

what needs to be done in a binding fashion to begin to address this global issue—the preeminent environmental challenge of our time.

On July 25, 1997, the Senate passed, by a vote of 95-0, S. Res. 98 which stated that, first, developing nations, especially the largest emitters, must agree to binding emission reduction commitments at the same time as industrialized nations and, second, any international climate change agreement must not result in serious harm to the U.S. economy. That resolution served as guidance to U.S. negotiators as they prepared to hammer out the details of the Kyoto Protocol.

Senator HAGEL and I were the prime cosponsors of that resolution.

The adoption of that resolution was perhaps, a dose of reality—laying out, in advance of the completion of the Kyoto negotiations or the anticipated submission of a climate change treaty to the Senate, just what an administration—any administration—would need to win the Senate's advice and consent. Contrary to statements made by some in this administration, the Senate has never voted on the Kyoto Protocol, although the protocol, in its current form, does not meet the requirements of S. Res. 98.

Since that vote in July 1997, international climate change negotiations have covered a wide range of topics in an attempt to craft a balanced treaty. While there have been some important gains and there have been some unfortunate setbacks from the U.S. perspective, I am concerned that, in the Bush administration's zeal to reject Kyoto for its failure to comply with S. Res. 98, the baby is being thrown out with the bath water through a complete abandonment of the negotiating process. Such an abandonment would be very costly to U.S. leadership and credibility and could force the international community to go back to "square one" on certain critical issues such as carbon sequestration and market-based mechanisms—areas which I believe are critical to any future binding climate change treaty.

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Let me say that again. An examination, even of Kyoto's drawbacks, can provide the basis for forward movement by the Bush administration.

For example, U.S. negotiators should go back to the negotiating table with proposals that could be achieved internationally. In my opinion, an effective and binding international agreement must include several elements. First, the initial binding emission reduction targets and caps should be economically and environmentally achievable. Such an international agreement should specify increments by which the initial reduction could be ratcheted downward and made more stringent over time. This architecture could provide a realistic and obtainable target,

and it would give U.S. industry more time to prepare to meet such requirements. Additionally, the inclusion of incremental reductions would encourage the development of a range of cleaner, more efficient technologies to meet the long-term goal, namely, the stabilization of greenhouse gas concentrations in the atmosphere. Most important, these steps would give the United States a clearer path toward the goal of dealing seriously with a serious and growing problem.

Recently, we have heard talk by the Bush administration to the effect that the United States should promote voluntary initiatives to meet our international treaty commitments. Well, that sounds good, but it will not work. I note that, in 1993, the former administration undertook an extensive assessment to formulate the U.S. Climate Change Action Plan, which subsequently developed a wide range of voluntary programs and technology strategies to help the United States reduce domestic emissions to 1990 levels. While these remain laudable and important programs, they have not put us on a path toward significantly reducing greenhouse gas emissions. In fact, rather than accomplishing that goal, by the late 1990s, U.S. emissions were at least 11 percent above those 1990 levels. Clearly then, the next global climate change treaty will have to include binding emission limits by industrialized nations, as well as developing nations, specifically the biggest emitters in the developing world. I am talking about China, India, Mexico, Brazil, and others.

Additionally, as I explained at the time we were debating S. Res. 98, the initial commitment by developing countries could be modest, with the agreement specifying a more rigorous approach to growth and emissions over time. Recent press reports indicate that China, the big emitter, exceeding the emissions of the United States very soon, has already made progress in reducing the growth of its greenhouse gas emissions. That is good news. That is encouraging. A future binding climate change agreement could recognize these efforts and provide market-based mechanisms by which China could obtain technological assistance to expand upon its efforts over time.

An international treaty with binding commitments can and should provide for the continued growth of the world's developing nations. The economic growth of Mexico or China, for example, need not be choked off by unrealistically stringent, inflexible emission reduction targets. The initial commitment could be relatively modest, pacing upwards depending upon various factors, with a specific goal to be achieved within a fixed time period. If properly designed, a binding international treaty can accommodate economic growth and environmental improvement in the developing world. This approach provides the means by which China and other key developing

nations can grow in a more efficient, environmentally sound manner while also making commitments to reduce their fair share of this global climate change burden.

Using this approach, the Bush administration has a historic opportunity to shape, rather than cripple, the international climate change debate by negotiating an agreement that includes all of the largest emitters of greenhouse gases on a global basis.

It is a huge task no doubt, but it is a huge problem, and it confronts the world, not just he occidental but also the oriental—not just the West but also the East. Such an agreement must also include market mechanisms that are unencumbered by layers of bureaucracy; strong provisions for domestic and international sinks, sequestration, and projects that prevent deforestation; and tough enforcement and compliance requirements.

But any such agreement must also be met by an honest effort on America's domestic front. I am, therefore, very concerned that the President's overall budget does not adequately provide the level of funding necessary to support programs and policies that would address U.S. energy and climate change challenges. So I urge the Bush Administration to include all relevant policy aspects in the energy needs assessment currently under review and to examine the total costs—both economic and environmental—in any national energy strategy. I hope the President will work with Congress on these critical issues to develop a constructive, long-term negotiating path for the future. America leads the world in so many important areas—addressing our global climate change challenges should be front and center.

#### TRADE POLICY

Mr. BYRD. Mr. President, I have serious concerns about certain trade policy issues that the Bush administration inherited from its predecessor, but which remain unresolved. I refer to the steel crisis, the failure to formulate a coherent trade policy with respect to China, and the failure to recognize that "fast-track" trade negotiating authority represents both an unwarranted diminution of the Constitutional authority of Congress and an invitation to our trade partners to accelerate their attack on the framework of fair trade.

As I have long maintained, U.S. trade policy cannot be complacent as America's manufacturing plants are moved to low-wage countries, a phenomenon that makes it increasingly difficult for American employers to stay competitive and, at the same time, pay good wages and provide good benefits to their workers. While American workers do benefit from lower prices for imported products, too many have been made worse off, on balance, by globalization. As the columnist Michael Kelly recently pointed out, "What the unionists know is that

globalization ultimately depends on driving manufacturing jobs out of the country in which they live.”

Indeed, in many historically high-wage and efficient industries, the inevitable result of complacent trade policy is bankruptcy. The inevitable result of complacent trade policy is bankruptcy. A case in point is the U.S. steel industry. The steel crisis—which is the direct result of an unprecedented surge in imports, particularly dumped and subsidized imports—began in late 1997 and continues to this day. The surge in imports has already led 18 American steel companies—18 companies—to declare bankruptcy. Hear them at the other end of the avenue. Over the past year alone, an estimated 5,000 U.S. steelworkers have lost their jobs.

A great sage once said, “Reflect upon three things and you will not come to sin: Know from where you came, and to where you are going, and before whom you are destined to give an accounting.” Let’s reflect again on those three things: Know from where you came, and to where you are going, and before whom you are destined to give an accounting. So, let me bring this issue a little closer to home, my home, that is. In 1996, Weirton Steel Corporation, of Weirton, West Virginia, in the very tip of the northern panhandle the eighth largest integrated steel producer in the United States, employed 5,375 of the most skilled workers and managers in the world, using the most up-to-date production technology. That was down from a few years ago. What is it today? Today, in 2001, Weirton employs only 4,111 workers and managers, a loss of over 25 percent from 1996. Weirton just reported that its first quarter sales this year were down 24 percent from last year and that it lost \$75.3 million in the first quarter. Continuation of the status quo in the steel market will not mean continuation of the status quo for Weirton Steel, for it cannot stay in business over an extended period of time in the face of such losses.

Now, by Ohio Valley steel industry standards, Weirton is the lucky one even with such losses. Wheeling-Pittsburgh Steel Corp., the ninth largest U.S. integrated steel producer, was forced last year to declare a Chapter 11 bankruptcy in order to avoid being picked apart by its creditors. I hope that it will soon emerge from bankruptcy with the help of a federally guaranteed loan.

I could talk about the need for a section 201 investigation of “serious injury” to the American steel industry. Such an investigation is necessary, and it is necessary now—the administration should not tie its decision on a 201 investigation to any other trade policy initiative. But, I will save that discussion for another day. Rather, I wish to point out that the administration is sending a damaging signal on its approach to the steel crisis by proposing to rescind \$10 million from the Emergency Steel Loan Guarantee Program.

Because the demands on that program will—in all likelihood—continue to increase, the proposed reduction in funding represents an unacceptable risk of harm to an industry that is vital both to our national defense and the way of life of communities across this Nation.

The emergency guarantee program was made necessary because of the reaction of the financial community to the onset of the steel crisis. With no assurance that the injurious surge in steel imports would abate in the near future, financial institutions were—for the most part—unwilling to restructure steel producers’ debts. Thus, Congress acted to provide incentives for private-sector loans to the steel industry. The new program was signed into law on August 17, 1999, and was designed to give qualified U.S. steel producers access to a \$1 billion revolving guaranteed loan fund.

I say, parenthetically, that I was the author of that legislation.

Now is simply the wrong time to be considering rescissions from the emergency guarantee program. There are many steel companies in Chapter 11 bankruptcy, and several of them will undoubtedly request these federally guaranteed loans as a key element in their restructuring programs.

The steel crisis takes us right into the issue of our trade policy toward China. Whatever else one might say about China, it is, without question, an economic behemoth. Our trade deficit with China in 2000 was nearly \$84 billion. In that same year, imports from China totaled \$100.1 billion, accounting for eight percent of total U.S. imports, making China the fourth largest exporter to the United States. Moreover, in February 2001, we imported 97 million tons of finished steel products from China, almost as much as the 100 million tons we imported from Japan!

Even the quickest perusal of Commerce Department and International Trade Commission records demonstrates that China is engaged in dumping steel products in the United States. China has recently been found to be dumping steel wire rope, as well as—in preliminary determinations—hot-rolled steel and steel concrete reinforcing bars.

What I am trying to tell the Senate, and the administration—if the administration will listen, if the administration will hear—is that China may not intend to play the trade game by the traditional rules. Indeed, as we have seen in recent weeks, China does not play the international relations game by acceptable norms. The Weekly Standard opined at the height of the reconnaissance plane crisis that:

The United States must respond in ways that directly affect China’s interests. . . . The Chinese believe, with good reason, that the American business community has a hammerlock on American policy toward China. . . .

Let us resolve to demonstrate that we can respond effectively to any Chi-

nese attempt to push the envelope—not by indulging in angry overreaction, but by doing whatever is reasonable and practicable and according to the dictates of common sense, to restore Congressional authority to review China’s trade status on an annual basis. The concept of “Permanent Normal Trade Relations” is premised on the assumption of normality in a bilateral relationship, and our bilateral relationship with China is anything but normal.

This brings me, now, to the issue of “fast-track.” The President wants fast track. The administration wants fast track. The administration says it needs this deviation from the traditional prerogatives of Congress in order to negotiate multilateral trade agreements. Let me be clear: I am not in favor of attaching myriad amendments to trade agreements negotiated by the President.

I am not for having the Congress hang up on every import of every toothbrush or violin string or piece of cloth.

There may be, however, a few very important items—a few—that Congress will need to consider in detail before proceeding to a final vote on a multilateral trade agreement.

Under the Constitution, which I hold in my hand, Congress has this responsibility. We ought to read it. Again, I say I am not for looking at every comma, semicolon, colon, hyphen—every little jot and tittle about trade agreements. Who wants to engage themselves in debate over minuscule matters that may appear in a trade agreement?

But there are some very important items, limited to three or four or five huge questions. We have questions we need to debate. We have issues we need to debate in connection with these trade matters, and we should debate them. Congress has a responsibility to debate them before Congress considers a final vote on a multilateral trade agreement. We have a responsibility to do that.

Fast track? Not for me. Let’s not be in all that big a hurry. We don’t need to be in such a hurry. What it means is shut Congress out of the debate. Just vote up or down. The people’s representatives, the elected representatives of the people in this country—here, in this body, in this Chamber—shut them out. What we want is fast track, says the administration.

I say no. No fast track. Let the people speak, through their elected representatives, to trade agreements. I don’t mind limiting it to very few, a handful, a half dozen questions or issues to be voted on. It is important that the Senate debate these matters.

Here is an example. A key objective of many of our trading partners in any multilateral negotiation is to weaken U.S. antidumping, countervailing duty, and safeguard laws. As a matter of fact, I read the other day that several of the Free Trade Area of the Americas countries are proposing elaborate

changes to our antidumping and countervailing duty laws. Does anyone seriously believe that their objective is anything less than to gut the effectiveness of those laws? Now, why should we not debate that? Why should we not be able to offer an amendment or amendments? Does anyone seriously believe that their objective is anything less than to gut the effectiveness of those laws? Does anyone seriously believe that, in any full negotiating round, our hemispheric trading partners will not work in concert with Japan, Korea, and the European Union to eviscerate the framework of fair trade as we know it?

Some of the FTAA countries undoubtedly also have in mind that our trade laws be interpreted and applied by multilateral tribunals—in other words, the chapter 19 model. Under Chapter 19 of NAFTA, persons who, in many instances, are not even trained in U.S. law, and who have a strong personal or professional interest in weakening our trade laws, are called to interpret and apply them. The result should have been predictable: enforcement of those laws has been compromised. Senators don't have to believe me. Just read retired U.S. Court of Appeals Judge Malcolm Wilkey's dissent in the Canadian softwood lumber extraordinary challenge determination! Judge Wilkey contrasts the promises that were made to Congress in connection with Chapter 19—particularly that it would lead to no change in U.S. law—with the frequent refusal of foreign panelists to apply basic concepts of American administrative law such as the standard of review. He also raises serious questions about whether Chapter 19 ignores conflicts of interest on the part of panelists that would be disqualifying under our rules of ethics.

My conclusion from all of this is simple. If "trade negotiating authority," to use the administration's term for fast-track, means that Congress agrees to surrender its responsibility to thoroughly evaluate—and refine, if necessary—those provisions of proposed international agreements that might necessitate changes to our trade laws and regulations, I want nothing of it.

In considering these three issues—the steel crisis, trade with China, and fast-track—I am motivated by a deep and abiding concern for the hardworking men and women of my country, America. They have been hammered by deindustrialization and disinvestment. Both the public sector and the private sector are to blame for these trends, as well as politicians, which have been long in the making. But there is one thing we can say with certainty: the trade liberalization model that has been relied upon by recent administrations—Democratic and Republican—does not help. It limits the ability of the United States to use import restrictions to ensure fair trade in our markets while giving foreign countries such as China virtually a free hand in excluding selected U.S. exports from their markets. What is fair about that?

What is free about that? That isn't free trade. In light of the current situation in many of our basic industries, this imbalance can no longer be tolerated.

We must remember from whence we came. I happen to go back to the hills and the hollows and the Mountain State of West Virginia, which was born during the Civil War, to renew my love, to renew my recollection, and to reinvigorate my understanding of what the people deserve and what the people want.

We must remember from whence we came and before whom we are destined to give an accounting. So remember from whence we came, remember where we are going, and remember before whom we must give an accounting.

We must stand up for the working men and women of America, the people who have not forgotten God's edict that he delivered when he drove Adam and Eve from the Garden of Eden, to earn thy bread by the sweat of thy brow. Those are the people we must remember.

We must stand up for them and stand against any initiative that would undermine the framework of "fair trade." We must not allow anyone in the name of "free trade" or anyone in the name of "fast track" to destroy the way of life of communities across the Nation.

No, Mr. President, we don't need fast track. We need to live by this Constitution which I hold in my hand. We swear an oath in this Senate to support and defend the Constitution against all enemies, foreign and domestic. Let's watch the enemies in our midst. They may be us.

Mr. President, I yield the floor.

#### TRIBUTE TO ROBBIE CALLAWAY

Mr. THURMOND. Mr. President, on April 7, 2001, Robbie Callaway, Senior Vice President for Boys & Girls Clubs of America, was honored with the organization's highest award for professional service: the Thomas G. Garth Character and Courage Award.

Thomas G. Garth served as president of Boys & Girls Clubs of America from 1988 until his death in 1996. It was under his leadership that Boys & Girls Clubs began their aggressive outreach movement into America's most distressed communities and evolved into one of our Nation's premier youth development organizations. It was Tom's dream that every disadvantaged youth in America have access to a Boys & Girls Club.

The Thomas G. Garth Character and Courage Award is presented each year to the professional in the Boys & Girls Clubs movement that best exemplifies the qualities of character and courage, the very qualities that made Tom Garth an extraordinary leader and role model.

Those of us who are fortunate to have known Robbie Callaway for many years are not surprised by his receipt of the Thomas G. Garth Character and Courage Award. Character and courage have

defined his service to the Nation's youth. Not only is Robbie's enthusiasm contagious, but he also sets an example for others to follow.

Robbie has dedicated himself to ensuring that every one of our Nation's youth is given an opportunity at a better life. Countless young people and communities throughout America have benefitted as a result. The progress that Boys & Girls Clubs of America have made in public housing, Native American lands, and other inner-city and rural communities is due in large part to his relentless spirit and his unwillingness to take "no" for an answer. He believes in his heart, as did Tom Garth, that it is Boys & Girls Clubs of America's obligation to reach every child in need and at-risk.

Robbie is also a founding board member of the National Center for Missing and Exploited Children, where he currently serves as chairman-elect. As a result of the National Center's extensive relationship with Federal, State, and local law enforcement, along with corporate America, it is the leading child safety organization in America. The National Center also has a strong working partnership with Boys & Girls Clubs of America. Together, these two fine organizations strive to keep our Nation's youth out of harm's way.

Robbie has received numerous awards throughout his career. Yet he will tell you his greatest accomplishment is raising, along with his wife Sue, two fine children, Adam and Maureen.

The United States of America is a better place because of people purchase Robbie Callaway. His selfless contributions have impacted the lives of this Nation's youth and will continue to do so for generations to come. We owe him a debt of gratitude.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, Mr. President, I would like to detail a heinous crime that occurred February 6, 2000 in Tucson, Arizona. A 20-year-old gay University of Arizona student was sitting at a cafe when a man came up behind him and stabbed him with large knife. Witnesses heard the perpetrator saying that he had "killed a f---ing faggot," "this is what gays deserve," and "let this be a warning to the gay community." The victim was treated at a local hospital and released. The attack spurred an anti-hate rally on campus a few days later drawing over 1,000 people.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol