaliation would be swift and severe. While there is a place for intellectual property protections, especially with the acceptance of my amendment assuring access to life-saving medicines, the disparity with labor rights protections is astounding. If a trading partner fails to enforce its own labor laws, this bill clearly states that ''no retaliation may be authorized.'' It is as if we're telling our trading partners we'll look the other way if they provide cheap, unregulated labor for corporations.

This is the wrong time for Congress to send that message to our trading partners. Today, workers around the world are facing unprecedented assaults on their basic rights. In Colombia, according to the Central Workers Union of that country, 160 trade unionists were murdered last year and 79 trade unionists disappeared.

In many other nations around the world, workers are prevented from meeting together freely or from joining together to form a union to advocate for their interests. Without these fundamental rights, workers in these nations are not truly free. We should be building a global economy in which children have the universal opportunity for education, rather than stolen childhoods filled with endless hours of toil for next to nothing.

Several key amendments strengthening the labor rights and environment protections in this agreement and enhancing trade adjustment assistance were defeated because of overwhelming Republican opposition. Vice President CHENEY broke a tie to prevent the Congress from helping workers displaced by trade to pay their mortgages. I'm very concerned with the message this sends—when it comes to protecting the interest of corporations, spare no expense. When it comes to protecting workers or their families, cause no expense.

Too often the current trading system enriches multi-national corporations at the expense of working families. To build a fair global economy, all parties to trade agreements should reaffirm their obligations and commitments under the International Labor Organization's Declaration of Fundamental Principles and Rights at Work. Unless workers around the world have basic freedoms, such as freedom of association and the right to organize a union and bargain collectively, free trade will not be fair trade.

At the same time that we are encouraging the growth of global trade, we must take care of workers at home who are hurt from expanded trade. I am pleased that Senator BAUCUS and Senator GRASSLEY have provided trade adjustment assistance that includes essential health care subsidies for laid-off workers who otherwise could not afford to maintain their coverage. This assistance is a lifeline to workers who have lost their jobs through no fault of their own. We've tripled the job training funds. We have added wage insurance for older workers who are fortunate enough to find new jobs but forced to take a lower wage. This assistance is long overdue and it is right to include it in this legislation.

I am also pleased that the trade adjustment package will cover some secondary workers, but it is unfair that downstream workers have been excluded from this coverage. There is no good reason that workers who produce the finished product or package articles should be ineligible for trade adjustment assistance while workers who produce parts or work for supplier companies are covered. Both groups of workers are hurt by trade and need to feed their families.

Finally, this bill should have included actions to protect the health coverage of steel retirees. An estimated 600,000 steel retirees, widows and their families are now in jeopardy to lose their coverage because of growing trade imbalances. For decades, the steel industry has been a leader in the American economy. The cars we drive and the buildings we work in would not be possible without the backbreaking work of America's steelworkers. We must recognize the contribution of these workers to building America. We must not let them down in their hour of need. Hundreds of thousands of America's workers were promised decent health care by their companies in exchange for years of service in the workplace. The Mikulski amendment would have kept that promise, and it was wrong for Republicans to block this worthy proposal.

Earlier in the last century, many argued that labor rights were not the business of the national government. They were wrong. Without the basic labor protections of the New Deal, America's workers would be entirely at the mercy of corporations. Today, those who say that labor rights have no place in trade agreements are just as wrong. Unless we build a global economy that respects basic freedoms and labor rights, we are doing an enormous disservice to workers around the world.

We had a good deal of discussion over the course of these past days about the impact on workers at home and overseas. I will review for a few minutes

the plight of some of the workers at home and what I believe would have a much more favorable impact on their quality of life for themselves and their children. That is the increase in minimum wage, rather than this legislation. That is why I am strongly opposed to the legislation and why I regret very much we were unable to get an agreement by this body to address the issue of the increase in the minimum wage, which would be effectively $1.50 over a 3-year period.

There was some discussion as the majority leader requested a unanimous consent agreement that we consider this legislation by the end of June. There was an objection made by the other side that this was somehow an idea whose time has come and gone. I was reviewing last evening the Republican Presidents who signed increases in the minimum wage law. President Eisenhower signed an increase in the minimum wage law. At that time it was not a partisan issue. It was basically, how much should the increase in the minimum wage be? President Nixon signed an increase in the minimum wage law. The first President Bush signed an increase in the minimum wage law, as a number of Democratic Presidents have, as well.

It is a time-honored issue that is not complicated. It is an issue we have looked at in the Senate on a number of different occasions.

The fact remains, if we fail to see an increase in the minimum wage, we will find we have slipped to virtually an all-time low in the purchasing power of the minimum wage. That is why I strongly support the efforts of our majority leader to ensure this body will have an opportunity to address this issue no later than the end of July—hopefully with the agreement of the other side; hopefully with the support of our colleagues on the other side.

We do have several Members on the other side who will support the increase. We should not be denied the opportunity to vote on this issue.

As we look down the road in terms of this issue, I remind our colleagues what we are facing in terms of the workers at the lower end of the economic ladder.

We will, in a very short period of time—July—also be looking at welfare reform. That raises the question about how we are going to free people from dependency to independence. It seems to me what we have seen from the period since the passage of the last welfare bill is if you make work pay, you are going to get individuals who are going into jobs. They are going to need skills, they are going to need some training, they are going to have to have assurances that they have some daycare for their children. They don't want to lose any health care if they are able to receive it. But fundamentally—you have to make work pay. That is what the minimum wage issue is really all about.

That is why its discussion now is important. As we are looking at the trade bill, we hear a great deal about how this is going to improve the lot of workers at the lower part of the economic ladder. I daresay this legislation to guarantee an increase in the minimum wage will have a great deal more positive impact on their well-being.

This chart is about ''Working Hard But Losing Ground, The Real Value Of The Minimum Wage.'' If you were looking at where its purchasing power would be in 1968, in today's dollars it would be $8.14. We can see if we fail to act by next year, we will be right back to $4.70. We have not increased it in the period of the last 6 years. Workers are working longer. They are working harder. I will point that out in just a moment. But these are the facts.

This chart, ''All The Gains From The Last Increase,'' shows the gains in the last 6 years will be eaten away by inflation if we fail to act on this.

This chart shows what is happening in the minimum wage, and its relationship to the poverty line. As I have said many times, and as I believe the American people have demonstrated, they believe if people are going to work 40 hours a week, 52 weeks a year, they ought to have a livable wage. They should not have to live in poverty.

Americans understand fairness. When we look at this chart, what the poverty line is, and look at this other line indicating where the minimum wage is and how it has been falling, we can see individuals who work hard are still falling further and further below the poverty line, even though they are working, and working hard, trying to provide for themselves and provide for their families. The increase in the minimum wage can make a difference in the quality of life for those individuals.

The question comes up about what has been going on in the workplace. How about American workers? Let's look at this chart, ''Poor Parents Working Harder Than Ever.'' This is a comparison of the total number of hours workers are working today to what they were working 20 years ago.

Look at this chart. This is the increased number of hours per year for workers who are in the lowest 40-percent income bracket of families with children—the lowest 40 percent of family incomes in the country.

This shows 416 hours for all workers in the lower income level, the lower 40 percent, with children. They are working 416 hours more now than they were working 20 years ago; white workers are 393; Hispanic, 477; African American are 531 hours.

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

Mr. KENNEDY. I will yield for a question.

Mr. REID. It is my understanding—I want to know if the Senator agrees with me—that 60 percent of the people who draw minimum wage are women, and 40 percent of those women, that is the only money they get for them and their families; is that true?

Mr. KENNEDY. The Senator is quite correct. This is a women's issue because the great majority, 60 percent of those who receive the minimum wage, are women. And over one-third of those women have children, so it is a children's issue. It is quality of life for children. It is a family issue. We hear a great many speeches around here with regard to family issues. This is a family issue.

I remind the Senator from Nevada about what is happening out there in the workforce. In the lower 40 percent, which includes the minimum wage, they are working harder, longer, more than at any time in the history of our country. It is 10 or 12 weeks, effectively—effectively 10 weeks longer than they were working 20 years ago.

Look at productivity. Let me bring this to the attention of our colleagues. This chart shows the increase in productivity. We will hear many of the arguments: The increase in wages ought to be related to the increase in productivity. If that was the test, we would have an increase in the minimum wage of much more than it is today, if it was directly related to productivity because of the increase in productivity of low-wage earners. But that is not where we are on this. It should be, but we are not there.

The arguments are always made on the impact on inflation. We can discount that.

The loss of employment, we can discount that.

But this shows what has been happening in the workforce, about minimum wage workers increasing their productivity. Generally, we have always thought wages ought to be somewhat related to increased productivity. If people are going to work harder, work longer, work more efficiently, they ought to be rewarded. That is an American value. That is understandable.

That may apply to some workers, but it doesn't apply to minimum wage workers. That is a matter that should be remedied and we are going to try to remedy that with our particular proposal.

Just to get back to what is happening in terms of workers working longer and working harder, this is a general profile. This is from the ''Families And Work Institute and the Bureau of Labor Statistics.'' I will have printed in the RECORD the citations for all of this.

Workers now work more hours than workers in any industrial society—it is about 450 hours more than any other industrial society.

One in five Americans works more than 50 hours a week. If this trend continues, the average person will be working more than 60 hours per week in 20 years.

Half of young workers today say that not having enough time for family and work responsibilities is their biggest worry. These are young workers trying to raise their families, working longer and harder—increasing hours away from their families and children.

In addition to working longer hours in primary jobs, 13 percent of Americans are working a second job to make ends meet. The second jobs add an average of 13 hours to the work week. That is with regard to these minimum wage earners.

These are people, our fellow Americans, men and women of great dignity, who take pride in the jobs they are doing. All they want is respect for the jobs they are doing, and that is related to being compensated fairly and decently for their employment. This issue is about respect. This is about dignity of these working families. That is what this issue is all about.

This chart indicates that job growth continues even after the minimum wage is increased. We have heard these arguments. Let's look at what has happened to the increased minimum wage and what has happened to employment. This goes back to October 1996. This is just the jump in the minimum wage. The first increase was 50 cents. Then in 1997 it was 40 cents. You see the lines indicating the total number of Americans who are employed continues to increase. This is a false argument that suddenly we are going to lose jobs.

I want to bring this matter to the attention of our colleagues. Increasing the minimum wage by $1.50 is vital to the workers but a drop in the bucket of the national payroll.

Look at this: Americans earn $5.4 trillion a year. A $1.50 minimum wage increase would be less than one-fifth of 1 percent of the national payroll.

We will hear all the argument that this is enormously inflationary, that it will have a disruptive effect in terms of the economy. It is one-fifth of 1 percent of the national payroll for these workers. But it is vitally important to these individuals who are receiving it because it makes all the difference in the world in terms of their quality of life.

I want to show what our proposed minimum wage is really all about. It is at a historic low. We have a proposal that will be phased in over a 3-year period—60 cents this year, 50 cents in 2003, and 40 cents for 2004.

Let us look at the proposal in relationship to the increases we have had since 1956. As this chart shows, this is a very modest increase in terms of the increases in the minimum wage.

All we are trying to do is restore the purchasing power for working families who receive the minimum wage back to where we were 6 years ago. It is very modest. At that time, it finally passed overwhelmingly here in the Senate after we had been debating it for about 2 years. But it finally passed at that time.

Our proposal is an extremely modest one. As I pointed out yesterday, it makes an enormous difference in terms of the lives of the people who are receiving this.

When the $1.50 is totally phased in, it will amount to $3,000 for a minimum wage family. It is the equivalent of 15 months of groceries, over 8 months of rent, over 7 months of utilities, and full tuition for a community college degree.

That may not sound like a lot to Members of the Senate. It certainly doesn't sound like a lot for those individuals receiving this extraordinary tax break with the bill we passed, or who will be benefiting from the $600 billion the President is requesting of the Congress even at this time in terms of the future. But it makes an enormous difference to those working families.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. REID. I listened to the Senator speak yesterday, and I heard one of the Senators on the other side of the aisle ask, Why doesn't the marketplace control this? Why don't we make it $1 million an hour?

Does the Senator respond the same way I do, that if the marketplace controlled, there would be people making less money than the minimum wage today?

My father worked before labor unions were of any power in this country. I can remember him telling me he would go to a mine that was hiring. He would hear they were hiring. People were working for nothing basically. There would be a labor boss. The men would be standing there wanting a job. ''I will take you. I will take you. And I will take you.''

The marketplace really doesn't take care of the American worker. Will the Senator agree with me?

Mr. KENNEDY. The Senator is quite correct. We are talking about entry-level jobs. As I pointed out, it is primarily women who are in the market, maybe having a family and exiting the market, and trying to come in and provide for their family. They work hard. When we think about who these individuals are making the minimum wage, they are teacher's aides in the classrooms. We passed the Leave No Child behind legislation.

We are giving this focus and attention. We have a difference with the administration on funding levels of that legislation. We think we need to invest in our children as a national priority. But the fact is, when you have children in that classroom—this is related as well to what is going on in the classroom—it is not only about having a well-qualified teacher, but also it is about teacher's aides. Teacher's aides are the ones receiving the minimum wage.

Men and women who work in nursing homes look after parents who fought in our world wars and lifted the country out of the Depression—the great heroes of our time. You will find more often than not that people working in those nursing homes are working for minimum wage. These are people who are caring and, as I mentioned, have a sense of pride. They are the people who clean the buildings so American enterprise can flourish in the daytime. They take tough, gritty jobs at nighttime in order to provide for their families. They are jobs in which men and women take a great deal of pride. They should be treated with respect and with dignity.

Let me point this out as a final chart. Speaker DENNIS HASTERT couldn't have said it any clearer on June 8 when he said:

> Lawmakers ought to be able to keep up with the cost of living so they can take care of their families and provide for their families like everybody else does. I think that's the decent thing to do.

So do I. That is what this minimum wage is all about.

DENNIS HASTERT has the right idea. Let us be able to provide an increase in the minimum wage so people can deal with the cost of living which is eating away the increase we passed 6 years ago so the parents can take care of their families and provide for them as everyone else does. That is the decent thing to do.

That is what this issue is about. It is, as I said before, a women's issue, a children's issue, a civil rights issue, but most of all a fairness issue. Americans understand fairness. They understand that people working 40 hours a week, 52 weeks of the year, and even longer now, for the minimum wage ought not to have to live in poverty. Their children should not have to live in poverty. This country is a country of fairness and decency and justice. This is a defining issue, I believe, about economic justice in this country.

Mr. REID. The Speaker of the House of Representatives approximately a year ago was not talking about minimum wage workers. He was talking about Members of Congress. Is that right?

Mr. KENNEDY. The Senator is correct.

Mr. REID. What the Senator is saying is that if Members of Congress are entitled to a cost-of-living increase, shouldn't the minimum wage worker be entitled to a cost-of-living increase?

Mr. KENNEDY. I do not know how you would answer that if you voted no in terms of the increase on this minimum wage, particularly since we have had four increases for Members of Congress since the last increase in the minimum wage. They were accepted by the membership. Why would we begrudge nearly 9 million hard-working Americans across this country who are working hard to provide for their families their opportunity to take care of their families as Members of Congress do with theirs?

This is an issue we are going to talk about during the course of these next few weeks. We welcome the opportunity to debate it. We welcome the opportunity to vote on it. I am enormously grateful to the leadership, Senator DASCHLE and Senator REID, for their strong commitment in this undertaking, and our colleagues. We look forward to that debate and discussion at an early time.

I reserve the remainder of my time.

Mr. REID. Mr. President, will the Senator yield any time he has remaining?

Mr. KENNEDY. Yes. I yield such time as remains to the Senator from Nevada.

Mr. REID. Mr. President, if there is no Republican seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we will make arrangements with Senator SNOWE, who wishes to speak. She has time. The Republicans want her to use it; and we want her to use it, too. But in the meantime, we have Senator KENNEDY here.

I ask we go to the next matter, which is, by virtue of the unanimous consent agreement, now before us.

PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3448), to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by all conferees on the part of both Houses.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 21, 2002, on page H2691.)

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the time for the quorum I suggest be charged evenly to both sides.

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

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, as I understand, there is an hour and a half evenly divided; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself such time as I might use.

Mr. President, today, the Senate considers historic legislation to enhance the Nation's preparedness for bioterrorism. This legislation has benefitted from the leadership of many Members of Congress on both sides of the aisle and on both sides of the Capitol. I thank all of our colleagues who have made such important contributions to this legislation. In particular, I commend my fellow conferees for their dedicated and effective leadership on this issue in the conference committee on this legislation. Under the skillful and effective leadership of our conference chairman, Representative BILLY TAUZIN, the conferees and their staffs have worked tirelessly to ensure that this legislation was completed in a timely manner, and I thank them for their efforts.

Our conference has reported legislation that will provide a historic $4.6 billion investment to prepare the Nation to respond effectively to bioterrorism. This is the single greatest investment our Nation has ever made in public health.

Many members of the public had never heard of the word ''bioterrorism'' before the anthrax attacks of last fall showed us all how chillingly vulnerable we are to this new form of terrorist attack. But bioterrorism was a challenge that our committee had addressed long before the terrible events of September 11 and the anthrax attacks of October.

In 1998, my colleague, Senator BILL FRIST, and I began to assess the Nation's preparedness for the new challenge of bioterrorism. We learned of the terrible loss of life that could result from a major attack using anthrax, Ebola, smallpox or some other deadly biological weapon. In the Armed Services Committee, my colleagues and I learned that biological weapons engineers in the former Soviet Union had conducted chilling experiments to make these already deadly pathogens yet more lethal through genetic engineering.

Our committee learned that our Nation's preparedness for the threat of bioterrorism was dangerously inadequate. Supplies of vaccine against smallpox were decades old and insufficient to protect the entire US population. We also learned that more and more germs were becoming resistant to the antibiotics doctors rely on to treat dangerous infections. The Nation's public health agencies were underfunded and understaffed. Rapid communication of information about dangerous disease outbreaks is an essential part of a national bioterrorism response yet many public health agencies lacked equipment as basic as a fax machine or an e-mail account.

To address these grave deficiencies in our Nation's response to bioterrorism and other public health emergencies, Senator FRIST and I—together with many of our colleagues in the Senate—introduced The Public Health Threats and Emergencies Act of 2000. Congress approved this legislation later that year.

The act was the basis for the infusion of needed resources that were provided to help prepare for bioterrorism in the supplemental appropriation at the end of last year. I commend my colleagues on the Appropriations subcommittees, Senator HARKIN, Senator INOUYE and Senator SPECTER, and our distinguished chairman and ranking member of the Appropriations Committee, Senator BYRD and Senator STEVENS, for their vision and leadership in recognizing the needs of the Nation for bioterrorism preparedness, and for providing the funds that will help our Nation prepare for this threat. I look forward to working with these distinguished colleagues on our supplemental appropriation and on funding for the initiatives authorized in the conference report for fiscal year 2003.

I wish I could say that all the deficiencies that Senator FRIST and I learned about in 1998 have been put right. Sadly, I cannot. But we have made a good start. Public health and laboratory personnel have received intensive training in identifying biological weapons. The laboratory technicians who identified the cause of the mysterious illnesses in Florida as anthrax had recently received such training. Without that preparation, it is impossible to know how long the anthrax attack would have gone undetected.

Our legislation authorized rebuilding of CDC's dilapidated and obsolete facilities in Atlanta. In 1998, we found that the laboratories and facilities of the CDC were in a shocking state of disrepair. Ceilings leaked onto sensitive equipment. Offices were scattered across Atlanta, requiring scientists to spend time fighting traffic when they should be fighting disease. Our legislation authorizes the funds needed to complete the CDC's building plan.

No Member of this body has been a more forceful and dedicated advocate for the CDC than my good friend, Senator MAX CLELAND. He has spared no effort in his determination to enhance the ability of CDC to improve the health of every American. He was one of the original sponsors of the legislation the Congress enacted 2 years ago to improve the CDC, and his leadership has been indispensable in including provisions to enhance CDC in the conference report. His vision and leadership has enabled CDC to become a magnet for new health care companies in