we would be amending. It puts us in a very difficult position.

Having said all of that, certainly this measure is vitally important. I have already been talking to Senator DASCHLE about what is the best way to go to it, what is the earliest time we could go to it. Even if we took it up and some wanted time later on tonight or tomorrow, it looks to me as if it would take quite some time to get it done. We would not be able to get into conference with the House before we come back from the Memorial Day recess.

I am hoping we could go ahead and talk back and forth and try to get agreement that when we come back from the recess, if we don't get some agreement worked out otherwise, it would be the pending business or we would quickly get a process so we could start work on it Monday when we come back or Tuesday, the 4th, and hopefully get agreement relatively quickly, even with amendments, once people know what they are amending, and then be able to get it right on in to the conference with the House.

Clearly, we do need to get this done. I must say that it has been a slow process. The request from the administration was slow coming. The bill coming from the House has been slow. Now here we are right up against this recess. It has not been the best way to do it.

It is about $4 billion more than what the President asked. I am sure the mix within that $31 billion has been changed. We need to take a look at it. Hurriedly, we have been trying to go through what has been added. Clearly, a lot of it is not national defense or homeland security related: things such as the senior farmer's market nutrition program, money for a national polar orbiting operating environmental satellite system, some amount of money for attorney retention allowance for the District for attorneys that, even though they got a bonus for staying with DC, they subsequently became union members and were not entitled to the bonus. This would say they can keep the bonus. There is U.N. population fund language in here which always causes a fuss.

Just looking hurriedly over the amendments on agriculture, justice, commerce, DOD, education, a lot of issues that would not be described in any way as relating to national defense and homeland security, we need a little time to review all this and see what amendments may be necessary.

I must say—I know Senator BYRD understands this—I always am very antsy about proceeding without Senator STEVENS being around when we are doing appropriations bills. So that is a factor, too.

UNANIMOUS CONSENT REQUEST—S. 2551

Mr. LOTT. Madam President, I ask unanimous consent—this is a modification of the earlier request—that the Senate would proceed to the House supplemental appropriations bill on Monday, June 3, at a time to be determined by the majority leader after consultation with the Republican leader so we could get to this bill immediately upon our return.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Madam President, I object, for two reasons. First, it seems to me the whole issue is urgency. We are talking about defense and homeland security. If there is any urgency to making the commitment to getting the work done, it ought to be now, not a week or 10 days from now.

Secondly, we don't know when the House will produce the bill. Perhaps the House will complete its work; perhaps it will not. We know we have a job to do. As we have done on so many other occasions, we have done our work and waited for the House to act. If the House completes its work, perhaps that is something we can do. But we are not in a position to know what the House is going to do. Obviously, it would be very difficult for us to build a consent agreement around House action that may or may not take place.

I do object. I do recognize, as the Senator from Mississippi, the distinguished Republican leader, has noted, we will have to reach some agreement. If it can't be done now, it will have to be done soon. It is disappointing that it cannot be done now.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. I want to mention just an example of why we need to go through this legislation. It has just been pointed out to me, here is $2 million in this bill, which is entitled ''Supplemental Appropriation Act for Further Recovery from and Response to Terrorist Attacks on the United States''—that is the title of this legislation——

Other related agencies, Smithsonian Institution construction, $2 million: the committee recommends an amount of $2 million within construction to initiate the planning and design of an alcohol collection storage facility. The Smithsonian holds the largest collection of this kind in the world, and at present a large portion of it is stored in the National Museum of Natural History. The Smithsonian has requested this amount and the fiscal year 2003 budget estimate indicates it is a most important safety and security project.

Given this information, the committee has advanced the appropriation of funds required in planning and design in order to accelerate the project.

All of those bugs that are stored in alcohol in the Smithsonian—when we are trying to recover from and respond to the terrorist attacks on the United States by moving some alcohol encased bugs from one facility to another—this is another example of why in the world we need to examine this legislation.

The Senator from Pennsylvania is going to be recognized. There is a provision in this bill that is far more serious than moving bugs stored in alcohol for $2 million. That has to do with the aviation program. The legislation was passed by this body overwhelmingly because of the danger of airlines going bankrupt, and now one major airline at least will not be eligible for loans because there is not enough money there and we are going to see major airlines in America go bankrupt if we don't avoid that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I want to pick up on what the Senator from Arizona said. He is ranking member on the Commerce Committee. They worked diligently on putting together the aviation loan program. One airline has access to the program, and that happens to be America West. There is another airline that is on the brink of bankruptcy that is hemorrhaging money right now, but it has brought in a management team to restructure the airline. Part of this restructuring plan is US Airways' access to this fund. What is in the appropriations bill will deny them access to this fund until the fall of this year, which may be too late for them to be able to get the adequate capital to continue operation. We may be bankrupting an airline that serves the whole northeastern quadrant of the United States for I don't know what reason.

I have no idea why this provision is in here, but we are pulling the rug out from under an airline that was probably the airline most affected by 9–11. This is the airline with its hub at Reagan National, which was shut down and flights were restricted. This is an airline that flew out of New York, and it served the area most impacted by 9–11. And now we have an appropriations bill that is going to probably deny them survival. It is the most impacted airline by 9–11 and we have a bill here that is supposed to help us recover from 9–11, and it may be the death knell of the airline.

The bottom line is, this bill is not ready for passage. There are serious changes that must be made in this legislation for this bill to go through the Senate.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Mr. REID. What is the order before the Senate?

The PRESIDING OFFICER. The last 10 minutes of debate are reserved by the Senator from West Virginia.

The Senator from West Virginia is recognized.

AMENDMENT NO. 3527

Mr. BYRD. Madam President, what is the question before the Senate?

The PRESIDING OFFICER. Amendment No. 3527 by the Senator from South Carolina to amendment No. 3447 offered by the Senator from West Virginia.

Mr. BYRD. Madam President, the purpose of my amendment is because we are on the verge of passing fast-track legislation that would tie the hands of Senators who wish to amend trade agreements that come before Congress. It is imperative that we as members of the legislative branch become more active in the negotiation of those agreements. We must establish the means for Senators and Representatives to be consulted on trade negotiations in order to allow them to advise the administration on how to best protect the interests of their constituents.

Based upon the trade act of 1974, members of the Senate Finance Committee and the House Ways and Means Committee are able to serve as congressional advisers for trade policy. Members of those committees can also exercise oversight on the implementation of trade agreements. But the rest of the Members of the Senate and the House are left out in the cold when it comes to being able to sit in on important trade negotiations and being consulted on the contents of a trade agreement before it is sent to Congress for approval.

My amendment corrects this situation by enlarging the congressional oversight group so that the group would be comprised of 11 Senators and 11 Representatives who do not serve on the Finance Committee or the Ways and Means Committee. The congressional oversight group can then serve with the members of the committee of jurisdiction to advise negotiators in the executive branch on how to craft a trade agreement that promotes fair trade practices and protects the interests of our constituents.

My amendment does not take any powers away from the committees of jurisdiction. To the contrary, the amendment contains specific language that directs the cochairman of the congressional oversight group to open their meetings and to share all information with members of the Finance Committee and the Ways and Means Committee.

These committees and the congressional oversight group should work together to promote consultation between the executive and legislative branches on trade agreements. I do trust the Finance Committee to consult with other Senators on the contents of trade agreements, but as Ronald Reagan once said, ''Trust but verify.''

Let the committees of jurisdiction do their work, but let us also allow a broader membership of the House and Senate to participate in the consultations on trade agreements. The particular needs of our individual States may not be apparent to members of the Finance Committee.

Incidentally, Madam President, proponents of the fast-track bill have argued that we need to pass this legislation to allow the President to negotiate trade agreements. But the President already has the power to negotiate agreements with foreign countries. We do not need legislation to give the President his inherent powers.

What fast track really does, however, is to cut out the Senate and the House of Representatives from proposing amendments to trade agreements. If Congress cannot amend trade agreements, it is all the more important for Members of Congress to become more involved in the negotiating process by broadening the membership of the congressional oversight group, as my amendment does. Congress may have a better chance at influencing prospective trade agreements to take into account the interests of our constituents. I urge my colleagues to vote for the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I advised my colleague from West Virginia several hours ago that I was going to move to table his amendment.

I ask unanimous consent to speak for 2 minutes.

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

Mr. NICKLES. Madam President, one, I didn't want to speak against the amendment of my friend and colleague and move to table it without him having a chance to make his presentation.

I happen to be a member of the Finance Committee, and the Finance Committee does have principal jurisdiction over trade. If we are going to have a trade advisory committee that would advise the administration and is composed of members appointed by the Senate President pro tempore, with the advice of the leaders, as proposed in this amendment, it also says to exclude members of the Finance Committee. I cannot imagine doing that. It sets up a separate committee, but we have a committee of jurisdiction that deals with trade. Now it says we are going to have a separate committee that will do the same thing. We don't do that in Appropriations or in the Judiciary Committee or Energy or in any other committee.

I think the committee process needs to work. This is as if to say let's have a duplicate committee outside of the Finance Committee. I think it is a serious mistake, a bad precedent. Maybe we should have two committees for everything, and if somebody doesn't like what comes out of the original committee, we can go to the other committee. I cannot imagine legislation that says let's have a separate committee and exclude members of the Finance Committee. I urge my colleagues to support a motion to table the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

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

The result was announced—yeas 66, nays 32, as follows:

(Rollcall Vote No. 125 Leg.)

YEAS—66

Allard	DeWine	McCain
Allen	Domenici	McConnell
Baucus	Durbin	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Fitzgerald	Nelson (NE)
Bingaman	Frist	Nickles
Bond	Graham	Roberts
Breaux	Gramm	Rockefeller
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Cantwell	Hutchinson	Smith (OR)
Carper	Hutchison	Snowe
Chafee	Inhofe	Specter
Cochran	Jeffords	Stevens
Collins	Kyl	Thomas
Conrad	Lieberman	Thompson
Craig	Lincoln	Thurmond
Crapo	Lott	Voinovich
Daschle	Lugar	Warner

NAYS—32

Akaka	Feingold	Mikulski
Boxer	Feinstein	Nelson (FL)
Byrd	Harkin	Reed
Carnahan	Hollings	Reid
Cleland	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Corzine	Kerry	Stabenow
Dayton	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Leahy	Wyden
Edwards	Levin	

NOT VOTING—2

Helms	Inouye

The motion was agreed to.

Mr. BOND. I move to reconsider the vote.

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

Mr. DASCHLE. I ask that the following votes be limited to 10 minutes each.

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

The Senator from Montana.

Mr. BINGAMAN. I call for regular order.

The PRESIDING OFFICER. The question recurs on amendment No. 3448.

Mr. BINGAMAN. 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 that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, there is no time under the rule for Senators to speak before their amendment is called up. I ask unanimous consent that Senator BYRD, who has two amendments, be given 5 minutes on each of those

amendments; and following that, we have 2 minutes, equally divided, on each amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, let me see if I understand. For this amendment, we are saying 5 minutes on each side, and all subsequent amendments 2 minutes on each side.

Mr. REID. One minute on each side.

Mr. NICKLES. I won't object.

Mr. BUNNING. I object.

The PRESIDING OFFICER. The objection is noted.

Mr. BYRD. 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 dispensed with.

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

Mr. REID. I renew the unanimous consent request. I renew my unanimous consent request as amended by the Senator from Oklahoma.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. Conversations will be taken off the floor so the Senator can be heard.

AMENDMENT NO. 3448

Mr. BYRD. Mr. President, this bill prevents the Senate from enacting a resolution of disapproval——

The PRESIDING OFFICER. The Senator will suspend.

The Senate will be in order. Conversations will be taken off the floor. May we have quiet in the Chamber so the Senator can be heard.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this bill prevents the Senate from enacting a resolution of disapproval against a trade agreement that it finds objectionable, unless the Finance Committee chooses to report such a resolution to the full Senate. A resolution of disapproval enacted by the Senate would withdraw the application of fast track procedures to any bill the President submits to the Congress to implement a trade agreement.

Although, at first glance, the bill before us appears to permit a Senator to introduce a resolution of disapproval rejecting fast track procedures applied to a trade agreement that is brought back to the Senate by the President, the reality is that such a resolution most probably would never come to the floor of the Senate for a vote.

This is because the bill states that, once a resolution of disapproval is introduced and referred to the Senate Finance Committee, it will not be in order for the full Senate to consider the resolution if it has not been reported by the committee. In other words, a disapproval resolution cannot be forced to the floor through a discharge of the Senate Finance Committee. The way this bill is currently written, if a resolution of disapproval is not reported out of the Senate Finance Committee, it might as well never have been introduced. The resolution may simply lie there until it dies.

This means that, so long as the Senate Finance Committee endorses the President's agreement, the views of the rest of the Senate are irrelevant. Enacting fast-track in this bill prevents the Senate from exercising its Constitutional responsibility to reject or modify trade agreement that are not in the best interests of the American people.

It is imperative that every Senator retain his or her right to introduce a resolution of disapproval that can be considered in the light of day by the full Senate. To this end, my amendments require that, upon introduction, any resolution of disapproval—including an extension resolution of disapproval—will be referred not only to the Senate Committee on Finance, but also to the Senate Committee on Rules and Administration. The Rules Committee is essential to this process, because it is charged with making the rules and procedures that govern this institution, and its expertise is essential to our enforcement of commitments undertaken by our trading partners in the trade agreements negotiated by the President.

Under these amendments, each of these committees will be required to report the resolution of disapproval that has been referred to it within 10 days of the date of its introduction and, if either of these committees fails to report the resolution of disapproval within that time, either of these committees shall automatically be discharged from further consideration of the resolution. The resolution shall then be placed directly on the Senate calendar. Once the disapproval resolution is placed on the Senate calendar, any Senator may make a motion to proceed to consider that resolution, and the motion to consider the resolution shall not be debatable.

If enacted as currently written this bill would effectively cut a majority of Senators out of the trade regulation process, preventing them from correcting sweeping changes in trade law that could unfairly affect the lives of their constituents who rely on the Senate to protect their interests.

I can't support surrendering the rights and prerogatives, the duties and responsibilities of the Senate to any President, Democrat or Republican. We in the Congress have an obligation to strike down trade agreements that adversely affect the American people. But it is impossible for us to do so if we do not provide ourselves the opportunity to adequately review, debate, amend, or reject their provisions as we are rightly empowered to do under the Constitution of the United States. These amendments ensure that we retain the power to modify or reject trade agreements that are not in the best interests of the United States and, in so doing, protect the economic well-being of the Nation and of the people we represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I strongly oppose this amendment. It does away with the very purpose of this legislation before us, and that is to give the President credibility at the negotiating table and to have a process by which Congress will consider the results of negotiation. So it strikes at the disapproval resolution process. This amendment adds language, then, directing the procedural disapproval resolutions be referred to the Committee on Rules and Administration. The effect of the amendment on trade promotion authority is threefold.

The PRESIDING OFFICER. The Senator will suspend.

Senators kindly take conversations off the floor so the Senator can be heard. The Senator has a right to be heard.

Mr. GRASSLEY. First, it wrests control over consideration of procedural disapproval resolutions from the Finance Committee and gives it to the Committee on Rules and Administration; second, to make procedural disapproval resolutions open for debate with automatic discharge from committee of jurisdiction; third, to provide for an unlimited number of procedural disapproval resolutions to be considered during any given session of Congress.

The intent is clear. It is an attempt to weaken trade promotion authority and create multiple and unlimited opportunities to derail trade promotion authority procedures during any given session of Congress. If the amendment is agreed to, a single Senator can put forward a resolution which would stop a particular trade negotiation in its tracks. We all know there are some Senators who do not like trade promotion authority and do not even like international trade. Should this amendment be agreed to, you can be assured that the Senate will be considering multiple procedural disapproval resolutions during any Congress.

Let us be clear. This amendment is designed to weaken trade promotion authority procedures, procedures which have effectively worked for over 50 years in advancing international trade interests. It really comes down to this: Either you believe in the proven effectiveness of the trade promotion authority procedures or you do not. If you do, then I strongly urge you to oppose this clever yet potentially devastating amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, all Senators should be aware that we have 10-minute votes scheduled. The leaders have both indicated they would like the votes to be completed shortly after the 10-minute time. Everyone should be aware of that or they will not be counted.

Mr. GRASSLEY. I move to table.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

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

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—66

Allard	Enzi	McConnell
Allen	Feinstein	Miller
Baucus	Fitzgerald	Murkowski
Bennett	Frist	Murray
Bingaman	Graham	Nelson (NE)
Bond	Gramm	Nickles
Breaux	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Harkin	Shelby
Campbell	Hatch	Smith (NH)
Cantwell	Hutchinson	Smith (OR)
Chafee	Hutchison	Snowe
Cleland	Inhofe	Specter
Cochran	Jeffords	Stevens
Collins	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Lieberman	Thurmond
Daschle	Lincoln	Torricelli
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Ensign	McCain	Wyden

NAYS—32

Akaka	Dodd	Levin
Bayh	Dorgan	Mikulski
Biden	Durbin	Nelson (FL)
Boxer	Edwards	Reed
Byrd	Feingold	Reid
Carnahan	Hollings	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Landrieu	Wellstone
Dayton	Leahy	

NOT VOTING—2

Helms	Inouye

The motion was agreed to.

AMENDMENT NO. 3449 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized. There are 10 minutes of debate on the amendment, evenly divided.

Mr. BYRD. Mr. President, I ask unanimous consent to withdraw the second amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is withdrawn.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3451

Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is amendment No. 3451 offered by the Senator from West Virginia.

Mr. BAUCUS. I am sorry, amendment number?

The PRESIDING OFFICER. Amendment No. 3451 offered by the Senator from West Virginia.

Mr. BAUCUS. Mr. President, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

The Senator from West Virginia.

AMENDMENTS NOS. 3452 AND 3453 WITHDRAWN

Mr. BYRD. Do I have some remaining amendments?

Mr. BAUCUS. Yes.

Mr. BYRD. I thought I had withdrawn them. If I have not, I ask unanimous consent that I may withdraw them.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana.

AMENDMENT NO. 3458, AS MODIFIED

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Durbin amendment No. 3458 be modified with the text of amendment No. 3505, and that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3458), as modified, was agreed to, as follows:

After section 3201, insert the following:

SEC. 3204. DUTY SUSPENSION ON WOOL.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—

(1) HEADING 9902.51.11.—Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended by striking ''2003'' and inserting ''2005''.

(2) HEADING 9902.51.12.—Heading 9902.51.12 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking ''2003'' and inserting ''2005''; and

(B) by striking ''6%'' and inserting ''Free''.

(3) HEADING 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking ''2003'' and inserting ''2005''.

(4) HEADING 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended by striking ''2003'' and inserting ''2005''.

(b) LIMITATION ON QUANTITY OF IMPORTS.—

(1) NOTE 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking ''from January 1 to December 31 of each year, inclusive''; and

(B) by striking '', or such other'' and inserting the following: ''in calendar year 2001, 3,500,000 square meter equivalents in calendar year 2002, and 4,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater''.

(2) NOTE 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking ''from January 1 to December 31 of each year, inclusive''; and

(B) by striking '', or such other'' and inserting the following: ''in calendar year 2001, 2,500,000 square meter equivalents in calendar year 2002, and 3,500,000 square meter equivalents in calendar year 2003 and each calendar year thereafter, or such greater''.

(c) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—The United States Customs Service shall pay each manufacturer that receives a payment under section 505 of the Trade and Development Act of 2000 (Public Law 106–200) for calendar year 2002, and that provides an affidavit that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2002 as follows:

(A) The first payment to be made after January 1, 2004, but on or before April 15, 2004.

(B) The second payment to be made after January 1, 2005, but on or before April 15, 2005.

(2) CONFORMING AMENDMENT.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106–200) is amended by striking ''2004'' and inserting ''2006''.

(3) AUTHORIZATION.—There is authorized to be appropriated and is appropriated out of amounts in the general fund of the Treasury not otherwise appropriated such sums as are necessary to carry out the provisions of this subsection.

(d) EFFECTIVE DATE.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3461

Mr. BAUCUS. Mr. President, once again, will the Chair please state the regular order?

The PRESIDING OFFICER. Amendment No. 3461 offered by the Senator from New Jersey.

Mr. BAUCUS. I thank the Chair.

Under the agreement, there is 1 minute equally divided?

The PRESIDING OFFICER. Two minutes equally divided.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, this amendment is offered by myself and Senator DODD and others. It is an important and simple request for our trade negotiators to respect the role of Congress and elected State and local officials to determine the nature and scope of significant public services.

Regardless of my colleagues' view on TPA, it is one thing to delegate congressional authority on trade negotiations, but it is a serious leap beyond that to delegate constitutional responsibilities of elected officials when it comes to determining what public services should be privatized.

This amendment would establish as a principal negotiating objective that

trade agreements should not include a commitment by the United States to privatize significant public services, such as Social Security, national security, public health and safety, and education.

This is simple and straightforward. We should not be turning over, to the delegation of unelected trade negotiators, determinations about issues such as Social Security and national security. That should be determined here, with debate on the floor of the Senate and the House of Representatives, and by duly elected officials. Straightforward, simple.

Mr. President, as I have explained, my amendment establishes as a negotiating objective that trade agreements exclude commitments by the Untied States to privatize significant public services. The amendment specifies four types of public services that represent core functions of Government and that are specifically protected. These include national security, Social Security, public health and safety, and education.

I want to make clear for the record, however, that these four areas are not the only types of public services that would be protected by my amendment. Since this legislation establishes only broad negotiating objectives, not highly detailed requirements, I have not listed each and every affected public service with great specificity. However, it is my intention that the amendment would apply to a wide range of public services. These include, for example, public transportation, public utilities, the Untied States Postal Service, and law enforcement, as well as other significant public services provided at the federal, state and local levels.

For a public service to be protected under the amendment, it would have to be ''significant.'' This is designed to ensure that the amendment not be interpreted too broadly to apply to even small and relatively marginal types of services. For example, if a local government decides to maintain a small snack bar at a local pool, I would not conclude that this is a significant public service that could not be opened to private competition. However, the provision of water or sewer services, which are provided on large scales by a substantial number of municipalities, and are important for the protection of public health, would be covered.

In any case, again note that the amendment deals only with trade negotiating objectives. It would not completely tie negotiators' hands or trigger any lawsuits. It simply says that our objective should be to leave the provision of significant public services as a decision for elected officials, not distant, unelected trade bureaucrats.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I oppose this amendment. And what troubles me most about the amendment is that it unnecessarily carves out privatization of particular service sectors from negotiations. These service categories include national security, Social Security, public health and safety, and education, as well as other significant public services.

This language is so broad that it could be used by our trading partners to close off market access to U.S. service exports. This situation could be especially troublesome in the telecommunications sector where many of our trading partners maintain government-owned telecom companies.

Including this language, which is very sweeping, in the trade promotion authority bill could severely undermine our ability to open these markets. That is why I ask my colleagues to reject the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

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

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—49

Allard	Enzi	Miller
Allen	Fitzgerald	Murkowski
Baucus	Frist	Nelson (NE)
Bennett	Gramm	Nickles
Bingaman	Grassley	Roberts
Bond	Gregg	Santorum
Breaux	Hagel	Sessions
Bunning	Hatch	Smith (NH)
Burns	Hutchinson	Specter
Campbell	Hutchison	Stevens
Chafee	Inhofe	Thomas
Cochran	Kyl	Thompson
Craig	Lincoln	Thurmond
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Domenici	McCain	
Ensign	McConnell	

NAYS—47

Akaka	Dorgan	Lieberman
Bayh	Durbin	Mikulski
Biden	Edwards	Murray
Boxer	Feingold	Nelson (FL)
Byrd	Feinstein	Reed
Cantwell	Graham	Reid
Carnahan	Harkin	Rockefeller
Carper	Hollings	Sarbanes
Cleland	Jeffords	Schumer
Clinton	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dodd	Levin	

NOT VOTING—4

Brownback	Inouye
Helms	Shelby

The motion was agreed to.

AMENDMENTS NOS. 3463, 3464 AND 3465 WITHDRAWN

Mr. BAUCUS. Mr. President, on behalf of Senator HOLLINGS, I withdraw amendments Nos. 3463, 3464, 3465.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

Mr. BAUCUS. Thank you, Mr. President. What is the regular order?

AMENDMENT NO. 3470

The PRESIDING OFFICER. Amendment No. 3470 by the Senator from Louisiana, Ms. LANDRIEU.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I want to begin by thanking the chairman and ranking member of this committee. I do support the underlying bill. I have tried to be helpful through this process in passing this bill.

However, there are maritime workers in our Nation who have been adversely affected because of a recent ruling. They are not entitled to benefits under this bill. Instead of picking up employment checks, or paychecks, they will be picking up unemployment checks, unless this amendment passes. So for port communities such as New Orleans and Houston and New Jersey and New York and Seattle, where maritime workers could qualify, this amendment will help. It only costs $10 million. It lasts for only 3 years. Out of an $8 billion bill, our maritime workers deserve some help. They have earned it; they deserve it. That is what my amendment does.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I make a point of order that the Landrieu amendment No. 3470 violates section 311(a)(2)(B) of the Congressional Budget Act of 1974.

Ms. LANDRIEU. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable section of the act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SHELBY) and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 46, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—50

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Edwards	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Graham	Reed
Boxer	Harkin	Reid
Breaux	Hollings	Rockefeller
Byrd	Hutchison	Santorum
Cantwell	Jeffords	Sarbanes
Carnahan	Johnson	Schumer
Carper	Kennedy	Snowe
Cleland	Kerry	Specter
Clinton	Kohl	Stabenow
Conrad	Landrieu	Torricelli
Corzine	Leahy	Wellstone
Dayton	Levin	Wyden
Dodd	Lieberman	

NAYS—46

Allard	Enzi	Miller
Allen	Feingold	Murkowski
Bennett	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Bunning	Gramm	Roberts
Burns	Grassley	Sessions
Campbell	Gregg	Smith (NH)
Chafee	Hagel	Smith (OR)
Cochran	Hatch	Stevens
Collins	Hutchinson	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Daschle	Lott	Voinovich
DeWine	Lugar	Warner
Domenici	McCain	
Ensign	McConnell	

NOT VOTING—4

Brownback	Inouye
Helms	Shelby

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Montana.

AMENDMENT NO. 3521

Mr. BAUCUS. Mr. President, I do not see Senator JEFFORDS. On behalf of Senator JEFFORDS, I offer amendment No. 3521.

The PRESIDING OFFICER. The amendment is pending.

Who yields time?

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I do not think there is any objection to this amendment. This is in proper order, and I ask for it to be accepted.

Mr. BAUCUS. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3521.

The amendment (No. 3521) was agreed to.

AMENDMENT NO. 3467

Mr. BAUCUS. Mr. President, it is my understanding the next amendment is No. 3467 by Senator WELLSTONE.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am a first-generation American. My father fled persecution from Russia, and I am always most proud of our country when we promote human rights.

This is an amendment that simply says surely one of our objectives should be to promote human rights and democracy, and we call on our trading partners to strive to meet these human rights standards.

There are somewhere in the neighborhood of 70 governments in the world today that systematically practice torture. At the very minimum, we can at least say one of our objectives in trade policy will be to promote human rights and democracy. That is all this amendment does. I think it means our country leads with our own values. I think it is important we make that statement, and I hope there will be a strong vote in favor of the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Opportunity is the greatest of human rights anywhere in the world. Trade is all about opportunity, so this whole bill is all about human rights. This amendment upsets a carefully crafted bipartisan compromise dealing with these complex relationships between international trade, workers' rights, and the environment, and it does so by undermining the fundamental purpose and proven effectiveness of our trade promotion authority.

This amendment offers vague new standards stating that the countries should strive to protect ''internationally recognized civil, political, and human rights,'' without even defining those rights. It sets our negotiators up for failure and jeopardizes this bill.

If we really want to promote democracy and human rights abroad, then we should all oppose this amendment and pass the bill because history shows that time and again open markets help foster a more open political system and the human rights that go with it. Mexico is an example. There is Taiwan and South Korea, all sorts of examples of human rights being better today than they were 50 years ago, all because of more open markets and international trade.

I yield back my time.

The PRESIDING OFFICER. All time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, following the vote on the Wellstone amendment, we will immediately go to a vote on the substitute that is now before the Senate. I ask if that needs a rollcall vote because we are going to have to vote on the bill itself, so I do not know if we need to vote twice. I again ask, do we need a rollcall vote? I ask Senators to make that decision during the time we are voting on the Wellstone amendment. It would seem to me this would be a good time to voice vote that and wait until there is final passage on the bill itself.

The PRESIDING OFFICER. Is there objection?

The Senator from West Virginia.

Mr. BYRD. Reserving the right to object, Mr. President, earlier today I saw some language that indicated that the committee, in an amendment—I assume it was going to be included in the managers' amendment, or under the rubric of ''technical amendments''—was making direct appropriations. I ask the manager of the bill right here and now, is there any amendment in either the technical amendments or the managers' amendment that purports to make a direct appropriation?

Mr. BAUCUS. I inform the chairman of the Appropriations Committee, the answer is no, there is not.

Mr. GRASSLEY. I have the list in front of me. As I recall discussions of this list, I don't remember anything that has any appropriations in it whatsoever and it is not our intent to appropriate money in these amendments.

Mr. BAUCUS. If I might further respond to my good friend from West Virginia, I have just been informed we don't believe there are any such provisions, but we are scrubbing it right now to make sure. We don't believe, at this point.

Mr. BYRD. Mr. President, I think we ought to have a quorum call so we can take a good look and be absolutely sure.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 3467

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment.

Mr. WELLSTONE. I want a vote.

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

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

The PRESIDING OFFICER. Is there a sufficient second on the motion to table? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SHELBY), and the Senator from Kansas (Mr. BROWNBACK), are necessarily absent.

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

The result was announced—yeas 42, nays 53, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—42

Allard	Cochran	Gregg
Allen	Craig	Hagel
Baucus	Crapo	Hatch
Bennett	DeWine	Hutchison
Bond	Domenici	Inhofe
Breaux	Ensign	Kyl
Bunning	Enzi	Lott
Burns	Frist	Lugar
Campbell	Gramm	McCain
Chafee	Grassley	McConnell

Miller	Santorum	Thomas
Murkowski	Sessions	Thompson
Nickles	Smith (NH)	Thurmond
Roberts	Stevens	Warner

NAYS—53

Akaka	Durbin	Mikulski
Bayh	Edwards	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Reed
Byrd	Graham	Reid
Cantwell	Harkin	Rockefeller
Carnahan	Hollings	Sarbanes
Carper	Hutchinson	Schumer
Cleland	Jeffords	Smith (OR)
Clinton	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Wellstone
Dodd	Levin	Wyden
Dorgan	Lincoln	

NOT VOTING—5

Brownback	Inouye	Shelby
Helms	Lieberman	

The motion was rejected.

Mr. WELLSTONE. Mr. President, I ask to vitiate the yeas and nays on the amendment.

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

The question is on agreeing to amendment No. 3467.

Without objection, the amendment is agreed to.

The amendment (No. 3467) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding we are now at the point where we could vote on the substitute; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. It is my understanding the chairman of the Appropriations Committee has met with the chairman and ranking member of the Finance Committee and they have worked out the problem that existed. Is my understanding correct?

Mr. BYRD. Mr. President, may I respond?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The language is being changed so it makes a reference to an authorization, not to an appropriation. It earlier made appropriations in this bill. That was not the intent, Mr. BAUCUS has assured me. That change has been made now, and the full understanding between the chairman of the Finance Committee and myself and the ranking member of the Finance Committee is that there was no intent to make an appropriation. Therefore, I have no objection to the request by the majority whip.

The PRESIDING OFFICER. The Senator from Montana.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I send a technical amendment to the desk amendment and ask unanimous consent that it be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3548 TO AMENDMENT NO. 3401

Mr. BYRD. Mr. President, if I may have the attention of Senators, several references to appropriations have been found in the language. But I am constrained to believe, on the assurances of the distinguished chairman of the Finance Committee and the ranking member, that these were inadvertences. So we have stricken several of them.

Just to make doubly sure that this bill does not make any appropriations, I offer the following amendment, which, is agreed to, would save a lot of time:

At the end, add the following:

''Notwithstanding any other provision of this Act, no direct appropriation may be made under this Act.''

I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3548) was agreed to.

Mr. BYRD. I thank all Senators.

U.S. TRADE LAWS

Mr. BAUCUS. Mr. President, last year, nearly two-thirds of the Senate sent a letter to President Bush emphasizing that new trade agreements must not weaken trade remedy laws such as antidumping and countervailing duty law.

The fast track bill we are considering today reemphasizes that point. Section 2(c)(9) of the bill instructs the President to preserve, in all trade negotiations, the ability of the United States to enforce rigorously its trade remedy laws and to avoid any agreement that would require weakening of the current U.S. antidumping, countervailing duty and safeguard remedies.

Today, I would like to make two key points about this provision. First, the Committee on Finance regards strict adherence to the section 2(c)(9) directive as critical in advancing the economic interests of the United States in future trade agreements. The bill's language here is unambiguous in the sense that, rather than establishing preservation of our trade remedy laws as simply a ''negotiating objective,'' it bluntly states that the President ''shall'' preserve those laws.

Second, the negotiating instruction encompasses any weakening of the existing remedies, whether at the level of statute, regulation or agency practice. This means that the President ''shall'' reject any new international rule or obligation whose acceptance would lead to relief under our existing trade laws becoming more difficult, uncertain, or costly for domestic industries to achieve and maintain over time.

I am very concerned about the Administration's decision in Doha last year to put U.S. trade laws on the negotiating table. Many of our trading partners have only one goal to weaken our trade laws so they can gain an unfair competitive advantage. A number of WTO Members have put forward some specific proposals. I want to highlight today a few examples of new international obligations that have been proposed by WTO Members, and that would obviously result in a weakening of U.S. trade laws, including: One, a ''public interest'' rule politicizing and encumbering the administrative processes under which these laws are currently applied; two, a requirement to exempt from trade remedy measures items alleged to be in ''short supply'' in the domestic market; three, a so-called ''lesser duty'' rule limiting antidumping and countervailing duties to some amount less than the calculated margin of dumping or subsidy, such as the amount supposedly necessary to offset the injury; and four, any extension of faulty dispute resolution models such as Chapter 19 of the NAFTA.

Mr. President, there are other examples, but these are some of the key concerns that I have and I know many of my colleagues share. I also want to emphasize that this is very much a bipartisan issue. Members on both sides of the aisle feel strongly about protecting U.S. trade laws. And along those lines, I believe my good friend and ally in protecting U.S. trade laws, would like to express some of his concerns about this issue.

Mr. ROCKEFELLER. I certainly share the Senator's concern regarding the potential for new trade agreements to weaken U.S. trade remedy laws, in particular the antidumping and countervailing duty laws. These essential laws level the playing field on which our firms and workers compete internationally, and serve the crucial function of offsetting and deterring some of the most harmful unfair trade practices affecting international trade today.

The steady leadership the Senator has provided on this issue has been admirable, and I certainly hope the message has gotten through. It would be a serious mistake indeed to think that an agreement or package of agreements can be successfully presented to

Congress for approval, under fast-track rules or otherwise, if it includes any weakening changes to our trade remedy laws.

I believe the Senator has accurately captured the general definition of a ''weakening'' change, and I agree fully with the examples he has laid out. I want to ask about some other proposals which have already surfaced at this early stage of the WTO negotiations, and which in my view must be rejected under the standard set out in section 2(c)(9).

These proposals include:

One, changes to the rules for ''sunset'' reviews of antidumping and CVD measures which would make it more difficult to keep relief in place; two, additional constraints or criteria for dumping calculations, in areas where current WTO rules and U.S. law vest discretion in the administering authority; and, three, special rules and standards that would make it easier for a particular group of countries, such as developing countries, to utilize injurious dumping or subsidies as a means of promoting their own industries at our expense.

Am I correct in my view that accepting any such changes, as some trading partners have requested, would weaken our existing trade remedies?

Mr. BAUCUS. Yes, those are certainly changes that would weaken our current remedies, and which would fail the test set out in section 2(c)(9). I also understand that my colleague and friend, Senator ROCKEFELLER, who has worked very closely with me on the defense of our trade remedy laws over the years, has some points to add concerning section 2(c)(9).

Mr. ROCKEFELLER. I also wish to clarify with my colleagues that section 2(c)(9) is a ''no weakening'' provision, and not a ''no net weakening'' provision. In other words, the President is directed to reject any new international obligation whose acceptance would impair our current trade remedies in the way you have described—by making relief costlier, more uncertain, or otherwise harder to achieve and maintain over time. An agreement that includes such changes must be rejected, and it is no answer—insofar as section 2(c)(9) and the intent of the Congress is concerned—to contend that the agreement in question also includes some ''strengthening'' provisions.

That would include any revisions that intended to ''strengthen'' the disciplines governing other countries' trade laws, including those in the developing world.

I personally believe that until the United States has a documented record of challenging those foreign trade laws at the WTO—and for some inexplicable reason we do not—there is no justification for saying existing WTO rules are not sufficient to ensure due process and transparency in foreign trade laws.

Additionally, I think it is important to clarify that this negotiating directive does not preclude U.S. negotiators from addressing the very serious shortcomings that have become apparent in the operation of the WTO dispute settlement system. As explained in the Finance Committee's report on the TPA measure, in a series of decisions involving trade remedy measures, the WTO Appellate Body and lower dispute settlement panels have fabricated U.S. obligations which our negotiators never accepted and have blatantly disregarded the discretion which the Uruguay Round negotiators intended for national investigating authorities to retain.

These WTO tribunals have violated their mandate not to increase or reduce the rights and obligations of WTO Members; have imposed their preferences and interpretations, and those of a biased WTO Secretariat, on the United States and on other WTO Members; and have issued decisions with no basis in the legal texts they supposedly were interpreting.

I believe this may be because other countries have been far more aggressive about challenging our trade laws at the WTO than we have been in challenging theirs. The effect has been to upset the careful balance achieved in the Uruguay Round by adding new, and wholly unwarranted, constraints on the use of trade remedies.

Before we vote on the bill, am I correct in understanding that section 2(c)(9) does not preclude a forceful U.S. agenda to address the problems plaguing WTO dispute settlement?

Mr. BAUCUS. The Senator is perfectly correct. I might add that the TPA bill includes several additional provisions designed to ensure a forceful U.S. response to the WTO dispute settlement problem, and section 2(c)(9) presents no barrier whatsoever in that regard.

LIVESTOCK AND MEAT PRODUCTS AS PERISHABLE AND CYCLICAL PRODUCTS

Mr. ENZI. Mr. President, I rise to enter into a colloquy regarding the coverage of trade promotion authority. My understanding is that TPA includes special provisions regarding perishable and cyclical products. It is my understanding that this language would clearly cover livestock and fresh meat products as they are perishable and cyclical agricultural products.

I believe that the language and the coverage are clear, but want to make sure that our negotiators are well aware of our intent and coverage of this legislation and the expectations we have for inclusion in future trade agreements.

Reasonable people know that fresh meat is perishable, but many people may not be aware that livestock can be perishable as well. Cattle ready for slaughter, for example, must be processed within two to three weeks of reaching their optimal weight. Once above the optimal weight, cattle gain fat and not muscle. With this quality loss, livestock producers suffer drastic price discounts that can wipe out their profits. Clearly meat production and livestock are also cyclical. Again, taking cattle as an example, the price follows a 10-year-cattle-cycle—the expansion and contraction of the nation's cattle herd have historically affected cattle prices.

Mr. DASCHLE. Mr. President, I rise in support of my colleague's interpretation. It seems quite clear to me. This is important to the meat and livestock industry. For example, TPA addresses eliminating the practices of foreign governments that adversely affect the trade of perishable and cyclical products, and the elimination of such practices in the livestock and meat sector would be to the advantage of U.S. producers. No reasonable person would suggest that the definition of perishable and cyclical agricultural products would fail to cover livestock and meat production.

TPA also calls for improving import relief mechanisms to recognize the special characteristics of perishable and cyclical products, which would include livestock and meat. Such improvements to import relief mechanisms could include faster and more effective time frames for imposing import relief measures as well as improved means of determining industry support in import relief investigations. Along the same lines, TPA provides that U.S. import relief measures for perishable and cyclical agricultural products should be as accessible and timely as those of other countries.

TPA also states that the U.S. Trade Representatives, prior to commencing negotiations concerning agriculture, shall work to develop a position on perishable and seasonal products that will lead to an international consensus on the treatment of these products in dumping and safeguard investigations ''and in any other relevant areas.'' I understand that livestock and meat production would be included in these negotiations as they are clearly covered under the definition of perishable and cyclical agricultural products.

Mr. GRASSLEY. Mr. President, I thank my colleagues for their comments and I agree completely with them that the definition of perishable and cyclical agricultural products includes livestock and meat production. It is clear to me that there can be no other reading of the legislation and I believe that our colleagues intended for these products to be covered. We expect our negotiators, to include these products under these provisions.

Mr. BAUCUS. Mr. President, I also agree with my colleagues, views on this important issue. The intention of the members on this matter is clear: The definition of perishable and cyclical agricultural products includes livestock and meat production.

ENFORCEMENT OF PROPER LABELING OF BASA FISH

Mrs. LINCOLN. Every authorization of fast-track authority since the Trade Act of 1974 has been accompanied by a strong confirmation of Congressional

intent that U.S. law will be vigorously enforced to ensure that the increased trade enabled by agreements reached under the negotiating authority is fair.

This year, Congress has responded to a failure to enforce existing law by twice enacting provisions to ensure that imported species of fish are not illegally passed off in the U.S. market as ''catfish.'' The Food and Drug Administration has consistently authorized only North American Freshwater Catfish to be marketed as ''catfish'' in the United States, a practice that has existed commercially for over thirty years. U.S. law now prevents other species from using the term catfish in labeling or advertising. Let me be clear, the vast majority of this imported species of fish has never, and I repeat, never, reached American consumers under any legal name. It has reached the consumer in significant quantities only being misbranded as ''catfish.''

Congress most recently addressed this illegal misbranding in the farm bill, known officially as the Farm Security and Rural Investment Act of 2002, which was signed by the president last week. The fraud of misbranding seafood is referred to as ''economic adulteration.'' Under U.S. law, economic adulteration is illegal at every level of commerce. Misbranding at the time of importation, or changing a legal name after importation, is a violation of U.S. law. These laws have simply not been enforced. The relevant provision in the 2002 farm bill now makes it clear that false labeling or advertising of another species of fish as ''catfish'' is illegal. There is also an original provision in the 2002 farm bill that applies to seafood, including the species that have been misbranded as ''catfish.'' These provisions of law are a clear expression of congressional intent that applicable law must be vigorously enforced.

This is a necessary condition to the success of open trade.

I would like to confirm that in granting Trade Promotion Authority for trade agreements, Congress intends that: Government agencies with relevant enforcement authority will exercise their authority sua sponte to prevent the illegal practices that have plagued our catfish industry; effective enforcement action will be undertaken at all levels of trade to prevent the economic adulteration that has adversely affected U.S. catfish farmers and the consuming public; and enforcement action will include addressing violations of law with respect to misbranding and other improper labeling, Customs marks of origin, including misbranding that indirectly indicates a false origin, false or misleading representations in advertising and other practices.

We recognize that problems occur when our markets are open. However, our enforcement authorities must address those problems quickly and effectively in order to ensure that the increased competition from imports into our market is on fair terms. It is only fair competition that provides the benefits we seek for our economy, and that helps our producers remain internationally competitive.

Mr. BAUCUS. I can confirm the Senator's understanding, and I would like to express my personal support with respect to preventing the unfair practices that have threatened our U.S. catfish industry. Our clear intent is that U.S. law be fully enforced, not only as it concerns our catfish farmers but all U.S. producers, to ensure that trade is fair.

CERTIFICATION OF TRADE-AFFECTED INDUSTRIES

Mr. BAUCUS. Mr. President, I want to take a moment to talk with Senator GRASSLEY about the trade adjustment assistance bill and the important amendments that have been offered by Senators BAYH and EDWARDS.

These amendments would provide automatic certification for trade-affected industries. I believe that the Secretary of Labor already has the discretion to certify particular industries under the TAA program. And I believe that she would have the discretion under the TAA bill we are now considering.

Mr. GRASSLEY. As the Senator knows, I support the trade adjustment assistance program, and recognize that—beyond some individual companies and workers—there are also particular industries that face dislocation as a result of trade. The recent finding by the International Trade Commission regarding the steel industry further emphasizes this point. In that vein, there appears to be a need for further coordination between ITC determinations and Federal assistance given to workers impacted by trade.

Mr. BAUCUS. This is an important issue. As a Senator EDWARDS has spoken about many times, the textile industry has been adversely affected by increased imports and by companies shifting production overseas.

And the steel industry, as Senator BAYH has emphasized, suffers from a flood of unfairly trade imports. Indeed, many steel products are covered by the President's recent decision to impose restrictions under our safeguard laws.

So in this case, the ITC has already made a finding of trade-related injury. I would encourage the Secretary of Labor to expeditiously implement procedures regarding industry-wide certification.

Mr. GRASSLEY. I agree there needs to be a stronger tie between ITC findings and worker assistance—specifically Trade Adjustment Assistance. It is my understanding that the ITC is currently required to notify the Secretary of Labor of any affirmative injury determination, and that the Secretary must give expedited consideration to petitions for TAA certification by workers in the domestic industry.

Mr. BAUCUS. In closing, let me add that I appreciate the help of you and your staff in working to reach a bipartisan compromise on this package. I hope we can continue to move together in a bipartisan fashion.

Mr. GRASSLEY. I am also pleased that we were able to come to agreement on a bipartisan trade package. It was the right thing to do for our nation's farmers, workers, and companies.

Mr. VOINOVICH. Mr. President, I rise today in support of an amendment which recognizes the importance of the automotive industry to the U.S. economy and to our international trade agreements. The auto industry is a cornerstone of the U.S. economy, directly or indirectly supporting one out of every 15 jobs in America. Auto manufacturing and related industries account for 6.5 million jobs nationwide, nearly a quarter million of which are in my home state of Ohio. Ohio boasts the 2nd highest auto industry employment in the country, and that industry represents $22.6 billion in wages and benefits for Ohioans. Furthermore, the production assembly line that characterizes the modern automobile industry was invented in the American Midwest and is now used in factories across the globe.

Currently, the U.S. automotive market is the most open and competitive in the world. Our allies in Europe and our trading partners in developing nations alike have free access to American markets and consumers. Unfortunately, that is not true for American auto manufacturers. United States companies face significant pre-meditated trade barriers in the same countries that enjoy free trade and exports to the United States. In fact, the automotive industry trade deficit has accounted for one-third of the total U.S. trade deficit since 1992.

These results do not represent the intent or spirit of the free trade agreements signed in recent years, such as NAFTA and GATT, and the time has come to remove the barriers to free and open trade for American automobile manufacturers.

I know firsthand how difficult it is to open trade for American auto manufacturers. I vividly recall the free trade mission that I led in 1997 to South Korea. I spent two days with top government leaders and private sector groups urging them to open their markets to non-Korean made automobiles. Quite frankly, although they listened, I felt I was talking to a brick wall and received absolutely no satisfaction whatsoever. On the contrary, the Korean officials were proud to report that their imports doubled yet the actual number of those imports was a mere fraction of Korea's total auto sales.

That was 1997 and today—May 22, 2002—5 years later there has been no progress since I visited. Mr. President, I would have hoped that things would have improved. Last year, South Korea exported more than 1.5 million vehicles to the world, while importing only 7,747. Also last year, South Korea exported more than 618,000 vehicles to the U.S., while importing a mere 2,854 from

the U.S. In fact, South Korea sells more cars in the U.S. per day than U.S. manufacturers sell in South Korea all year.

In addition to unfair trade regulations, the Korean authorities use another barrier to prevent their citizens from buying American cars: intimidation. According to auto industry sources, Koreans caught driving American-made cars can anticipate such punitive measures as getting pulled over by the police, being subject to more parking violations, and even experiencing more frequent and severe tax audits than their neighbors who drive Korean-made automobiles. Why would any Korean citizen choose to drive an American vehicle when faced with consequences like these?

Currently, the Baucus-Grassley TPA bill includes 14 major objectives for U.S. trade negotiators. The first of these objectives is to expand competitive market opportunities for U.S. exports in foreign markets by reducing or eliminating tariff and nontariff barriers that prevent U.S. goods from entering these markets. Our amendment states that as trade agreements are negotiated in the future, U.S. trade negotiators should specifically aim to open up export markets for U.S. automakers and vehicle parts manufacturers.

Opening up export markets for U.S. automakers and parts manufacturers is critical, because in the future, the majority of growth in these industries will not be in the U.S., but in the developing nations of Asia, Latin America, and Eastern Europe. Our amendment will tell trade negotiators that they need to make sure that U.S. automakers are in a position to compete fairly in these high-growth markets.

Today, sales of new passenger vehicles account for nearly 4 percent of total U.S. GDP. Clearly, the automotive industry is important to the economic growth and stability of our economy and we must take action to protect and strengthen an industry so vital to our nation.

Our amendment will make a difference for American manufacturers, consumers and our economy as a whole. Without it, one of America's most important manufacturing industries could soon take second place to foreign competitors. Opening new markets for our products helps create jobs and stimulate our economy, both of which are especially important as we seek to move out of recession. I urge my colleagues to join in this growth and vote for this amendment.

Mr. BUNNING. Mr. President, I rise today in support of the trade promotion authority bill.

I am glad that we are finally debating this legislation. For years, the Senate has given lip service to the need for TPA. It's about time we got down to it.

I believe in free and fair trade, and I believe that TPA is crucial to our nation's economic future, and it has the potential to benefit the United States greatly. Trade creates better jobs. It creates economic opportunity. And while some people see free trade as a zero-sum game where there are winners and losers, they're wrong. Healthy trade makes winners out of everyone and enables nations to make the best use of their resources. Strong, vibrant trade provides a rising tide that lifts all boats.

We understand this in Kentucky. Last year, we sold over 48.8 billion worth of exports in more than 100 nations abroad. This includes over $1 billion in agricultural products. Mr. President, this provided a real and meaningful boost to our local economy.

Best of all, countries that trade together do not fight and are less likely to work against each other. Instead, trade helps bring nations together in working toward a common goal of mutual economic benefit instead of armed conflict. In the wake of September 11th, this is more important than ever.

The United States needs Trade Promotion Authority. It expired almost eight years ago, and our trade policy has been adrift since them. If America is going to continue as the world's economic superpower, and to remain fully engaged in the international marketplace, we need to give President Bush the ability to effectively negotiate trade agreements with other nations.

Currently, the United States only has three preferential trade compacts; the North American Free Trade Agreement with Canada and Mexico; a free trade agreement with Israel; and, our trade agreement with Jordan. But in recent years our trading partners around the world have at last count entered into almost 150 preferential trade compacts.

These are missed opportunities for us. Other nations are talking and negotiating. They are enacting treaties to help their economies and their peoples. But, we are being left behind.

Passing a good, clean TPA bill would give us a chance at getting in on the action. It would lead to better paying jobs for our workers, and give them the opportunity to prove once again that they are the best and most productive in the entire world. Only by passing TPA and entering into new and better compacts will we be able to knock down discriminatory, unfair trade barriers and to increase the flow of goods and services we can sell abroad.

If we want a seat at the negotiating table. If we want to offer more economic opportunity to American workers, we have to pass TPA. If we don't, we will literally be missing the boat.

Until we pass TPA, other nations are going to be very hesitant about entering into compacts with us. No other country is going to want to negotiate with a President who then has to submit a treaty to a Congress which has the power to nitpick every single line of an agreement to death. Trade treaties are complex, interwoven agreements. Each individual bit is not perfect. But taken together as a whole, they typically promote our national interest.

I am sure that if every Member of Congress has their way, they would rewrite line by line provisions in each of the major treaties we have passed in recent years. That sort of politicking might play well to individual constituencies back home, but it doesn't serve the larger economic interest of America.

To my colleagues who don't like TPA and think that it is an unwise delegation of congressional authority, I have to disagree with them. Passing this bill still gives every single member of Congress the right to support or oppose a treaty they don't like. Under TPA, I have voted for treaties I like, and against treaties I don't like. It might not be the perfect way to legislate, but it is effective and fair.

Every President since Gerald Ford has had TPA. I supported TPA—or ''fast track'' or whatever you want to call it—for President Reagan. I supported it for the last President Bush. I supported it for President Clinton. And I support if for our current President. I voted for it the last time I had the opportunity, in 1998 when it came to the floor and lost in the other body.

And I support TPA now.

Like I said before, TPA is not perfect, but it's effective. And the bill in front of us today is not perfect.

I have supported amendments to help steel workers and textile workers that failed on the floor. I wish they hadn't. In Kentucky, we have a good steel industry, and I want to nourish it along. It's been hard hit in the last few years by the dumping in the United States of cheap foreign steel that has unfairly and illegally cut the legs out from under our domestic producers.

In south-central Kentucky, many of my constituents who used to work in the textile mills have been left high and dry when companies moved abroad in the wake of NAFTA, by the way an agreement that I opposed under the old fast-track rules.

I would like to do more in this bill for them. Workers in those industries need our help. They show that all trade agreements aren't perfect.

We are at least including some meaningful trade adjustment assistance in the package to help those who are forced to transition to different jobs because of trade. Expanded trade usually leads to better jobs for workers. But they often need smart, effective assistance to make the change to new occupations. I support trade adjustment assistance to help them. The last time Congress considered TAA provisions was in 1998 when the other body looked at this issue. I was a member then, and I voted for $1 billion in trade adjustment assistance for dislocated workers. Fortunately, this type of assistance often helps workers move more quickly back into the workforce.

I support the training and education provisions in this legislation. They will help. Will they be enough? I don't know.

As for the rest of the TAA package, I believe there are some problems with

the structuring of the new health and wage benefits that I would like to see cleaned up in conference.

After years of budget surpluses, we are back to looking square in the face of a budget deficit in 2002 and beyond. Now the pending legislation proposes to add potentially billions in new entitlement spending to the deficit each year. A budget crunch is not the time to guarantee new entitlements no matter how well intentioned they are.

By passing this legislation before us now, we would be cutting off our nose to spite our face, encouraging free trade and more economic activity on the one hand, and growing the federal budget deficit by leaps and bounds on the other hand. That doesn't make economic sense, and that sort of contradiction would eventually catch up to us and lead to even bigger problems.

Also, if you read the fine print of the health and wage sections, I think you will find that it is so complicated that it might not even work. I am afraid that it might offer a false promise of assistance to workers who need help the most.

For instance, the wage supplemental provision would require the federal government to pay up to $5,000 for up to two years to workers over 50 years old if they lose their jobs due to trade activity and they take a lower paying job.

I am afraid that this proposal would actually discourage workers from taking similar paying or higher paying jobs. It just doesn't make sense to me to encourage people not to work. Instead of this approach, it would help more if we ploughed this money back into education and retraining.

Everyone knows the old saying about providing a man a fish so he can eat today or teaching him how to fish so he can feed himself forever. I think that applies here.

We also have to ask how well will these new entitlements be managed and who will do it. Who's going to be in charge of determining whether or not a worker lost their job because of trade? What agency is going to manage the nuts and bolts of this potentially gigantic program? How will the IRS respond to the administration if another health tax credit is being dumped on its plate? There are just too many unanswered questions.

In the end, I am afraid we might not be able to keep many of the promises my colleagues want to make under the Trade Adjustment Assistance section. For many workers who are struggling now, that would be the cruelest thing we could do to them.

The TAA provisions still pose many unanswered questions, and I hope that we will first focus on the areas that have worked before—job training and education—before going off into new entitlement programs that might not really work and actually serve to undermine the larger goals of the overall legislation.

In conclusion, this isn't a perfect bill. I, like all of my colleagues, would write it differently. But is a good effort on an important subject that America must address if we are going to secure our economic future. As I noted earlier, it's been four years since either body voted on TPA, and the failure of the House to pass a bill in 1998 has led to years of delay. We cannot let that happen again. We have to vote to pass this bill.

I am not willing to let the perfect be the enemy of the good, and I urge support for the legislation.

Mr. VOINOVICH. Mr. President, I rise in opposition to the Dayton-Craig amendment. This amendment reduces Trade Promotion Authority to something that exists in name only. With all due respect to the sponsors of this amendment, it is a backdoor attempt to gut this bill and still allow people to say they voted for free trade. It would have a chilling effect on international trade negotiations.

Supporters of the Dayton-Craig amendment claim that unless you support their amendment then you do not support upholding U.S. trade laws. Nothing could be further from the truth.

I stand before you as a strong free trader who is a proponent of vigorous enforcement of our country's trade laws. I supported NAFTA and GATT as Governor and PNTR for China as a Senator. I've seen Ohio benefit from NAFTA with a net increase of approximately 55,000 jobs and I've seen it also lose out as a result of our President not having Trade Promotion Authority.

At the same time, no one cares more about making sure our trade laws are followed. Ohio has lost tens of thousands of steelworker jobs as a result of foreign steel dumping, which led me to urge the President to use Section 201 authority to help provide relief to our nation's steel industry. He did so and our steel industry now has a breather to reconstitute itself and regain its competitive footing.

I also have been a committed advocate of strengthening enforcement of our trade laws by addressing the human capital needs in the Commerce Department's international trade divisions. I recently held a hearing in which I pushed Undersecretary for International Trade Grant Aldonis on the need to address these very concerns.

In little more than a year in office this Administration has already demonstrated its commitment to U.S trade laws. In a letter to Congress this week, Commerce Secretary Don Evans, Agriculture Secretary Ann Veneman and U.S. Trade Representative Robert Zoellick point out:

> We have been committed not just to preserving U.S. trade laws, but more importantly, to using them. The Administration initiated an historic Section 201 investigation that led to the imposition of wide-ranging safeguards for the steel industry. The Administration's willingness to enforce vigorously our trade laws, in Canadian lumber and other cases, sends the clearest signal of our interest in defending these laws in the WTO.

Our trade laws are part of the overall trade equation that enhances American competitiveness by helping to guarantee new access to world markets. They require the approval of Congress before any changes are made. To buy the argument that opposition to this amendment equates to relinquishing control of our trade laws is to believe that Congress is simply going to give up its legislative duty to the executive branch. That is not going to happen. The argument is simply groundless and without merit.

Additionally, logic dictates that no trade negotiator is going to agree to something which will automatically be rejected by Congress. The congressional observers guarantee that Congress is aware of what is being negotiated as it is happening. Congress has the final say in approving trade deals with its final vote and if I am confident of anything it is that this body is willing to hold up any and all legislation that gives a member even the most minor case of heartburn.

Trade Promotion Authority does not equate to gutting our trade laws. This Administration has already proven itself to be a strong defender of our trade laws and, regardless, Congress has the final say over legislation, not the executive branch.

Furthermore, this amendment should be opposed because of the chilling effect it will have on the negotiating process. Sufficient safeguards already exist in the TPA legislation to guarantee the legitimate and constitutional role of Congress as the final guardian of trade law. This amendment goes beyond that, however, with limits which would essentially allow additional and superfluous votes to hold hostage international trade negotiations.

As a manager, I would never assign a task to someone without also empowering them with the tools and authority to get the job done. Dayton-Craig takes those tools away. Its effect wouldn't be felt somewhere down the road, it would have an impact now, today. The very fact that this amendment has been offered has had an impact already on our trading partners, I am sure.

Again, Ambassador Zoellick writes that:

> The rest of the world will determine that the U.S. Congress has ruled out even discussion of a major topic. Other countries will refuse to discuss their own sensitive subjects, unraveling the entire trade negotiation to the detriment of U.S. workers, farmers and consumers.

Without the ability to engage our trading partners effectively on their own trade laws, we cannot hope to see other countries raise their laws to U.S. standards. Our country's exports are frequently targeted by foreign trade interests for action. Between 1995 and 2000, our exports were targeted for action in foreign countries 81 times. Other governments do not necessarily

share our commitment to fair and open procedures, such as those conducted by our International Trade Commission.

To prevent unfair trade actions against our exporters, we must have the leverage to engage them constructively. This amendment strips us of that ability, which is one reason 79 agricultural groups urge us to reject the Dayton-Craig amendment.

If anyone is opposed to free trade, I urge them to vote their conscience. While I disagree with them, I respect their position, but don't pretend to be for free trade and then call for an amendment which guts the ability of our President to negotiate the agreements that make free trade a reality.

Mr. REED. Mr. President, it had been my hope that the Senate would vote today on my amendment to the Baucus substitute amendment No. 3401 to the trade bill, H.R. 3009. Sadly, that will not be the case because of procedural roadblocks that foreshadow the kinds of obstacles that passage of the underlying bill will raise when we consider future trade agreements in the Senate.

My amendment is about fairness for secondary workers who I believe are being treated unfairly. This is why I voted against cloture for the underlying substitute, and one of the reasons why I will vote against the bill on final passage.

Nonetheless, I want to take a few moments to point out the plight of secondary workers, and urge my colleagues to pay close attention to the issue as it continues to develop after we pass this bill later today. Several things have been said on the Senate floor about trade adjustment assistance, TAA, and secondary workers during the length of this discourse on trade, and I think it is important to go back and highlight some of them and reiterate what the truth is in this debate.

Most importantly, I think it is imperative that we realize that however many jobs we may create through export-related activities, we may lose many more due to the impact of imports. The choice before us is, how do we treat those workers adversely impacted by trade agreements in the future? Is it not fair to try to change the rules governing our trade policy to make a more fair and equitable distribution of benefits to those harmed?

If my colleagues believe that is the case for some workers, as demonstrated by the support for TAA in NAFTA and the reauthorization of the program in the legislation before us, then it should be the case for all workers. It continues that this should mean that TAA is available for a particular worker whether they are employed by a factory that is directly shut down by trade, or if they work for a company that supplied parts to that first factory, only if that particular worker has become unemployed due to the effects of trade.

I mentioned in my earlier remarks that the TAA Program has been a successful one since its inception, and I want to reiterate that. In fact, since April 1975 through December 2001, almost 3 million workers were certified as TAA eligible. However, almost 2.5 million workers were also denied certification. This demonstrates the demand for this important program, but also reflects the fact that it is a difficult process—something that would not be altered should we allow secondary workers to be a part of it.

Another point I would like to reiterate from my earlier remarks is the fact that since the ratification of NAFTA, TAA has applied to secondary workers that lose their jobs as a result of the NAFTA trade agreement. In fact, a total of almost 700,000 workers applied for NAFTA–TAA certification from January 1994 through December 2001, and over 400,000 were granted certification.

Although the exact numbers of how many of those beneficiaries were secondary workers are unknown, the fact remains that they have the right to apply for eligibility. Unfortunately, under the pending bill, secondary workers whose jobs have been lost due to a possible trade agreement with Chile, or Singapore, or any other country, will not be eligible to even apply for certification under TAA.

Now let me relay some facts about secondary workers and TAA. A GAO report from October 2000 estimated that there could be from 34,000 to 211,000 secondary workers annually who could potentially apply for TAA benefits. This reflects the depth and reach of trade's effects on the livelihoods of American workers.

Another GAO report from July 2001 showed that $494 million was expended on re-training for about 170,000 workers under TAA. This breaks down to less than $3,000 per worker. I think many would agree that is a small sum comparatively speaking, particularly when one considers the amount of training or schooling an individual can gain from that amount of money.

It is precisely these kinds of workers that so need this type of investment in training and schooling. The GAO reports I earlier referenced cited the fact that about 80 percent of workers using TAA benefits in fiscal years 1999 and 2000 had a high school education or less, compared to 42 percent in the labor force as a whole.

In other words, this is a modest increase in funds for TAA benefits that will go a long way toward a worker's developments of new skills, and reentry into the workforce to be a productive citizen once again.

It is not an excuse to claim that the Department of Labor does not have adequate resources and staffing to deal with an expansion of the TAA Program to secondary workers. First of all, the Department has the experience in dealing with this issue, since it already decides on certification for secondary workers under NAFTA. Second, I believe we have a responsibility to add funding for the Department of Labor in order for it to be able to deal with a potentially larger increase in its workload.

This issue is part of our choice here—do we discount these workers who have added to the economy, who pay taxes, and who provide for their family, just because they do not happen to be directly employed by a particular firm that was shut down by trade? Again, this is unfair treatment to a segment of our population that deserves our help.

I thank the Chair.

Mrs. MURRAY. Mr. President, I rise to join the debate over trade promotion authority legislation before the Senate.

I am in my 10th year as a member of the U.S. Senate and I have consistently voted for measures to open new markets to our exporters and our workers.

Today, I will vote for trade promotion authority, or TPA. New export opportunities for Washington State will support economic recovery and expansion.

Washington State is the most trade-dependent State in the country. International trade matters tremendously to each and every region of my State and to every sector of our economy. Trade matters to my State in good and bad economic times. We are an export State. We have a trade surplus. We are also a port State and gateway to Asia and the world.

My constituents benefit from trade at every point. We grow the commodities. We move containers and cargo from ships to rail to destinations throughout the country. We manufacture, build, design, develop, finance and insure goods and services traded globally each and every day. Trade jobs—estimated to be one in three jobs in Washington State—are good family wage jobs in my State.

Importantly, this legislation also significantly expands trade adjustment assistance. I have always supported trade adjustment assistance. I commend the Finance Committee, the Democratic leader and the bipartisan work which led to the expanded TAA package in this legislation.

I was a cosponsor of S. 1209, the Trade Adjustment Assistance for Workers, Farmers, Fisherman, Communities and Firms Act of 2002. The TAA language in this legislation is really a product of S. 1209 and the bipartisan work of many in the Senate to expand TAA.

More workers will be eligible for trade adjustment assistance. Some workers from secondary industries will be covered for the first time under the Senate TPA bill.

The Senate legislation provides community assistance, particularly to rural communities, who see significant job loss related to trade. Communities will have the opportunity to seek grant assistance to implement economic diversification plans.

Farmers and fishermen will also be eligible for TAA assistance.

Importantly, the Senate bill provides new health benefits to displaced workers. A new 70 percent up-front, refundable tax credit for COBRA coverage will enable many workers and their families to keep their health insurance.

The Senate has considered a number of important amendments and issues in this debate over trade promotion authority. I voted for a number of important message amendments. I encourage the administration as it eventually moves forward with trade talks to give serious consideration to the expressed will of the Senate.

I expect a significant bipartisan vote for trade promotion authority today. Then the legislation must go to conference with legislation adopted by the House of Representatives. The House TPA bill is very different from the Senate bill. Conference committees require compromise, and I anticipate changes to the Senate-passed version.

Regardless of the conference committee outcome, the administration should not disregard the Senate TPA debate. The Senate addressed some very difficult issues. In future trade talks, the administration will be called upon to address issues like those raised on the Senate floor. Some in this body will judge trade agreements submitted to the Congress on these issues. The administration now knows a great deal about the concerns of the Congress. There will be fewer surprises for either the Congress or the administration as the future negotiations occur thanks in part to the Senate debate.

I want to be very clear about my expectations for the upcoming TPA conference committee. I strongly believe any agreement between the House and the Senate must include the Senate trade adjustment assistance package.

It is tremendously important to me that we do all we can to boost jobs and create jobs that rely on international trade. Expanded trade is a recipe for economic growth in Washington State. That is why I will vote for trade promotion authority and advocate for my State's many trade interests with the President and this administration.

At the same time, I know that every worker, every industry, every community does not share the benefits of expanded trade equally. Where dislocation and hardship occurs, as a result of international trade, our government should play an activist role in helping workers and communities through these changing and challenging economic times.

The Congress has an opportunity to do both on this legislation. We can move forward to create and protect trade jobs. And we can do the right thing in helping workers and communities combat unfair foreign trade practices and the changes in the global economy.

TPA, or fast track, has been granted to every administration since President Gerald Ford was in office. Congress has granted this authority to Democratic and Republican Presidents. Granting this authority which I will support does not obligate any Senator to support an agreement. And I will certainly scrutinize any agreement submitted to the Congress by the President under TPA.

My vote for trade promotion authority is a vote to open markets to U.S. exporters and their workers. It is a vote for equitable and reciprocal access to foreign markets. The U.S. marketplace is the world's largest market, and our market is open with few restrictions to the world. I want to see the President go abroad on behalf of the American people with the goal of opening markets and supporting U.S. workers.

My vote for trade promotion authority is a call on the President and the administration to strengthen the international trade system and particularly, to strengthen the dispute settlement process for trade disputes. The Senate legislation contains important transparency guidance to the administration calling for public access to WTO and other international trade proceedings.

My vote for trade promotion authority represents my continued belief that environmental protection and worker rights are legitimate trade issues. These issues must be included in trade negotiations if the Congress is to continue to have bipartisan support for international trade initiatives.

The Senate legislation contains a number of negotiating objectives of great importance to Washington. The legislation directs U.S. negotiators to seek a revision of WTO rules that disadvantage the U.S. in tax cases like foreign sales corporations which benefit U.S. exporters. Additionally, the Senate bill provides guidance to the administration in a number of important Washington state industries like agriculture and high-technology.

Of great importance to me and to Washington State is the Senate language on trade in commercial aircraft. This legislation directs U.S. negotiators to address the use of unfair subsidies and non-tariff barriers by Airbus. I continue to believe Airbus manipulates the commercial aircraft market through subsidies and an assortment of non-competitive practices. I have met with the U.S. Trade Representative regarding Airbus. I fully support the language in this bill to address unfair trade practices in commercial aircraft.

I will vote for passage for this legislation, and I encourage my colleagues to send a strong message of support for trade and economic expansion.

Ms. STABENOW. Mr. President, I rise today to express my strong concerns about the trade difficulties suffered by our Nation's asparagus growers, and to discuss an important amendment I attempted to offer to the trade bill. Unfortunately, my amendment was blocked by some of my colleagues on the other side of the aisle.

I know that in many respects global trade holds great promise for agriculture by opening new markets and building new demand for the bountiful, nutritious food and fiber that is grown in America. But, some commodities have been harmed by past trade agreements. That is an important fact that should have been acknowledged and addressed during the Senate's debate on trade agreements.

Under preferential treatment provided through the Andean Trade Preferences Act (ATPA), Andean countries, like Peru, have been shipping duty-free asparagus to the United States since 1992. The asparagus market is extremely sensitive to these imports. Many of the growers in my state forecast an end to domestic asparagus production if something is not done soon to help. Last year alone, growers in Michigan lost $2.9 million due to competing duty free asparagus imported from Peru.

I support the goal of the ATPA B to encourage economic growth in Andean nations as an alternative to the production and export of illegal, narcotic drugs to the United States B but not at the expense of the entire domestic asparagus industry. Since enactment of ATPA, shipments of fresh asparagus from one Andean nation, Peru, have increased from 14.5 percent of total imports to 41.3 percent. Since 1992, shipments of frozen asparagus from Peru have increased from 3 percent of total imports to 71.4 percent.

I authored an amendment that would have helped to resolve this trade situation and that would have provided some relief to domestic asparagus growers. My amendment was cosponsored by Senators LEVIN, MURRAY, CANTWELL, BOXER, and FEINSTEIN.

The amendment would have allowed preferential treatment of Andean asparagus up to a certain point and then established a safeguard for domestic growers. In sum, my amendment allowed Andean imports of duty free asparagus up to 30 percent of the total imports of asparagus into the U.S. per year. Once the 30 percent threshold was met, duty free treatment would be suspended for the remainder of the calendar year.

This was a reasonable solution that would have helped both our nation's asparagus growers and would have allowed imported Andean asparagus to compete on a level playing field. It is unfortunate that this amendment was not included in the trade bill. I intend to continue to work on this issue and consider other programs, such as market loss payments, that may provide some relief to the asparagus growers in my state and across the nation.

Mr. KYL. Mr. President, I rise today in support of final passage of this trade legislation. But I do so with the understanding and the hope that a number of items in the bill now before us will, in the coming weeks, be adequately addressed in conference with the House. I therefore voice my support, but not unconditionally.

The first element of this legislation, which frankly should have been passed

separately earlier this year on the basis of its nearly unanimous support, is the extension and expansion of the Andean Trade Preference Act (ATPA).

The Andean Trade Preference Act was conceived a decade ago as part of a mutual effort between the United States and the Andean countries to strengthen our economies, which in turn, would help us in the war against drugs. In 10 years of existence, ATPA has become an essential tool for the commercial interchange between the United States and the Andean region. Approximately 140,000 new jobs have been created in the Andean region over this time period, and the steady flow of investment has helped to double two way trade between the United States and the region. Furthermore, great strides have been made in the war against drugs; important drug cartels were disbanded, and hundreds of cocaine labs were destroyed.

Today, the Andean region faces a very critical moment. ATPA is essential to guarantee sustainability of the achievements we have made over the last decade, and to encourage further progress toward the shared goal of negotiating the Free Trade Area of the Americas (FTAA). I am very pleased that the Senate will act, albeit late, to extend this critical trade act.

Before I dwell on the concerns I have with trade-promotion authority portion of this bill, let me first speak to its strengths. Since trade-promotion authority lapsed in 1994, America has stood on the sidelines while other countries have brokered trade agreements that benefit their workers, their businesses, and their economies. Soon after taking office, President Bush called on Congress to grant him trade-promotion authority to reassert America's leadership in promoting U.S. goods and the expertise of our workforce to more markets. The need for expanded markets dramatically intensified after our nation's economy underwent a decline last March, and the events of September 11th forced so many Americans out of their jobs.

Trade-promotion authority provides the President with the flexibility he needs to negotiate strong international trade agreements on behalf of U.S. workers and farmers while maintaining Congress' constitutional role over U.S. trade policy. It represents a thoughtful approach to addressing the complex relationship between international trade, worker rights, and the environment without undermining the fundamental purpose and proven effectiveness of trade-promotion authority procedures. The bill before us will help us to achieve this goal. It not only sends a message that we are serious about the principle of open markets, but it will be a powerful example, to nations around the world, of what trade-promotion authority can deliver: economic prosperity on a grand scale.

Specifically, it gives the administration the authority to negotiate and bring back trade agreements to Congress that will reduce trade barriers, especially those based on unsound science, relating to the manufacturing, services, agriculture, intellectual property, investment, and e-commerce industries. It helps to eliminate subsidies that decrease market opportunities for U.S. agriculture, and unfairly distort markets to the detriment of the United States. It preserves U.S. sovereignty while enabling new trade agreements that will create solid economic growth, higher-paying jobs for hard-working Americans, improved efficiency and innovation, and increased availability of attractively priced products in the U.S. market.

The Office of the U.S. Trade Representatives is similarly directed to vigorously enforce U.S. trade-remedy laws and avoid agreements which lessen the effectiveness of U.S. anti-dumping or countervailing duty laws. This bill contains negotiating objectives on investment to increase transparency for the dispute settlement process, calling for standards for expropriation and compensation that are consistent with United States legal principles and practice in an effort to eliminate frivolous claims. Perhaps most importantly, it expands and improves consultations between the administration and Congress, before, during, and after trade negotiations and in the development of an implementing bill.

Also included in this legislation is language I authored to suspend for a period of five years the 4.9 percent tariff on steam generators for nuclear facilities. These generators are not manufactured in the United States. Tariffs should never be imposed on products that are not domestically manufactured, especially those products that are critical for maintaining the U.S. domestic supply of energy.

This tariff amounts to a ''tax'' of approximately $1.5 million per generator on consumers of electricity in those states where utilities will have to import from overseas to meet the immediate need to replace aging steam generators, which cost would be passed on to ratepayers. In the case of the Palo Verde, Arizona plant—the nation's largest nuclear power facility in terms of production—the additional cost, due to the tariff, is over $8.2 million for the six generators that it will need to import.

Failure to suspend this tariff will unfairly result in higher energy prices for consumers, as the utility companies will almost certainly pass on this tax to its customers.

This bill also includes the Kyl Customs Border Security Act amendment, added unanimously by the Senate Finance Committee in December 2001, which will provide significant authority to help facilitate legitimate trade, reduce illegal drug and contraband trafficking and eliminate threats of terrorism.

The Kyl amendment authorizes funding to increase the very tools by which the Customs Service facilities cross-border trade, and fights terrorism and narcotics trafficking. Under the amendments, Customs on the Southwest border will receive funding for high-technology equipment, including container inspection equipment, automated targeting systems and surveillance systems, all of which will help to stop terrorism and illegal drug trafficking. The northern border is also authorized to receive similar valuable equipment, as are out Gulf Coast seaports.

The Kyl amendment also mandates that cargo and passenger manifests be provided in advance to Customs, whether such cargo or passengers enter by land, air or sea. I have learned that this provision is Commissioner Bonner's number one anti-terrorism legislative priority. Advanced electronic manifest data delivered to Customs is absolutely necessary for the agency to identify individuals and cargo that should not enter the United States. The amendment also authorizes funding for personnel, technology and for Customs' new computer system, ACE, Automated Commercial Environment, to bring the agency's tracking of business and their goods entering the country into the 21st century.

Under the Kyl amendment, the U.S. Customs Service itself, for the first time in over a decade, will also be reauthorized. As our nation's oldest law enforcement agency, this is particularly important.

Finally, the Kyl amendment will close longstanding outbound smuggling threats by clarifying that the Customs Service is authorized to search outbound international mail. I strongly believe that this section of the amendment is integral to our efforts to combat money laundering, technology export violations, and terrorist funding crimes.

Currently, inbound mail, and most everything else leaving the country—cargo containers, luggage, boxes, individual persons—and stamped mail on a person—is searchable by the Customs Service. The Customs Service is only precluded from searching outbound mail. Smugglers may send drugs, finance terrorism, or send explosives on aircraft by simply mailing their contraband or money out of the country. My amendment, added to the trade adjustment assistance bill during that bill's consideration in the Finance Committee, would authorize the search of all first class mail by Customs, as long as the Customs Service has reasonable suspicion about such mail. The amendment also clarifies, through codification, that all mail besides that considered first-class—referred to as ''mail not sealed against inspection—can be searched without reasonable suspicion. Under this provision, none of the mail that is allowed to be searched is allowed to be read without a warrant.

During floor consideration of this trade package, Senator JON CORZINE

raised objections to the outbound mail provision. Although I fully support the original outbound mail provision, and will support such provision in conference, I appreciate the efforts of Senator CORZINE and his staff to work with me and my staff toward resolution in this particular debate. Substitute language has been accepted by the Senate, to replace my original language, that would exempt first-class mail with a weight of under 16 ounces from the reasonable search authority that we are attempting to authorize for the Customs Service. In addition, under this new language, a requirement has been placed requiring the State Department to issue a report about whether or not the ''in-transit'' mail authority provision, which will allow appropriate searches of international mail destined for a third country but which travels through the United States on its way, is consistent with international law.

Less than three weeks ago the Congress passed, and the President signed into law, the Enhanced Border Security and Visa Entry Reform Act, which will provide all areas of the Justice Department and the State Department with personnel and resources to fight the war on terrorism. In that bill, an interoperable data sharing system will aid all federal law enforcement to better track and identify would-be terrorists. Because of jurisdictional concerns about customs, that vitally important bill does not include resources for the Customs Service. That is why it is so important that this bill include such funding. The Kyl Customs Border Security Act does so and is an integral part of my decision to support the overall package.

Many have spoken about how trade-promotion authority will help the United States. I want to speak for a moment about how trade-promotion authority will help my home state of Arizona specifically. This bill will open new markets worldwide to Arizona goods and services. That, in turn, will boost local communities' economies, provide job security for the hundreds of thousands of Arizonans whose work depends on exports—the backbone of the Arizona economy.

One out of every five manufacturing job in Arizona is tied to exports. An estimated 70,400 Arizona jobs support the manufactured-goods-for-export industry directly. Wages of workers in jobs supported by exports are 13 to 18 percent higher than the national average. Roughly 5,060 Arizona citizens hold jobs related to agriculture exports. Arizona exported $333 million in agriculture in 1999. And last year, Arizona sold more than $10 billion worth of exports to nearly 200 foreign markets, and produced and exported more than $9.4 billion worth of manufactured items such as computers, electronics, machinery, transportation equipment, fabricated metal products and appliances. Arizona relies on its exports with export sales of nearly $2,000 for every state resident. Clearly, trade-promotion authority only brings more good news to Arizona's entrepreneurs and small businesses.

But as I mentioned above, there is much that needs to be done before we can deliver this good news. Let me briefly elaborate on my specific concerns that will need to be addressed in conference. First, it is imperative that we remove the so-called ''Dayton-Craig'' language that would permit the raising of a point of order if the implementing legislation negotiated under trade-promotion authority amends U.S. trade remedies law, however technical or even beneficial the change. This language, if kept in the final legislation, will unravel successful trade negotiations, and it is wholly unnecessary to add it on top of language already included and explicitly states in the bill, i.e., the directive to ''preserve the ability of the United States to enforce rigorously its trade laws'' and ''avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade.''

I am also disappointed by the multitude and details of the trade adjustment assistance (TAA) provisions in this legislation. I firmly believe that, rather than enacting a whole host of new entitlements, the best assistance we can provide to unemployed (or displaced) workers is enhanced free trade, which will in turn provide greater job opportunities. However, this legislation has become burdened with a variety of new and expended entitlements that, while well-intentioned, will only serve to distort the free-market and delay the inevitable benefits of freer trade for our citizens.

One of thee provisions is a ''wage insurance'' entitlement, which would provide up to a $5,000 subsidy for older TAA-certified workers who are subsequently employed at lower-paying jobs. Aside from a complete lack of data supporting the efficacy of such a proposal, this provision would create significant disincentives for workers to forgo needed training and/or a more intensive job search. Instead, it will likely result in workers choosing lower paying and perhaps lower-skilled jobs with the taxpayers liable for the difference.

Another provision in this legislation provides an advanceable, refundable health insurance tax credit to TAA-certified workers. The credit is set at an arbitrarily high percentage of the premiums' cost—70 percent—and can only be used to subsidize the cost of company-based COBRA or pooled health insurance policies. Additionally, it can not be used for the purchase of individual market policies, which might better suit the workers' health needs at a reduced cost. I believe that it is unfair for American taxpayers, many of whom may not have health insurance themselves, to provide such a generous health insurance subsidy.

Despite the serious concerns I have expressed about these provisions, I intend to vote in favor of this overall legislation at this time. But, as I mentioned earlier, this is a qualified vote. Unless substantial improvement is made to this legislation during conference, I will not vote for the bill when it returns.

With few exceptions, I believe that the House-passed language on TPA, TAA and ATPA is far superior to the Senate-passed language. And there are some specific items that must be addressed in a House-Senate conference before I can vote in favor of a final bill.

First, the conference report must maintain the 2002–2006 suspension of 4.9 percent tariff on steam generators for nuclear power facilities.

Second, the conference report must remove the so-called ''Dayton-Craig'' language.

Third, it must either eliminate or substantially improve the language creating a ''wage insurance'' program for TAA-certified workers age 50 and older.

Fourth, the conference report must also make significant improvements to the health insurance tax credit for TAA-certified workers.

I look forward to working with my colleagues on addressing these concerns, and I hope to be able to vote for final passage of this important legislation.

As a matter of principle on the one hand, and of sound economic policy on the other, I believe that we must grant the President trade-promotion authority. And, as has been stated by many of my colleagues, we must be careful to ensure that the final language of the bill preserves this authority. So while I believe that this bipartisan effort represents a strong vote in favor of trade-promotion authority, I caution that there is still work to be done before it can be sent to the White House.

Mr. LEVIN. Mr. President, when fighting for American working men and women, most members of Congress want to go into the ring with both arms swinging. That is why I am at a loss to understand why some members of Congress are willing to tie one hand behind their back when it comes to trade. The way I see it, fast track ties one hand behind our collective back when trade agreements come before the Congress.

I have some serious concerns with the Baucus-Grassley fast track legislation being considered by the Senate. Granting the President broad fast-track authority to negotiate trade agreements means Congress must adopt a law to implement any trade agreement on a straight up of down vote, without the ability to offer amendments. I believe in free trade. I support the Jordan Free Trade Agreement, the Vietnam Free Trade Agreement and granting China PNTR. But I am reluctant to give up the Congressional right to amend trade legislation, sight unseen. When we do that, we are throwing away on of the most effective tools in forcing fairer trade practices.

We should negotiate trade agreements to protect human rights as well

as labor and environmental standards. The Senate should have acted to ensure that these and other provisions addressing fairness in trade practices are included in future trade agreements. The Baucus-Grassley approach doesn't provide us with the means to do that and in fact fall far short of achieving these goals.

America's trade policy over the past 30 years has helped create a one-way street. The U.S. market is one of the most open in the world, yet we have failed to achieve foreign markets being equally open to American products. Some of the trade agreements the U.S. has entered into have fallen far short of opening foreign markets. To ensure free and fair trade will be achieved in any future trade agreement, Congress must not give up its ability to amend the legislation implementing the agreement.

I have fought hard to strengthen U.S. trade laws to help open foreign markets to American and Michigan products such as automobiles, auto parts, communications equipment, cherries, apples, and wood products.

The North American Free Trade Agreement (NAFTA), enacted January 1, 1994, is a good example of a trade agreement negotiated under ''fast track'' authority. It contained provisions allowing Mexico to protect its auto industry and discriminate against U.S. manufactured automobiles used cars and auto parts for up to 25 years. It allowed Mexico to require auto manufacturers assembling vehicles in Mexico to purchase 36 percent of their parts from Mexican parts manufacturers. It also allowed for 25 more years the Mexican law against selling American used cars in Mexico, a highly discriminatory provision against U.S. autos.

When NAFTA was presented to Congress, it was an agreement which discriminated against some of the principle products that are made in Michigan. I surely could not vote for the bill the way it was written, nor could I try to amend the bill because the fast-track authority the President had at that time prohibited implementing legislation from being amended. Consequently, after NAFTA was enacted, the U.S. went from a trade surplus of $1.7 billion in 1993 to a trade deficit of $25 billion with Mexico in 2000. Over the same period, our trade deficit increased from $11 billion to $44.9 billion with Canada. Since NAFTA was enacted, the automotive trade deficit with Mexico has reached $23 billion.

Moroever, between January, 1994 and early May 2002, the Department of Labor certified over 400,000 workers as having suffered job losses as a result of increased imports from or plant relocations to Mexico or Canada. These job losses occurred all over the country as well as from around the State of Michigan. For example, 27 employees from the Blue Water Fiber company in Port Huron who produced pulp for paper lost their jobs as a result of NAFTA imports. 129 employees of Alcoe Fujikura Limited in Owosso who made electronic radio equipment lost their jobs to Mexico. 1,133 employees of the Copper Range Mine in the UP lost their jobs when operations were moved to Canada. 300 employees of Eagle Ottawa Leather in Grand Haven who made leather for automobile interiors lost their jobs when their jobs moved to Mexico. The list of NAFTA–TAA certified jobs losses goes on and on. These are not job losses from a level playing field. These are losses from a sloping field tilted against us.

We have lost too many manufacturing jobs because our trade policies have been so weak over the decades. I've always believed that when countries raise barriers to our products that we ought to treat them no better than they treat us. Fast track authority makes it more difficult for Congress to insist on fair treatment for American products and equal access to foreign markets.

Calling NAFTA a free trade agreement was disingenuous. NAFTA protected Mexican industries and it also gave special treatment to certain industries. For example, leather products and footwear got the longest U.S. tariff phase out—15 years—and it include safeguard provisions against import surges in these sectors. Agricultural Commodities/Fruits and Vegetables including sugar, cotton, dairy, peanuts, oranges, also got a 15-year U.S. tariff phase out, a quota system, and the reimposition of a higher duty if imports exceed agreed-upon quota levels. It is clear that those who are represented at the negotiating table are able to strike favorable deals to protect certain industries and products. That is not free trade.

NAFTA was not the only trade agreement that included specially tailored provisions for certain products. The trade bill we are being asked to vote on contains special provisions to protect textiles, citrus and some other speciality agriculture commodities.

The Andean Trade Preferences Act also protects certain industries. ATPA expands duty free access to Andean nations for some previously excluded categories of products but there are significant exclusions or special rules that continue to protect them. The exclusions in the Senate ATPA bill include: most footwear; textiles and apparel are included but are subject to a number of special rules and limitations such as requiring that certain apparel products be sewn with U.S. thread in order to receive duty-free access, requiring the use of a certain spandex product made exclusively by the DuPont company, requiring the use of U.S. yarn throughout in order to qualify for duty-free access; and canned tuna is included but the Senate bill allows duty free treatment for very limited quantities of cannot tuna to be imported and subject to a very restricted rule of origin.

These are special protections being granted to specific industry sectors. Why are these products be treated in a privileged manner over other important U.S.-made or grown products? This is not free trade.

I believe that writing labor and environmental standards into trade agreements is an important way to ensure that free trade is fair trade. Regrettably, this legislation does not go far enough to assure international labor and environmental standards will be present in trade agreements. We need trade agreements with enforceable labor and environmental provisions but this bill does not provide it.

This is unfortunate given the U.S. Senate is already on record supporting strong labor and environmental standards in trade agreements. The Senate passed the Jordan Free Trade Agreement on September 21, 2001. The Jordan agreement broke new ground in its treatment of labor and environmental standards in trade agreements. For the first time, it required that the parties to the agreement reflect the core internationally recognized labor rights in their own domestic labor laws.

The bill the Senate is considering today does not require countries to implement the core ILO labor standards. It only requires them to enforce their existing labor laws, however weak they may be. It also specifically states that the U.S. may not retaliate against a trading partner that lowers or weakens its labor or environmental laws.

This language undercuts our ability to negotiate strong labor and environmental standards in future trade agreements because our trading partners know we can not enforce what we negotiate through the use of sanctions and the dispute settlement process.

American workers already compete against workers from countries where wages are significantly lower than in the United States. They should not have to compete against countries that gain an unfair comparative advantage because they pollute their air and water and fail to allow their workers to exercise rights that are fundamental. The United States enacted environmental standards that protect our air and water. We have enacted labor standards that allow for collective bargaining and the right to organize, that prohibit the use of child labor and provide protections for workers in the work place. These are desirable standards that we worked hard to get. Why should we force American workers to compete against countries with no such standards or protection for its workers?

There are many ways to improve this fast track legislation to address some of the concerns I've outlined. I supported many of these efforts. For Congress to give up its role under the Constitution without those protections is to fail to learn from our past mistakes. To do so means we have willingly tied one hand behind our back in the fight for free and fair trade. That is something I am simply unwilling to do.

Mr. FITZGERALD. Mr. President, I rise today to detail some of the benefits of trade promotion authority to American agriculture.

Our President, regardless of party, has not had trade negotiating authority since 1994. While other countries have been busy negotiating trade agreements, the world's superpower has been sitting on the sidelines. Today, over 150 trade agreements exist worldwide; the United States is party to only three. This disparity must be remedied, but without trade promotion authority, U.S. exporters and our nation's farmers may be left stuck in the mud. The question is not whether the U.S. should have free trade or no free trade. The question is, will the U.S. participate in the world economy or will we be left behind?

TPA is critical to the administration's credibility at the negotiating table. Without TPA, our negotiators may not even get a seat at the table, much less have the opportunity to negotiate vigorously for our national interest. With 96 percent of consumers living outside the United States, the absence of negotiating authority is a price we cannot afford to pay.

One third of U.S. farm acres is planted for export, 25 percent of gross farm income is export dependent, and over 12 million U.S. jobs depend on exports. Nearly 100 commodity and agricultural groups and a bipartisan group of ten former U.S. Secretaries of Agriculture support Trade Promotion Authority.

Where would American agriculture be without international trade? Last year, U.S. agricultural exports totaled $51 billion. This year, federal officials expect this number to grow to $53.5 billion, an agricultural trade surplus of $14.5 billion. Can we find an additional $14.5 billion a year in the federal budget to offset these losses?

According to the USDA, U.S. agriculture is 2½ times more trade dependent than the general economy. American agriculture needs trade promotion authority to reduce worldwide tariffs. While the average tariff assessed by the United States on agricultural products is less than 5 percent, the average agricultural tariff assessed by other countries exceeds 60 percent.

As a Senator from Illinois, I represent a big agricultural state with total cash farm receipts totaling $7 billion in the year 2000. With a 42 percent reliance on agricultural exports, Illinois ranks sixth with agricultural exports of $3 billion. My State's top agricultural exports include—soybeans and soybean products at $1.1 billion, feed grains and feed grain products at $946 million, live animals and red meats at $277 million, and wheat and wheat products at $124 million. When it comes to Illinois agriculture, open markets and trade promotion authority are of tantamount importance.

Illinois is the largest soybean producing state in the nation. Under the Uruguay Round, South Korea is required to reduce its tariffs on soybean oil by 14.5 percent from 1995 to 2004. USDA has reported that this ''tariff reduction has supported a threefold increase in export volume.''

Illinois is also the fourth largest pork producing State in the Nation. Since the Uruguay Round agreement went into effect, U.S. pork exports have increased by almost 90 percent in volume and approximately 80 percent in value from 1994 levels.

Additionally, Illinois ranks second in corn production. While Brazil, Chile, Paraguay, and Uruguay can trade corn with Argentina duty free, U.S. corn is assessed an eleven percent import tax.

Voting against fast-track authority means you endorse the status quo of high tariffs and limited access for U.S. goods, while voting for fast-track gives the administration the tools needed to remedy some of these egregious inequities.

Mr. KERRY. Mr. President, the legislation that we are about to pass is the most difficult bill that the Senate has considered this year. Like nothing else that we have seen this year, trade promotion authority has put some of my most deeply-held beliefs in conflict with each other.

TPA does two things. First, it makes a broad statement about the importance of international trade. Accurate or not, there is a belief in this city that you must support TPA to demonstrate your unflinching support for greater opportunity for U.S. businesses abroad. The Washington view is that you must support TPA if you believe that political liberalization comes from economic liberalization.

The facts suggest that, certainly, lowering barriers to trade in the world is good for U.S. businesses and good for the U.S. economy. Businesses in Massachusetts sold more than $19.7 billion worth of goods to more than 200 foreign markets last year. That is more than $3,000 worth of goods sold abroad for every resident. And, while we tend to think of international trade as being the playground of big business, almost 75 percent of my State's exporting businesses are small businesses. Of larger businesses which have overseas subsidiaries, almost three-fourths of profits earned abroad are returned to parent companies in the United States. That means more jobs and higher wages at home. Today, one-tenth of all jobs in this country are directly related to our ability to export goods and services. When you consider multiplying effects, that number rises to nearly one-third. So there are clear benefits at home to increasing America's access to markets abroad.

I also believe that trade and trade agreements have a role to play in helping us achieve our foreign policy goals. The direct American investment that comes to foreign countries as a result of free trade agreements can reduce corruption and promote strong democratic institutions, like an independent judiciary and vibrant non-governmental organizations. And by making other countries stakeholders in a rules-based system of trade, we can diminish the possibility of trade disputes escalating into open conflict.

I do support improving Americans' access to foreign markets, and I firmly believe in the power of open markets to create open societies. And so, reluctantly, I will support this bill.

I say ''reluctantly'' because I do not believe that the TPA equation is balanced. Granting TPA to any President requires a significant amount of trust. Granting TPA means that you trust the President to negotiate trade deals that are consistent with our American values.

The statistics I just recited show that trade is good for the economy. And, certainly, economic development is one important element of those values. But I am afraid that, in recent years, some of our other core beliefs have not been a part of the national debate over trade.

When the President negotiate agreements that will lower tariffs and other barriers to trade, it is, in my judgment, equally important that he make sure that our Nation's strong environmental and labor laws are upheld. It is equally important too that he ensure that we have a forum to export our views on these issues to the nations with whom we engage in expanded commerce.

I do not mean to suggest that we can simply direct other countries to develop environmental laws or labor laws that equal our own. True reform in developing nations, be it the development of democratic infrastructure, or the growth of a vibrant labor movement, cannot simply be exported from the United States. These concepts must come to fruition through the will of the people.

However, no one disputes that the United States has a significant role to play in helping other countries breathe the air of political freedom. So, too, should the United States play a leading role in helping developing countries breathe clean air and help create programs that provide workers with a safe workplace and the chance to earn a decent wage.

Unfortunately, it is clear that, despite the best intentions of NAFTA and in developing the World Trade Organization, labor and environmental issues have not been treated at the same level in our trade policy as investment rights or intellectual property rights. That is disappointing.

I regret that this President's track record on domestic labor issues and domestic environmental issues does not fill me with confidence that our Nation's trade policy will be a tool used to help other nations improve their political, environmental and social climates. At every turn, he has sought to diminish the gains of the labor movement and roll-back environmental regulations in his own country. I surely hope that this is not the message that

he intends to carry with him as he negotiates free trade agreements with Chile, Singapore and others.

Some of us in this body have put forth amendments which we believe could have helped us to trust the President more. These amendments would have elevated labor and environmental protections to the same level of intellectual property protections, or, as my amendment would have, guaranteed that future trade agreements would not corrode American legal principles and Constitutional rights. All but one of these were unsuccessful.

The defeat of these amendments leave us with no safeguards for legitimate public health and safety laws. We have no assurances that other nations with whom we forge agreements under this bill will honor their existing labor or environmental laws. We have no reason to suspect that the President will be a forceful advocate for some of our country's most cherished beliefs: that clean air, clean water and preservation of the outdoors are worth fighting for; that workers should have the right to organize; and that U.S. sovereignty must be protected.

In spite of these glaring weaknesses, I intend to support this bill. That is how strongly I believe in the principle of free trade, and the belief that we can help other countries improve their political environment by embracing them, not isolating them. But I would caution this President and others that we need to pay much more attention to some of these other trade issues, issues that have been on the margins of trade policy for too long. If we do not heed these warnings, then that fragile coalition that holds supporters of free and fair trade together will crumble, as it nearly did in the House and nearly did here in the Senate.

I would like to make one final point about this legislation. The bill that we will pass shortly contains an enormous improvement in the trade adjustment assistance program. This is much-needed. In the long-run, more international trade means more opportunity and jobs for Americans. In the short-term, however, it creates changes in communities. Some people lose jobs. Factories, the lifeblood of some towns and cities, close. Eventually, new employment opportunities are created. But it is imperative that we have a way to ease that transition. This TAA package does just that. For the first time, we are subsidizing health care for laid-off workers. That is a remarkable step forward. We are attempting something new by creating a wage insurance program to make sure that older workers do not suffer sudden and destabilizing pay reductions. These are critical expansions of TAA, and they could not be more timely for some of my constituents.

In Northampton, MA, the Techalloy plant that processes wire rod steel will close on July 1. They've been hurt by the President's decision to impose 15 percent duties on raw wire rod steel from abroad. Now, I know that the 42 workers currently at the Techalloy plant would much rather have a job than TAA benefits. They want to work. It's not the same as maintaining their job, but this new package will help these folks stay on their feet while they seek new employment.

The TAA package that we will approve is welcome, and I am proud to support this provision. I particularly want to thank Chairman BAUCUS, Senator GRASSLEY, and Senator BINGAMAN for all of their hard work in helping shape this reauthorization of the TAA program.

Ms. MIKULSKI. Mr. President, I rise in opposition to the trade bill. I oppose this trade bill because it seeks trade that is more free than fair. It sends a very mixed message to America's working men and women and their families.

The good news is that the bill includes a real expansion of trade adjustment assistance benefits for Americans who lose their jobs as a result of trade agreements. The House trade bill doesn't provide these trade adjustment assistance benefits. I am proud to be a cosponsor of the TAA bill and I commend Senators BINGAMAN and DASCHLE for their leadership to help workers harmed by trade.

The Trade Adjustment Assistance for Workers, Farmers, Communities, and Firms Act strengthens the existing TAA program. It broadens eligibility to cover workers who lose their jobs due to increased imports, even if they don't directly work for a company that closes down due to trade. It extends benefits to laid-off workers from 52 weeks to 78 weeks and increases job training funds. This bill also helps communities adjust, because when a factory shuts down, it isn't just the workers at the plant who are affected.

Healthcare is a critical addition to the TAA program. People who lose their jobs can't afford healthcare on their own. This bill will help laid-off workers buy healthcare coverage by covering 70 percent of the cost. I would have been happier with the 75 percent level in the Committee-passed bill, but this is a very important step.

Wage insurance for older workers is another key addition to the TAA program. Experienced workers, even with training in new skills, often cannot get another job that pays them anything close to what they were earning. This bill will supplement wages to help these workers get a new start in a new job. That is the good news.

The bad news is that the bill includes a renewal of Fast Track negotiating authority. That means more Americans will lose their jobs in the name of free trade. More people will get TAA benefits, but more people will need them.

Let me be very clear on one point. I support trade. I encourage trade. Trade is very important to my state. Maryland workers can compete successfully in a global marketplace, if they're given a level playing field. That's why I support expansion of fair trade.

I oppose fast-track trade promotion authority now for the same reasons I opposed fast track when a Democrat was in the White House.

I don't believe Congress should give away our right and responsibility to fully consider trade agreements.

The Bush administration has the authority to negotiate trade agreements. U.S. Trade Representative Bob Zoellick doesn't need fast track. He went to Doha to start another round of multilateral trade talks without fast track. He can negotiate a free trade agreement of the Americas without fast track. Hundreds of trade agreements have been reached and implemented without fast track.

What the Bush administration wants is to cut trade deals and limit the power of Congress to review those deals. That is what fast track really means.

Why is the role of Congress so important? To make sure the American people get a good deal. I am ready to support trade agreements that are good for America, agreements that are good for workers and good for the environment. Congress should consider trade legislation—and amendments—to it using the same procedures we use to consider other international agreements and implementing legislation.

Proponents of trade agreements say it is inevitable that there will be winnners and losers.

The problem is America's workers and their families always seem to be the losers. They lose their jobs. They lose their healthcare. If they keep their jobs or find new jobs, they lose the wage rates they have earned.

American workers aren't the only losers.

American consumers also lose.

I am particularly concerned that we don't regulate and inspect the safety of imported food the way USDA regulates and inspects domestic food products. Our trading partners set their own meat inspection standards. Shouldn't we use our trade policy as leverage to make our food safer?

Workers and children around the world also lose.

We should use the leverage of our trade agreements to ensure fair competition. That means workers in other countries should have the right to organize into unions. Without the strength of collective bargaining, their wages will always be below ours. They should also have worker safety protection and retirement and healthcare benefits.

Children should be in school, learning the skills to be good citizens and participants in the global economy. Instead, children as young as six years old put in full days of work. More than 350 million children under the age of 18 work, according to the International Labor Organization. More alarming is the fact that over 111 million of them are children between the ages of 5 and

14 engaged in ''hazardous work.'' And 5.7 million children are in forced and bonded labor.

How can we enter into trade agreements with countries that do nothing to protect their children? Is it fair for a 45-year-old on Maryland's Eastern Shore to compete with a 12-year-old in Southern China?

Protecting against child labor and forced labor should be the core of any trade agreement.

I am proud to have cosponsored and supported amendments on labor rights, child labor, environmental protection, and other issues which I firmly believe must be addressed in agreements to strengthen fair trade.

I am particularly proud to have joined with colleagues on both sides of the aisle in an effort to provide a safety net for steel retirees who lose their healthcare coverage due to unfair trade. A clear majority in the Senate supported that amendment. We were blocked procedurally by Senators who support trade and are unwilling to address its human consequences.

I have said before that I don't want to put American jobs on a Fast Track to Mexico or a slow boat to China but that is exactly what is happening as a result of NAFTA and China's admission to the World Trade Organization. Black and Decker closed down a manufacturing plant on Maryland's Eastern Shore because they could get cheaper labor abroad. They literally moved those jobs to Mexico and China. I am glad the expanded trade adjustment assistance will help these workers but they shouldn't have lost their jobs in the first place.

I intend to stand up for American workers and consumers. I intend to stand up for the right and responsibility of Congress to fully consider trade agreements. I urge my colleagues to join me in opposing the trade bill.

Mr. McCAIN. Mr. President, as we prepare to vote on this historic trade package, our country is precariously positioned in the international trade arena. Many of our friends and allies no longer see the United States as a nation that champions global free trade, but rather as a nation that increasingly fears foreign competition and seeks to erect barriers to trade in order to protect domestic industries and advance narrow political agendas. A series of short-sighted, protectionist actions in recent years has jeopardized our relationships with our most important trading partners.

Given our recent double standards on trade, it is not surprising that the United States is quickly losing its credibility and leadership in championing free trade principles around the world. Our staunchest allies and most important trading partners are now doubting our dedication to the free trade principles we have long championed.

Many of the nations that engage in the free exchange of commerce are also our staunchest allies in the war on terrorism. Over the past eight months, those countries have joined in our worthy cause, some making substantial sacrifices to advance our shared values. During that time, even as our allies have deployed their forces to stand alongside our own in Central Asia, we have pursued protectionist policies on steel and lumber, and passed into law a regressive, trade-distorting farm bill. We are already fighting one war on a global scale. We cannot simultaneously fight a trade war.

The United States simply cannot afford to follow the dangerous path of protectionism. I hope that the passage of trade promotion authority, TPA, and the Andean Trade Preference Expansion Act, both of which are included in this package, will represent a turning point. Now is our chance to put a stop to our short-sighted protectionism and recognize that such behavior has consequences.

As the rest of the world negotiates free trade agreements without our participation, the citizens of this country are losing out. Free trade stimulates economic growth, creates higher paying jobs, reduces the cost of goods and services, and promotes stability in regions of strategic interest to the United States. Somehow, we seem to have lost sight of these overarching goals.

The Doha round of World Trade Organization, WTO, negotiations provide an opportunity for the United States to demonstrate to the countries of the world our dedication to reducing barriers to trade on a global scale. Passage of this bill will enable the Administration to negotiate the best possible agreements for America. Beyond the WTO, I look forward to the completion of bilateral trade agreements with Singapore and Chile, the opening of formal negotiations on new trade agreements with nations like Australia, regional accords with the nations of Central America, and ultimately, a Free Trade Agreement of the Americas—a goal articulated by President George H.W. Bush fully a decade ago, and one which we must recommit ourselves and our Latin friends to achieving.

One of the most critical and time-sensitive components of this trade package is the extension and expansion of the Andean Trade Preference Act, ATPA. In 1991, ATPA was created to expand the economies of the drug-plagued nations of the Andean region. By granting duty-free and reduced-rate treatment to various products from Bolivia, Colombia, Ecuador, and Peru, we hoped to strengthen the fragile economies of the region, expand their export bases, and provide Andean farmers and workers with legitimate employment outside of the drug trade. The Andean Trade Preference Act has worked. It has created new industries in the Andean region, and with them hundreds of thousands of jobs outside the drug trade. As the region's leaders will attest, it is a success story.

Regrettably, ATPA expired on December 4, inflicting immediate harm on the region, because Congress had not taken timely action on legislation to prevent its expiration. The House of Representatives passed an extension and expansion of ATPA over six months ago. On February 15 the President, citing national security concerns, took the unprecedented step of extending a 90-day duty deferral of products under ATPA, giving Congress time to pass an extension. That 90-day deferral expired last week while the trade bill remained mired in partisan debate before the Senate.

Our delay in extending and expanding ATPA impacts our national security, stability in the hemisphere, and economic growth in Bolivia, Colombia, Ecuador and Peru. These nations are on the front lines of the war on drugs, their democracies threatened by criminals and terrorists, their people suffering from economic deprivation. It is time we realized the impact our actions and inactions have, not just on the United States, but on the rest of the world as well. Our delayed action has sent the very dangerous message that the United States is no longer engaged in the region.

Our hemisphere is in serous trouble. Democracy and free markets are tested by social instability, lack of economic opportunity, and the violence wrought by drug traffickers and terrorist groups. From the FARC and the ELN in Colombia to Hezbollah in Ecuador and elsewhere in our hemisphere, terrorists take advantage of state failure and economic underdevelopment to operate freely, and at grave risk to American interests and those of our allies.

The Andean trade act is part of our active engagement in the region, a gateway to economic opportunity and a symbol of America's commitment to the democratic stability and security of our Andean partners. The elected leaders of Ecuador, Colombia, Bolivia, and Peru know that delivering economic opportunity to their people is the best means of protecting democratic institutions and defeating terrorism and the drug trade. They ask not for substantial American assistance, but for access to the American market through free and open trade. This serves not only their interests but our own.

Unlike other efforts which provide direct grants, loans, or military assistance, ATPA costs the U.S. nothing. In fact, American workers and consumers benefit from it through reduced prices on goods and services. The U.S. International Trade Commission, ITC, has estimated that U.S. consumers annually save over $20 million due to the benefits of ATPA. In addition to cost savings, the Act also enhances American security. By creating legitimate jobs outside the drug trade, bolstering state institutions, and expanding national economies, terrorists and drug traffickers will no longer find such easy refuge in the Andean region.

I regret that we had to consider three very important, and very different, pieces of trade legislation in one package; I believe the end product suffered as a result. Passing these bills in this manner prevented us from adequately debating complicated and questionable provisions. Indeed, this bill is far from perfect. I know that I am not alone in expressing my concern over some of the provisions now contained within this trade package, particularly those which are clearly antithetical to the spirit of free trade.

The conferees certainly have their work cut out for them. Although recent actions indicate that we may be taking steps backwards in certain areas, it is incumbent upon the conferees to reaffirm the principles of free trade, and to receive the strongest support from the Administration for their efforts. We must all ensure that we do not sacrifice free trade principles for a bill that is called ''free trade,'' but does something else entirely. Even before Senate passage, efforts in the other body are underway to weaken provisions contained within this package. I hope that these efforts do not succeed.

That said, I believe this bill represents an opportunity to end America's dispiriting slide backwards into protectionism. Passage of this imperfect but important trade bill is a good start. It is time for America to again lead the world on trade.

Mr. EDWARDS. Mr. President, I thank Senators BAUCUS and GRASSLEY for working with me on my amendments to this legislation. They and their staffs were very helpful.

There was one amendment that I filed to this bill that I had intended to offer dealing with tax incentives to help communities affected by trade. I did not offer it because I know that the leaders of the bill as well as the leadership of the Senate all agreed that there would be no tax amendments to this bill. However, I would like to speak about the amendment very briefly, because I intend to look for future opportunities to see it passed.

The amendment is designed to help communities devastated by foreign trade get back on their feet by providing incentives for businesses to locate in these areas.

Already, the Federal Government has policies to help communities in trouble attract new business through tax incentives. The programs are called Empowerment Zones and Renewal Communities.

Here is the problem: These designations do not help struggling rural communities that have been hit with dramatic job losses only recently. A decade ago, these communities were home to busy textile plants. Today, they are being devastated as their major employers shut down and thousands of jobs disappear. Many of the people in these communities have lived in these towns for generations. They should not have to move away just because the textile plant where they worked has closed down.

Retraining will help. I am pleased that my amendment to help improve training programs was passed by the Senate last week, but that training is not going to matter if there are not new jobs to take the place of the ones they lost. We need to encourage investment in these trade-affected areas so workers do not have to pack up their families and move to the city just to get a new job.

That is what my proposal is about. It is modeled after Empowerment Zones and Renewal Communities. We'd create new Economic Revitalization Zones for areas hard-hit by trade. Economic Revitalization Zones, or ERZs, would be areas that have experienced major job losses in a critical industries as a result of trade agreements or shifts in production. Communities would be eligible for designation as ERZs if they are in a trade-affected state and a significant portion of their employment base was dependent on an industry substantially affected by trade. Benefits in ERZs would be similar to those in Renewal Communities and Empowerment Zones.

Here are five examples:

One, a 20-percent wage credit for the first $15,000 of wages paid to a zone resident who works in the zone;

Two, commercial revitalization tax incentives [write-offs for companies that revitalize abandoned or dormant industrial property];

Three, increased write-offs for capital investments;

Four, authority to issue tax exempt bonds to promote business development; and

Five, the New Market Tax Credit, which already provides incentives for businesses to invest.

Economic revitalization zones would be a lifeline for communities that are suffering from the negative effects of trade agreements. We owe this to the hardworking families in these communities. As the industries they've relied on for decades are destroyed, the least we can do is to help them plan for the future.

I believe this is an important proposal. I look forward to working with my colleagues who are on the Finance Committee to find other opportunities to advance this important initiative.

Mr. DODD. Mr. President, I have a long-held interest in Latin America, and, in my opinion, the renewal of the Andean Trade Preferences Agreement is one of the most important actions this Congress can take to promote economic growth, political stability, and prosperity in the Andean region.

I have come to this floor many times in the past year to draw my colleagues' attention to the fact that Latin America is a region in crisis, that we ignore at our peril. I believe that it is imperative that we remain engaged with our neighbors to the South lest our neglect encourage even more instability in the region and foster conditions ripe for terror, destruction, and the collapse of democratic institutions. While I could speak for hours about the dangers posed by the horrors of drought and famine in Central America, the Argentine economic crisis, or the turmoil in Venezuela, I will limit my comments today to the problems faced by the Andean region, and my belief that we must have a multi-faceted approach to alleviating the crisis in the region through military, humanitarian, and economic aid.

The Andean region is reeling from economic crises, natural disasters, and the effects of the war against drugs. Peru, Ecuador, Colombia, Venezuela, and Bolivia confront economic and social problems that threaten the very fabric of Democracy in the region. Up till now, with the possible exception of Venezuela, the governments of these countries have done a good job of managing their problems in the face of near-impossible odds. But, I believe, without consistent and steady U.S. involvement, and a greater willingness of Ecuador, Bolivia, and Peru to coordinate their efforts in drug eradication with Colombia, the situations in these countries could become quickly unstable. We must remain continuously engaged and stop the cycle of neglect by which attention is focused on Latin America for short bursts of time, only to recede when a crisis is over. We cannot allow the region to languish and fester while we ignore warning signs.

I have spoken about Colombia numerous times on this floor, and, in fact, just held a hearing on the Colombia situation in the Foreign Relations Committee last month. I would like to take a moment to restate some of my comments from that hearing and alert my colleagues to some horrific statistics about the state of violence in Colombia. Colombia's democracy is in crisis, and it didn't happen over night. Colombia's civil society has been ripped apart for decades by violence and corruption, and has long been characterized as having one of the most violent societies in the Western Hemisphere. Historically, Colombian civil leaders, judges and politicians have put their lives in jeopardy simply by aspiring to positions of leadership and responsibility. The introduction of illicit drug cultivation and production has only heightened further this climate of violence. Despite fears that must be pervasive in every Colombian's heart, tens of thousands of men and women have still allowed their names to appear on electoral ballots in election after election. These are truly courageous people who deserve our respect and admiration.

Two years ago, I supported US efforts to become partners with the Pastrana administration's efforts to address Colombia's problems. I said at the time that I believed that it was critically important that we act expeditiously on the Plan Colombia assistance package because our credibility was at stake with respect to responding to a genuine crisis in our own hemisphere. We also needed to make good on our pledge to

come to the aid of President Pastrana and the people of Colombia in their hour of crisis, a crisis that has profound implications for institutions of democracy in Colombia and throughout the hemisphere.

No one I know claims that things have dramatically ''turned around'' in Colombia since the United States endorsed Plan Colombia and began providing significant resources to support its implementation. Narcotraffickers, in concert with right and left wing paramilitary organizations, continue to make large portions of the country ungovernable. Until recently their activities were restricted to sparely populated rural areas of the country—places where government order and services have never existed. Now, with the end of the FARC/Government peace process and in an effort to disrupt upcoming elections, the FARC is increasingly focused on urban areas, especially critical economic infrastructure.

In the last 15 years, more than 200 bombs have exploded in Colombian cities. The number of assassinations is egregious. More than 300,000 ordinary citizens, 4 presidential candidates, 200 judges and investigators, one half of Colombia's Supreme Court, 1,200 police, and 151 journalists, have been murdered. Politicians such as Senator Martha Daniels have been killed while trying to negotiate peace, and municipal officials are constantly running for their lives. As if this were not bad enough, Colombia also holds the world's kidnapping record, with 3,700 abductions last year alone. Among those abducted, 50 were political candidates, such as Ingrid Betancourt, who is running for President, and one was a governor.

The rebel groups in Colombia have declared war on democracy and on the people of Colombia. According to recent news reports, on May 2 the largest single massacre of civilians in the recorded history of the conflict in Colombia took place. It began on May 1, in the village of Bellavista, over 300 people sought refuge in St. Paul the Apostle church from door-to-door fighting between left and right-wing paramilitaries. But, in the violence-charged atmosphere of Colombia, even the refuge of a holy place was not enough to protect the townspeople of Bellavista. Shortly before noon on May 2nd, a bomb thrown by leftist rebels of the FARC collapsed the roof of St. Paul the Apostle, and 117 innocent civilians were killed—over a third of them children.

I grieve for the families of the deceased, and want them to know that their pain and sacrifice has not gone unnoticed in the United States. The massacre of Bellavista is just yet another event in a series that illustrates why the United States has a responsibility to remain actively engaged in Colombia's struggle. We must help prevent atrocities such as this massacre from ever happening again through a combination of economic, humanitarian, and military aid. This nonsensical murder of civilians in Colombia must stop, and it must stop now. While we are doing all we can to help stop these killings through Plan Colombia, the ripple effects of the region's crisis are felt by all of Colombia's neighbors—Ecuador, Peru, Bolivia, Venezuela. Colombia's problems have a profound impact on the stability and security of the entire region.

The region's economy is in distress, causing significant unemployment and hardship among the middle class. The economic situation in the countryside is equally troublesome—a significant percentage of its rural population is barely able to eke out a living—with millions already displaced from their villages from economic necessity or fear of civil conflict. Not surprisingly, these displaced persons have become the innocent foot soldiers in the ever-expanding illicit coca production that gets processed into cocaine and ultimately finds its way into America's schools and neighborhoods.

United States financial assistance has been heavily focused on the military component of Colombia's counter narcotic effort with lesser amounts available for other programs such as alternative development programs, protection of human rights workers, resettlement of displaced persons, and judicial and military reforms. The United States can do more to assist the region, particularly its economies by reauthorizing and expanding the coverage of the Andean Trade Preference Agreement. This would help the region work its way out of its current economic recession by giving a boost to key domestic industries while creating more jobs for average citizens—other than in the coca fields.

Since 2000, the United States has committed almost $2 billion to the Andean region in support of Plan Colombia and the Andean Regional Initiative. As I have stated, although I continue to support these initiatives, they alone will not resolve the region's problems. We must complement this assistance with extension of ATPA. By addressing the economic needs of the area, as well as the military and humanitarian needs we can begin to address the root causes of the narcotics industry and violence, while assisting Colombia's neighbors in protecting their nations from allowing the same problem to spread.

ATPA has been constructive in stimulating increased trade with Bolivia, Colombia, Ecuador, and Peru, but there is still a lot of work to be done. The full impact of ATPA has been somewhat lessened by the exclusion of key economic sectors from the agreement. A more robust ATPA is needed if we are truly going to make a difference with respect to the lives of people in that region. Extension of the ATPA will offer more opportunities to our Andean trading partners, while also enabling us to further pursue our own national interests in the region. Poverty and hopelessness are the incubators for lawlessness and civil strife. The job creation and economic development that is part and parcel with expanded trade opportunities are vital to enfranchising the middle class in the political process and preventing rural residents from turning to cocoa as a crop of desperation.

With the ATPA, we can encourage the growth of legitimate businesses that will benefit producers and consumers in our country and within the Andean pact. Since the ATPA was enacted in 1991, the primary goal of the agreement has been to promote export diversification and broad-based, sustainable economic development throughout the region. There is evidence that this initiative has borne fruit. From 1992 to 2000, the years of implementation of ATPA, total coca cultivation in Bolivia declined by 68 percent, and in Peru by 74 percent. This decrease is the result of aggressive eradication programs coupled with crop substitution by farmers in the region who have then taken advantage of ATPA provisions to market their products in the US. In so doing, ATPA has done more than expand trade, it has strengthened America's War on Drugs and the Andean region's fight against drugs and traffickers. The renewal of the ATPA is a lifeline to Andean farmers and workers who want to have legal employment but will do whatever they have to in the absence of mainstream job opportunities to feed their families—including the cultivation of illicit crops.

ATPA has accomplished all this without negative effects at home. Between 1991 and 2000, Andean exports to the U.S. increased 124 percent. According to the U.S. Department of Commerce, in 2000, bilateral trade was valued at more than $18 billion and the Andean Community was the 16th largest consumer of U.S. exports. In comparison, the value of U.S. exports to the Andean Community was 1.3 times greater than that which was exported to the Central American Common Market. This is nearly twice as large as exports to Eastern Europe.

As we move forward to extend the ATPA, I realize that for some, the issues of textile and tuna are delicate and contentious. I think that it is important to note that the extension of trade preferences to tuna in airtight containers would promote employment in the local industries, and help depressed areas in the beneficiary countries through higher value-added exports with a true potential and minimal impact on U.S. industry. Unfortunately, the ATPA bill before the Senate contains restrictions which would grant the duty free benefits to imported canned tuna from the Andean countries, but limit the quantity to 20 percent of the U.S. domestic canned tuna production in the preceding calendar year. The quota that would be imposed makes the duty free benefit virtually meaningless.

The principlal beneficiary of the tuna provision is Ecuador—a government that has been extremely cooperative in our efforts to implement first Plan Colombia and now the Andean Regional Initiative, although controversial among Ecuadorans, the Government of Ecuador has permitted to use the airfield at Manta as a forward operating location for critical activities in our regional counter rug programs. They have suffered from the spill over effects of Plan Colombia as guerrillas and peasants have crossed into Ecuador's territories and sanctuary. The Senate provisions falls far short of what Ecuador deserves in light of all its support. In my view the House provision granting duty free treatment to all imported canned tuna from the Andean countries is the more appropriate response to Ecuador's friendship and support for U.S. policies in the region. The argument that American Samoa will be harmed by the granting of this preference is bogus. One of the major employers in American Samoa, StarKist, has already indicated that it has no intention of reducing employment there even if the most generous version of the ATPA Tuna preference language is enacted into law.

Expanding the ATPA to include textiles and apparel would not have a substantial negative impact on the U.S. economy. In 1999, textile/apparel exports from Andean countries represented only 1.1 percent of the total textile and apparel exports to the United States. On the other hand, the United States is by far the largest market for Andean apparel exports, buying between 38 percent and 61 percent of all Andean apparel exports. In fact with the expansion of opportunities for Andean textile and apparel imports come increased opportunities for US fabrics, thread and even cotton exports to that region.

By extending ATPA, the United States is sending a clear signal that we are going to continue the close and essential relationship we have established with our partners in the Southern Hemisphere. Given the extremely difficulties facing the region and the implication of those difficulties on US interests working to make that relationship work is very important. Taken together, these steps will generate jobs, strengthen civil society, and deter illegal narcotics trade. All steps strongly supported by the Congress and the American people.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for trade promotion authority. My decision to support this bill has not been an easy one. I respect the opinions of my colleagues who do not support trade promotion authority and I share many of their concerns.

However, two issues have changed my thinking on this matter: the necessity of trade promotion authority to conclude multilateral trade deals and the substantive worker protection provisions contained in the bill.

Therefore, I believe we must grant the President the trade promotion authority to reclaim U.S. leadership in the global trade arena and provide him the support he needs to conclude multilateral trade agreements that will benefit California and the United States as a whole. And, as this bill does, we must do so in a way that provides protection and support for workers who may be displaced from their jobs due to increased globalization.

I have long supported free trade. Like many of my colleagues, I believe that expanding free trade and the exchange of goods, ideas, and services across the global marketplace is vital to the success of American industries, the creation of new jobs, and the economic well-being of all Americans.

My home State of California, which ranks among the top economies in the world and leads the country in exports, has greatly benefitted from past free trade agreements and stands to gain even more from future negotiations.

Now, I understand that many of my colleagues will point out that this administration and its predecessor have concluded and signed trade agreements since fast-track expired in 1994. No doubt this is true and no doubt it will continue to be true.

Yet those agreements have been bilateral trade agreements. Many bilateral agreements have been signed without fast track authority.

One recent and noteworthy example is the United States-Jordan Free Trade Agreement. I voted for that agreement and I believe it is important tool to advance the cause of peace and stability in the Middle East.

But while the United States-Jordan Free Trade Agreement is politically vital, economically it is rather small bilateral trade between the two countries is approximately $600 million.

Multilateral negotiations, on the other hand, such as those aimed at establishing a Free Trade Area of the Americas or the Doha round of global trade talks, involve far more countries, far more negotiators, and far more billions of dollars worth of trade.

As former Deputy U.S. Trade Representative Richard Fisher told me, our trade negotiators need fast track to tackle the difficult, complex, and diverse issues that inevitably arise in multilateral talks and get our partners to put the best deal on the table. Without it, we simpliy can't close out these deals.

If our partners know that they will have to negotiate with Congress after negotiating with the administration, the most sensitive issues, and the keys to unlocking new and expanding markets, will be taken off the agenda.

Imagine if you were a party to a multilateral trade negotiation and you knew that a final agreement would be open to amendment by the U.S. Congress. You would never agree to put your best offer on the table and you would never agree to sign any agreement if you thought that the deal you negotiated—one that would provide multiple benefits to both sides—would be change.

So, fast track becomes an imperative, if multilateral agreements are to be negotiated successfully.

But we must also remember that some workers and some firms do suffer as a result of increased trade and we have an obligation not to leave them behind as global trade moves forward.

So protection for workers is important and vital to any trade promotion authority bill.

Consequently, I support the robust and expanded trade adjustment assistance package that will assist those workers in their time of need and help them find new jobs. Since 1962, trade adjustment assistance has been a bridge between the global economy and the local economy.

Let their be no doubt that this bill is a step forward for American workers. It provides assistance, training, and support for workers as they move into a new career. Specifically, the bill expands eligibility for benefits to secondary workers such as suppliers and downstream producers who lose their jobs or may lose their jobs due to a loss of business with a firm whose workers are TAA certified; extends income support from 52 to 78 weeks; provides a 70 percent advanceable, refundable tax credit to help TAA workers make COBRA payments; increases assistance for job relocation and job searches; increases the training budget to $300 million; establishes a wage insurance program to provide support to older workers who lose their job due to trade and are forced to take a lesser paying job; establishes trade adjustment assistance programs for farmers, fisherman, and communities affected by trade, and finally; establishes a training program through the Small Business Administration for TAA-certified workers on how to start their own business.

Finally, let me turn now to my role as a Senator from the State of California. California is like no other State. It is the fifth largest economic engine in the world with a $1.33 trillion economy. From high tech to agriculture, California is a leader in the U.S. and the global market, and it has greatly benefitted from free trade initiatives.

In 2001, 14.6 percent of U.S. exports came from California, totaling $106.8 billion, tops in the Nation. Exports support more than one million jobs for Californians.

Yet if California is to maintain its status as a global economic leader, our businesses and working people must have access to new and expanding markets around the world. Trade promotion authority, as I have indicated, is an important tool in that effort.

Global trade is with us. We simply can not ignore that fact. Turning inward, building barriers, and shutting out the outside world is not realistic. We must deal with globalization and we must deal with it in a way that enhances the ability of American exports

to reach new and expanding markets, while at the same time promoting respect for labor rights and the environment and ensuring that no worker is left behind.

Trade promotion authority is the best vehicle for Congress and the administration, working as partners, to build an effective trade agenda that advances U.S. interests at home and abroad.

Mr. GRASSLEY. Mr. President, this legislation which has passed the Senate today is a great bipartisan success. I am thankful to my colleagues for their support and willingness to work together in order to do this for the workers, farmers and companies of this country.

I would first like to thank Senators GRAMM and BREAUX and their staff for helping to make this final vote possible. If it were not for their help in brokering a deal, we may not have reached this point today.

I would also like to thank Senator BAUCUS and his excellent staff for all the hard work and dedication which has gone into this bill over the past year. I want to specifically thank Mike Evans and John Angell as well as the trade staff—Greg Mastel, Tim Punke, Ted Posner, Angela Marshall-Hoffman, Shara Aranoff, and Andy Harig. I appreciate their willingness to work with my staff to accomplish so much.

I would also like to thank Polly Craighill of the Office of Senate Legislative Counsel, for her hard work, and great expertise in drafting this bill.

Finally, I would like to thank my staff, beginning with my Finance Committee staff director, Kolan Davis and my trade counsels Everett Eissenstat and Richard Chriss, who have worked tirelessly to bring this bill to fruition. I credit them with much of today's success. It was their hard work, along with the help of Carrie Clark and Tiffany McCullen-Atwell, that helped us to this point.

I look forward to a productive conference, and swift passage of the conference report, so we can get this to the President's desk, and enacted into law.

Mr. THURMOND. Mr. President, I rise today to express my opposition to H.R. 3009, the Andean Trade Preference Act and the Baucus-Grassley amendment granting the President trade promotion authority and renewing the trade adjustment assistance.

While I do not support this particular bill, I am not opposed to trade and recognize the great economic benefit it has brought to my State. In South Carolina, many foreign firms have made substantial investments in manufacturing facilities. These plants, and the workers they employ, produce goods for domestic consumption and for export. Also, numerous American firms export their products. The volume of goods moving through the port of Charleston is an indication of the importance of trade to South Carolina. Charleston is one of the busiest seaports in America.

History has taught us that in order for countries to buy from us, we must buy from them. Indeed, our continuing trade deficit shows just how much of this we as Americans do. The problem is that too many of our trading partners refuse to trade with us fairly. They want to export to the American market, but they do not want to let our products into their domestic markets. I would note that the United States Trade Representative has published his 2002 National Trade Estimate Report on Foreign Trade Barriers. In this annual report, numbering 455 pages, he catalogs the barriers ''affecting U.S. exports of goods and services, foreign direct investment by U.S. persons, and protection of intellectual property rights.'' Clearly, this report indicates our trade negotiators have much to do to get our trading partners to open their markets to U.S. exports.

The United States has long been the leader in promoting trade. In 1994, the United States entered into the North American Free Trade Agreement, NAFTA, and 1 year later became a charter member of the World Trade Organization, WTO. NAFTA established a free trade area between the United States, Canada, and Mexico. The WTO was an endeavor to establish an international organization and procedures to reduce and hopefully eliminate capricious and arbitrary barriers to trade.

NAFTA opened the doors to imports of textiles and apparel from Mexico. While the potential for cheap textile and apparel imports was greater under the WTO, the WTO contains an Agreement on Textiles and Clothing, ATC, which would eliminate all quotas on textile and apparel products beginning on January 1, 2005. The ATC provides the U.S. textile and apparel industries with a ten-year transition period to prepare for this elimination. However, this ATC adjustment phase has been repeatedly breached by legislative actions such as the African Growth and Opportunity Act, the Caribbean Basin Initiative, as well as Executive Branch decisions permitting additional import quotas for nations such as Pakistan and Turkey. Additionally, American textile and apparel industries have been seriously harmed by substantial transshipments of apparel. As a result, U.S. textile and apparel industries are being subjected to more and more unfair international competition without the full benefit of the transition period permitted under the ATC.

Because of these unfortunate and short-sighted policies, almost 700,000 U.S. textile and apparel workers have lost their jobs. Nearly 55,000 jobs were lost in South Carolina with a devastating effect on my State's economy. This is compounded by the thousands of jobs that have been lost in Alabama, Georgia, North Carolina, and Virginia as well as other States. These numbers do not include the lost jobs in the steel, furniture, and other manufacturing industries. In addition there are the job losses in secondary industries such as equipment makers, service firms, and transportation enterprises. Finally, there are the community job losses in the local businesses, including department and grocery stores, pharmacies, and automobile dealerships, to just name a few. The cost to local communities is staggering. While the toll on all those who lose their jobs and their families is horrendous, it is even worse on older workers who have little chance of finding meaningful employment.

The underlying bill, H.R. 3009, the Andean Trade Preference Act, ATPA, seeks to renew a program that provided preferential, mostly duty-free, treatment of selected U.S. imports from Bolivia, Colombia, Ecuador, and Peru that expired on December 4, 2001. The purpose of the ATPA is to encourage growth of a more diversified Andean export base, thereby promoting development and providing an incentive for Andean farmers and other workers to pursue economic alternatives to the drug trade. While this is a laudable goal, my objection is to those provisions of this legislation that would give Andean textile and apparel products the same preferences given to those from Mexico and the Caribbean Basin. This action will further erode the quota protection provisions guaranteed to the U.S. textile and apparel industries under the ATC. These increases in textile and apparel imports into the United States will further destabilize the American textile and apparel industries during the critical ten-year transition period and result in the loss of more American jobs.

This bill also reauthorizes Trade Promotion Authority. Trade promotion authority allows the President to negotiate trade agreements and submit them to the Congress for approval or defeat. No amendments are allowed, therefore no improvements can be made to such agreements.

My concerns are that future trade negotiators will be more interested in getting an agreement, any agreement, no matter what the cost to American manufacturing, rather than protect the best interests of the United States. The emphasis of American representatives in previous trade talks has clearly been for free trade at the expense of fair trade. The current state of U.S. manufacturing is evidence of this sad fact. So granting the President TPA will result in the Congress being presented with no alternative other than to vote for or against the total agreement. I do not believe this is consistent with the Constitutional responsibilities of the United States Congress.

Particularly troubling about this grant of TPA is that our trade negotiators have, and continue to place in negotiation, U.S. trade remedy laws. What we need, Mr. President, are not weaker trade remedy laws but stronger ones. In addition, to the responsibility of protecting U.S. workers and their employers, we have a strategic defense

interest in promoting and strengthening American manufacturing as opposed to letting it wither away. Again, what I am advocating is fair trade not free trade.

Finally, included in the legislation is the renewal of Trade Adjustment Assistance, TAA. I support TAA without reservation, and I have in the past attempted to strengthen TAA by making the certification process easier. I regret that this TAA renewal provision is part of this legislation and was not considered separately.

In closing, I wish to state that I am for trade, fair trade. The sad experience of our Nation with so-called ''free trade'' is that it results in the loss of American manufacturing jobs. Unfortunately, this legislation will pass the Senate and will undoubtedly be signed into law by the President. I call upon the President and administration officials to negotiate for fair trade. I hope in the future negotiations are conducted which result in rules that do not discriminate against American industry and agriculture, and which require our trading partners to open their domestic markets to U.S. products.

Because of the thousands of jobs that have been lost, not only in my State of South Carolina but in the Nation as a whole, and because of the jobs which will be lost in the future, I will vote against this legislation.

I yield the floor.

Mr. BYRD. Mr. President, I have been astonished that the Senate—the very institution in which Daniel Webster, John C. Calhoun, Henry Clay, Robert Wagner, and Richard Russell once made important national policy, even it it meant defying presidents—would sit back and humbly and meekly allow the interests of the workers in their states to be sacrificed upon the altar of the false promise of free trade.

These past few weeks, I have been even more disturbed that some would allow their concerns and their opposition to fast-track authority to be bought off with another false promise—the false promise of enhanced trade adjustment assistance for workers impacted by trade.

I am not opposed to trade adjustment assistance in its intent and purpose. Trade adjustment assistance provides an important service when and where it is needed. But trade adjustment is not a panacea. Trade adjustment assistance is not a substitute for a job. Trade adjustment assistance is not a substitute for good trade policies. Trade adjustment assistance should never, never, be considered as a substitute for Congressional input into trade agreements, input that is essential for members of this chamber to be able to protect and promote the interests of our constituents.

My opposition to giving fast-track authority to the executive branch is long-standing and unchanging. The Constitution obligates Congress to regulate foreign commerce. This means, at the least, that Congress must be an active participant in trade agreements, not a rubber stamp.

Trade impacts every citizen of our country. It cuts across nearly every aspect of our lives and livehoods. The way of life and work for millions of American workers, for tens of thousands of American communities, are affected by the trade agreements. That is why trade issues must be debated and shaped by the legislative representatives of the people. It is the hardworking, responsible people back home who will keenly feel the impact of our trade policies.

I was sent here to represent the interests of my State. I am going to do that to the best of my ability and this includes promoting and protecting the thousands of West Virginia workers whose lives are affected by trade agreements.

It is difficult for me to understand why any member of this body of either political party, would surrender our constitutional prerogative to regulate trade to the executive branch.

The devil, as the saying goes, is in the details. And fast track is asking the Congress of the United States to ignore the details, at great peril to the workers of our States.

It is especially difficult to understand in this era when globalization has rendered the industries and workers of our States more and more vulnerable to the unfair, predatory trade practices of foreign countries.

Our States are drowning under a flood of cheap foreign imports, and it is not just manufacturing industries. Free trade with Mexico has led to a flood of Mexican imports that devastated Florida's tomato industry and forced thousands of agricultural layoffs. China is dumping garlic on the United States and destroying the garlic industry in California.

Since 1994, when NAFTA created the free trade zone, North Carolina has lost more than 125,500 jobs in the textile and apparel industries. The Mississippi Business Journal reports that the garment industry in Mississippi has virtually disappeared in the post-NAFTA era in that State.

Last May, the New York Times told of the closing of a cotton factory in Jacksonville, AL, and the devastating impact of that plant closing on the town and its people. ''The good-paying textile jobs that built many of the towns in the industrial South,'' the story reported, ''have been vanishing for decades as manufacturers improve profits by moving to countries where labor is cheaper. The North American Trade Agreement . . . was a death knell for working people like the millers in Jacksonville.''

The American trucking industry is being clobbered by unfair and unregulated Mexican trucking.

The steel industry in Pennsylvania and West Virginia has been absolutely devastated by the dumping of cheap foreign steel and of foreign, government-subsidized imported steel. A few weeks ago, President Bush pointed out that, ''Fifty years of foreign government intervention in the global steel market has resulted in bankruptcies, serious dislocation, and job loss.''

Estimates of job losses in the United States from NAFTA range from a half-million to more than a million.

The impact of job dislocation is devastating communities across the country. The impact of being displaced, that is, losing your job due to a change in trade policy—that is, losing your job through no fault of your own—is devastating both psychologically and financially to the individual worker. For too many American workers, free trade has been and continues to be a long and frightening slide to financial disaster.

Additionally, there is the risk of loss of health insurance. When one does not have insurance and, therefore, cannot pay for proper treatment, the result can be devastating.

Compound this with the loss of retirement security. When people lose their jobs, they can no longer contribute to their retirement account. Worse, they are too often forced to take out their retirement savings in lump sum payments in order to make mortgage payments or to feed their families, or to pay their health insurance, thus wiping out the family's future economic security. Americans are living longer now. Many of them fear that they will not to able to depend upon Social Security for a decent retirement. They know that they will need these supplemental retirement savings. But, when displaced, and forced to drain their retirement accounts, that economic security is difficult to make up, if not lost forever.

And, of course, there is the loss of income. In addition to the obvious loss of income between jobs, there is the additional loss of income when the displaced worker returns to lower-paying employment. Workers who lose higher wage, industrial jobs are often forced to take low-paying service jobs. Service jobs are notoriously lower paying jobs that offer limited opportunities for advancement.

Studies of counties in Colorado, Missouri, and Mississippi have found a declining standard of living for workers and their communities as they moved from manufacturing to service jobs.

For many workers, the erosion in earnings after landing new employment is telling. In the latter part of the 1990s, the weekly earnings of all reemployed workers fell 5.7 percent on average. Workers displaced from high-tenure jobs showed an average drop in earnings of over 20 percent after they found new, full-time jobs.

Even workers who manage to retain their jobs feel the impact of trade as the decline in American manufacturing has meant a declining standard of living, not just for the affected workers and their families but also for their communities and their States. With the rise of international competition

and the shift to lower wage service jobs in the United States, real wages have stagnated, making life much more difficult for all American workers. Today, even with some recovery in real wages due to the rapid growth in the economy in the 1990s, the average weekly wage is nearly 12 percent less than at its peak in the 1970s. As I said, the devil is in the details, and these families see these details every day as they work harder and run faster, only to continue falling further behind.

Is it any wonder that polls and surveys reveal that: 57 percent of all working adults oppose giving President Bush fast-track authority; 78 percent of Americans believe that protecting American jobs should be a top priority in deciding U.S. trade policy; and 68 percent of Americans believe that trade details with low-wage countries such as Mexico lead to lower wages for American workers.

Yet, I have sat back and watched in astonishment and shock as members of Congress have auctioned off this important constitutional obligation and the economic interests of their constituents for increased trade adjustment assistance benefits.

Last year, the nonpartisan United States Trade Deficit Review Commission pointed out that, ''workers adjustment assistance has often been the last component of a package intended to increase Congressional support for approving new trade agreements. As such, it has often been viewed simply as an afterthough rather than as an integral component of our trade policy.''

Trade adjustment assistance has become a labyrinth of rules and regulations. When the Trade Deficit Review Commission surveyed the states for ways to improve trade adjustment assistance training programs, the state agencies came up with more than 80 different recommendations.

Now, Congress is about to be bought off for the promise of enhanced trade adjustment assistance; that is, more band-aids to cover a gaping hemorrhaging of the livelihoods of American workers!

There is the promise of tax credits for health insurance—I am not sure how important tax credits are to unemployed workers who have no income.

There is the promise of more retraining, but I am concerned that we may be retraining for jobs that will not be there.

There is the band-aid of wage insurance. I point out that Congress tried this gimmick before with the 1988 Omnibus Trade and Competitiveness Act (OTCA), and it failed miserably. Two States were selected to test the program. One state rejected the program because they viewed it as too costly, bureaucratic and confusing. A single State was not considered enough of a sample from which to test the program, so the U.S. Department of Labor canceled the pilot program all together.

The Trade Deficit Review Commission—the commission this Chamber created to make recommendations for changes in trade policy—made the important point that, for trade policy to be truly effective, trade adjustment assistance ''must be a comprehensive safety met available to all who need it.'' If trade adjustment assistance is to work, it must be comprehensive, flexible, and, according to the Trade Deficit Review Commission, it must be ''triggerless''—that is, it must provide benefits to workers who lose their jobs whether it is due to trade dislocation, technological changes, or other reasons.'' This means, among other things, that there must not be distinctions between primary or secondary workers. We must realize that trade impacts the community as well as the individual. Everyone is impacted and affected.

Under the fast track legislation as it now stands, American truckers are ineligible for Trade adjustment assistance benefits because they are not considered ''worthy'' secondary workers.

In promoting the Trade Expansion Act of 1962, the legislation that also established trade adjustment assistance, President John F. Kennedy declared: ''There is an obligation to render assistance to those who suffer as a result of national trade policy.''

It is an obligation, not a lever. It is an obligation, not a bone to be thrown to a Congress acting more like administration lap dogs than the legislative representatives of the American people.

I repeat myself. Trade adjustment assistance is no substitute for a job.

Trade adjustment assistance is no substitute for good trade policy, and good trade policy will only come from open debate, and the amending process—that is, the input from the members of this body who represent the interests of the people of our states and the United States.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding that no one is requesting a vote on the substitute or on cloture on the bill itself, and that the final action before the Senate will be a vote on the bill itself. Hearing no objection, Mr. President, I therefore ask unanimous consent that the cloture vote be vitiated.

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

The question is on agreeing to the substitute amendment, as amended.

The amendment (No. 3401), in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAMM. Is this final passage?

The PRESIDING OFFICER. This is final passage.

Is there a sufficient second?

There is a sufficient second.

Mr. DASCHLE. Mr. President, this will be the last vote of the evening.

Mr. GRAMM. Let's stay.

Mr. DASCHLE. I move to reconsider that.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SHELBY), and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

The result was announced—yeas 66, nays 30, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—66

Allard	Domenici	Lott
Allen	Edwards	Lugar
Baucus	Enzi	McCain
Bayh	Feinstein	McConnell
Bennett	Fitzgerald	Miller
Biden	Frist	Murkowski
Bingaman	Graham	Murray
Bond	Gramm	Nelson (FL)
Breaux	Grassley	Nelson (NE)
Bunning	Hagel	Nickles
Burns	Harkin	Roberts
Cantwell	Hatch	Santorum
Carper	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cleland	Inhofe	Snowe
Cochran	Jeffords	Specter
Collins	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wyden

NAYS—30

Akaka	Durbin	Reed
Boxer	Ensign	Reid
Byrd	Feingold	Rockefeller
Campbell	Gregg	Sarbanes
Carnahan	Hollings	Schumer
Clinton	Johnson	Sessions
Conrad	Kennedy	Stabenow
Corzine	Leahy	Thurmond
Dodd	Levin	Torricelli
Dorgan	Mikulski	Wellstone

NOT VOTING—4

Brownback	Inouye
Helms	Shelby

The bill (H.R. 3009), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I compliment the distinguished chairman and ranking member of the Finance Committee for their outstanding work on getting to this point. This has not been easy. We have spent a lot of time. Obviously this is a very difficult measure. We have accomplished it. It is something I think we can look back on

with great satisfaction and great pride. It would not have happened were it not for the leadership of the Senators from Montana and Iowa.

I must say, even though he doesn't want me to—he is embarrassed and gets frustrated when I do this—I thank the Senator from Nevada. As with so many pieces of legislation, this simply would not have happened without his masterful work on the Senate floor as well. I congratulate him.

I thank all of the staff involved, my staff, Chuck Marr, and the staff of the committee and others.

We now must turn to the schedule when we return.

There will be no further votes this evening, and we will not be in session tomorrow.

UNANIMOUS CONSENT AGREEMENT—H.R. 4775 AND S. 625

Mr. DASCHLE. Mr. President, I have been in consultation with the distinguished Republican leader during the course of these votes. We have reached agreement on proceeding to the supplemental and then to the hate crimes legislation when we return. I know of no objection. So I will propound a unanimous consent request.

I ask unanimous consent that on Monday, June 3, at 2 p.m., the Senate proceed to the consideration of H.R. 4775, the supplemental appropriations bill; that after the reporting of the bill, the text of the Senate companion, S. 2551, be substituted in lieu thereof and considered original text, provided that no points of order be considered as having been waived by its adoption; that upon the disposition of H.R. 4775, the Senate proceed to the consideration of S. 625, the bill to assist local jurisdictions to prosecute hate crimes; further, that if on Monday, June 3, the Senate has not received from the House the supplemental appropriations bill, the Senate proceed to S. 625 and it remain the pending business until the Senate receives H.R. 4775, at which time it be temporarily laid aside, the Senate begin consideration of H.R. 4775, and that no call for the regular order serve to displace H.R. 4775.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I thank my colleagues and the distinguished Republican leader for his help in working through this procedural arrangement. I also thank the chairman of the Appropriations Committee and the ranking member.

This will afford us the opportunity, at the earliest possible date, even though we are disappointed we are not able to take it up now, to take it up as soon as the House completes its work, hopefully, on the Monday we return from the Memorial Day recess.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I will be brief. First of all, I, too, want to thank the managers of the trade legislation. It has taken a lot of time and effort. There have been a number of problems along the way, but the managers have been persistent. I commend Senator BAUCUS and Senator GRASSLEY for their work. A lot of people have been involved and it was the right thing to do. The proof of that is the vote of 66 to 30.

A lot of people would have thought 10 days ago that we could not get it done. We have a few barnacles, I am sure, that will be sheared off in conference, and a good bill will come out of conference. I commend the managers for doing good work.

With regard to the unanimous consent request, I have a couple of comments. I am glad we were able to work this out. We need to go to the supplemental as soon as possible. This is an urgent supplemental for defense to replace a lot of what has already been spent, and also for homeland security. I was concerned that if we could not get it worked out today or tomorrow, if we came back, other issues might intervene. Senator DASCHLE has a commitment to try to move the other legislation, S. 625, dealing with hate crimes. This way, we could go to the supplemental appropriations bill—assuming it is over here from the House—and complete it and then go to the next issue.

If we don't have a supplemental, for whatever reason, received from the House, we can go to the hate crimes. When the supplemental comes, we can interrupt that, get it done, and then go back to the other issue.

There will be a lot of debate about both of these issues. This seems like a fair way to proceed. I want to emphasize the necessity to move as quickly as possible to the Defense authorization bill. The Armed Services Committee reported that bill out a couple weeks ago. We can't get started with our appropriations bills very well without that defense authorization bill. It would make it possible to do the Defense appropriations bill.

I am not trying to set up the order. I just want to remind the majority leader that we need to do these defense issues as soon as possible so that we can go on to the appropriations bill so our men and women will know what they can count on in the defense bill.

This is a good arrangement at this time. Hopefully, we can complete both of these bills the first week we are back, so we can get the supplemental into conference and get it done and out of conference before the Fourth of July recess. I wanted to make those points.

I thank the Chair and I thank Senator DASCHLE for his cooperation. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

PASSAGE OF H.R. 3009

Mr. BAUCUS. Mr. President, I thank all Senators who worked so hard on this trade bill. I particularly thank the majority leader, Senator DASCHLE. I think he is one of the main architects of the key provision, trade adjustment assistance. He and Senator BINGAMAN have worked long and hard to help forge that portion of the bill. So I thank him and Senator BINGAMAN.

Also, I thank my friend from Nevada, Senator REID. I don't know how we would be here at this point without him. He has worked tirelessly and has done a super job with such equanimity and an even temper. I don't know how he does it.

Also, I want to point out that a lot of work has gone into this bill. I don't think many people realize just how much work and dedication goes into something such as this. There are a lot of people whose names are not well known. A lot of us here on the floor get some gratification from seeing our names in newspapers and on TV when something is accomplished. But the fact is the real work is done by people who perform the most noble human endeavor—which is service to their country—virtually all day long, and many times with sleepless nights. Many are here tonight. I want people to know how hard they have worked.

I especially want to say thanks to Greg Mastel. I hired Greg specifically to help get this legislation passed—and he has done a tremendous job.

I also want to thank many other committee staff, who have worked tirelessly on this legislation—John Angell, Mike Evans, Timothy Punke, Ted Posner, Angela Marshall, Shara Aranoff, Andy Harig, Liz Fowler, Kate Kirchgraber, and Mitchell Kent.

Senator GRASSLEY also has a great team, and I thank them: Kolan Davis, Everett Eissenstat, and Richard Chriss.

And finally, it is an understatement to say that we all appreciate the efforts of our skilled and patient legislative counsel—Polly Craighill, Stephanie Easley, and Ruth Ernst.

Although he is not here, I compliment my colleague, Senator GRASSLEY, who did a tireless job.

This is the most progressive and far-reaching trade bill that this Senate has passed in 15 years. This is a landmark bill. It is also very well balanced. It modernizes fast-track trade promotion procedures, brings them up to date. On the other hand, it includes very significant assistance to people who were dislocated under trade.

I think it will be a bill that, when looked back upon several years from now, is one of the landmarks and major benchmarks that has moved the United States more directly and appropriately to engage the world in trade. I am proud of all the efforts of those here on the floor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.