The drug industry has some good arguments. I don't disagree with their argument that they need money for research. And these new pills have helped people. But faced with all of these blockbuster drugs that are going off patent, and the companies being so used to the high rate of return they have had—higher than any other American industry—they are pushing the envelope way too far in terms of trying to keep that level of profitability.

They ought to understand—and I ask my colleague from North Dakota to comment on this—their job is to go back into the laboratories, come up with real new drugs, and work on those—not extend the patent—or, in the case of what the Senator from North Dakota has discussed, make the U.S. price above all the other prices. This involves lots of work and lots of focus.

Every time I read one of these articles, it makes my blood boil. When I came here, I was not regarded as a hardliner on this issue. I have a great deal of respect for companies that research and produce these drugs. However, the limits they are going to, with the advertising on television—and I know my colleague from Michigan is working on this—with the huge price differential where the United States consumer pays for all the research, yet around the world the costs are much lower—I know my colleague from North Dakota is looking into this—to the manipulation of the generic drug law, which Senator MCCAIN and I are looking at, something is rotten in Denmark.

I thank my colleague his remarks and his persistent leadership on this issue and ask him what he thinks of what is going on, and has he seen this change over the years?

Mr. DORGAN. Mr. President, I chaired a hearing recently at which Senator SCHUMER testified and Senator MCCAIN, as the ranking member, attended. Generic drugs are a very important issue.

I push for price restraint because I think it is very important with respect to what is happening to price increases of prescription drugs. However, I bear no ill will toward this industry. I think the drug industry is a remarkable industry. It does some remarkable things. We should compliment them for some of the programs they have initiated in recent weeks, for the low income senior citizens. That is a good step. They do some awfully good work. Tamoxifen costs one-tenth the price in Canada; you pay 10 times more if you are an American, that drug resulted from public funding and public research at the National Institutes of Health.

So I worry very much that what is happening is that the public is paying for research in some areas and, when the drugs are privatizing, a price is affixed to them that is way out of bounds.

I bear no ill will towards this industry. I want them to do well and to continue to search for lifesaving drugs. But I think it is important to point out that, when we talk about miracle drugs, Americans who need them will get their lifesaving benefits only if they can have access to them, and can afford them. There are so many Americans who cannot chase double-digit price increases every year. That is why we deal with this issue. The issue I have been concerned about is reimportation from Canada. Not because I want anybody to have to go to Canada to buy prescription drugs, that is not my goal. My goal, of course, is the repricing of those drugs in this country because, if distributors and pharmacies can go to Canada and access the same drugs, it will force a repricing of those drugs here.

I want to have a prescription drug benefit in the Medicare Program but I don't want to break the bank. If we do that and do nothing about price restraint and downward pressure on prices we will break the bank of this Government. We must address both issues, coverage and price.

Ms. STABENOW. Will the Senator yield for a moment? I just wanted, as we conclude this time, to thank my colleagues for their continued leadership and to, once again, call upon our colleagues across the building, in the other Chamber, the Speaker of the House of Representatives and his colleagues, to go beyond the principles that were put out yesterday and join with us in the concrete proposals that we have.

We have the ability to act now. We could do it this month if they are willing to join with us. We ask them to get beyond the words and let's get together and let's do the right thing.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I commend the Senator from North Dakota who organized the preceding discussion with respect to the high price of drugs and unavailability of prescription drugs. I asked the General Accounting Office to do a study of coverage of prescription drugs in my home State of Montana. The conclusions were for those seniors in our State who are not covered by health insurance, those seniors pay more for prescription drugs than do seniors anyplace else on the face of this Earth. That is more than any other part of the United States and certainly more than people overseas, as has been demonstrated ably by the Senator from North Dakota. The same drug by the same company is less expensive to someone overseas as compared with the United States.

This is a critical issue. I thank my friend from North Dakota as well as the Senator from Michigan, Ms. STABENOW, and others.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

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

The assistant legislative clerk read as follows:

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

Pending:

Daschle amendment No. 3386, in the nature of a substitute.

Dorgan amendment No. 3387 (to amendment No. 3386), to ensure transparency of investor protection dispute resolution tribunals under the North American Free Trade Agreement.

Mr. BAUCUS. Mr. President, yesterday the Senate began debate on the Trade Act of 2002. This legislation includes three bills reported by the Senate Finance Committee last year: No. 1, an extension of fast track negotiating authority—also known as trade promotion authority; No. 2, an expansion and improvement of the Trade Adjustment Assistance Program and No. 3, the Finance Committee's version of the Andean Trade Preferences Act, or ATPA. As the debate moves forward, I suspect other international trade matters may also appropriately be attached to this bill.

The Trade Act of 2002 will be the first major rewrite of international trade legislation in 14 years. If passed, it will be, as the National Journal has said, ''a historic breakthrough.''

Why are we taking up a trade bill? What does this bill—and the expanded trade that will follow—mean for this country? Trade means jobs. Twelve million Americans—one out of every ten workers—depend on exports for their jobs. These are jobs that pay more—thousands of dollars more per year—than jobs unrelated to trade. Trade supports jobs in all sectors. We often think of trade as helping big multi-national companies. In fact, firms with fewer than 20 workers represent two-thirds of American exporters; and U.S. agriculture exports support more than 750,000 jobs. Trade also means choice. It means more affordable products and more variety for American families. It means that hard-earned paychecks go further.

In many ways, new trade agreements are like a tax cut for working families. Studies have suggested that the average family of four sees annual benefits of between $1,300 and $2,000 because of the agreements we negotiated in the last decade. And according to a recent University of Michigan study, if we complete the next round of negotiations under the World Trade Organization, it could increase that benefit by as much as $2,500—per family, per year.

But trade is about more than simple economics. When we trade with countries, we do not just export corn and cars, we export our ideas, we export our values. We export freedom, in a

sense. Trade between nations creates opportunities for both parties—it can help lift countries out of poverty, while strengthening our relationships around the world.

I think Adlai Stevenson probably said it best 50 years ago:

> It is not possible for this nation to be at once politically internationalist and economically isolationist.

Look at our agreement with Jordan as one example. It has a relatively small effect on our economy—our trade with Jordan is only about $600 million per year. But it has an important impact on Jordan's economy—and it has cemented our relationship with a key Middle East ally.

Similarly, part of this legislation provides trades benefits to Andean countries. The main benefit of this legislation will be to help move workers out of the illegal drug business, and into legitimate lines of work. It is not going to solve the problem entirely, but it will help. But to do that, they need more access to our market.

So that is what's at stake in this debate. Let me turn to the bill itself.

The most talked-about provision of this legislation, of course, is the extension of fast track trade negotiating authority to the President. At its core, the fast track grant in this legislation is very similar to the legislation that first granted fast track to President Ford in 1974.

I am often asked why we need fast track—and why now? In essence, fast track is a contract between Congress and the administration. It allows the President to negotiate trade agreements with foreign trading partners with a guarantee that Congress will consider agreement as a single package—no amendments and a guarantee of an up-or-down vote by a date certain.

In return, the president must pursue a number of negotiating objectives that Congress has outlined in the legislation. And he must make Congress a full partner in these negotiations, fully consulting with Members as the talks proceed.

Now make no mistake, fast track is a significant grant of congressional power to the President. But it is excruciatingly difficult to negotiate the best possible multilateral trade agreements unless our trading partners know that Congress will vote on the agreement negotiated.

Indeed, it was our experience in the 1970s—when the Europeans refused to negotiate with us after Congress failed to implement an agreement—that led to the creation of fast track. Without fast track, our trading partners learned that they could anticipate one round of negotiations with the President and a second with Congress.

The reverse is not true. Other countries, because of their parliamentary forms of government, have a single legislative body where the majority of the legislative body is also the government, so we did not have that problem with them.

Fast track also demonstrates that the President and Congress go into negotiations with clearly defined and unified objectives. Again, that is critical. If our trading partners are uncertain that the deal will stick, they won't put their best deal on the table.

Is it possible to negotiate some agreements without fast track? It is certainly possible with simple bilateral agreements, as was the case with Jordan. But, while Jordan is a landmark agreement in many areas, it has to be put in context when talking about fast track procedure.

The Jordan Agreement, as I noted earlier, was a relatively easy agreement. It involved only two countries and affects a very small amount of trade—roughly $600 million.

Major multilateral agreements can affect many more countries and billions in trade. The FTAA is an agreement involving 34 countries; the WTO involves nearly 150. For these agreements, fast track remains a necessity.

Even bilateral agreements will go much more smoothly with fast track. In the case of Chile, for example, we are still talking about a much more complex agreement than Jordan. It will affect approximately $6 billion in trade, ten times more than the Jordan Agreement. And improving the chances of agreements like Chile is vital to our economy.

Let me give you one example. Canada has already signed free trade agreements with several countries, including Chile. That has an impact on U.S. competitiveness. As a result of the Canada-Chile agreement, Chile eliminated its tariffs on Canadian wheat. U.S. wheat exports to Chile, on the other hand, still face tariffs as high as 30 percent, making Canadian wheat much more attractive to Chilean buyers. We must negotiate these agreements if we are going to compete, and fast track will make it easier.

People often note that we don't have fast track for treaties, such as nuclear arms treaties. That is true. And while these treaties are important, they are often less complex in the sense that they don't involve literally thousands of interrelating trade-offs and concessions as trade agreements do.

I remember the last arms treaty that came before the Senate. There were two or three annexes in it but not all of the host of other complications involved in trade agreements.

But let me turn to the bill itself, and specifically to the negotiating objectives on a number of topics.

With regard to agriculture, a topic near and dear to many in this body, and certainly one of my highest priorities—the legislation directs the President to seek new markets for American agricultural products and to continue to work to lower the trade-distorting subsidies of our trading partners. That is vitally important for American agriculture.

On a more traditional topic, the legislation also directs the President to continue to negotiate the reduction and elimination of tariffs, while recognizing the sensitivity of tariffs in a few sectors. The United States has already lowered its average tariff rate to about 3 percent. Generally, tariffs are similarly low in major developed countries. In a few important cases, however, such as Japanese tariffs on wood products, and Europe's tariffs on semiconductors, tariffs remain a significant trade barrier. And in many developing countries, tariffs remain at levels that stifle trade, in some cases 100 percent or more.

The bill also directs the President to address some of the new issues, such as e-commerce. By acting to negotiate agreements now, before protectionism has taken root, hopefully trade in e-commerce can remain relatively free.

Each of these objectives is critically important. However, most of the debate in the other body and in the press has focused not on the important issues I have listed, but on three trouble spots in trade negotiations: No. 1, labor rights and environmental issues in trade agreements; No. 2, protection of the right of the U.S. to promulgate environmental and other regulations in connection with so-called investor-state dispute settlement provisions, commonly know as ''Chapter 11'' provisions; and, No. 3, the integrity of US trade laws.

Let me turn to those difficult issues now.

First, labor rights and environmental protection issues: These issues have now firmly and irreversibly made their way on to the trade negotiating agenda. They are here. The world has changed. Those who continue to ignore that reality are simply burying their heads in the sand.

The appropriate manner to address those issues, however, is not obvious, and it has been the subject of heated debate for more than a decade. The dispute over this issue has kept the Congress deadlocked on fast track for nearly a decade.

Fortunately, U.S. trade negotiators have made some important progress. In negotiating a free trade agreement with Jordan, the United States brought labor rights and environmental protection into the core of the trade agreement.

Two central approaches were taken on these issues. First, both parties agreed to strive for the labor standards articulated by the International Labor Organization, and for similar improvement in environmental protection. Second, both countries agreed to faithfully enforce their existing environmental and labor laws and not waive them to gain a trade advantage. That is in the agreement.

In addition, both parties to the Jordan Agreement agreed to pursue a number of cooperative efforts to improve labor rights and environmental protection. In my opinion, these provisions of the Jordan Agreement provide a concrete demonstration of the way to

break the deadlock on labor rights and the environment.

Last year, I encouraged some of my colleagues in the other body to pursue Jordan-like provisions as the basic model for a fast track bill. In drafting the fast track legislation, the House New Democrats and Republicans wisely agreed to use those provisions as a model for the language in the fast track legislation.

In the Senate bill, we accepted the legislation on this topic and made clear in the report that the legislation fully adopts the Jordan standard on labor and environment matters.

Unfortunately, some in the House opposed this language as not going far enough and urged legislation to force compliance with ILO labor standards. I support the ILO, and I believe the Jordan-based approach moves the trading regime in the right direction; that is, looking to the ILO for guidance on appropriate labor standards.

With due respect, however, I believe that those who advanced this proposal and those who may later advance it in the Senate debate are simply going too far. The ILO standards are a starting point, but they were not meant to be used in this manner.

It may be that through experimentation we can strengthen the linkages between trade agreements and the ILO. Indeed, that is the ultimate goal of this legislation. But trying to accomplish this in one fell swoop will only set back both agreements and the ILO.

Quite frankly, whatever the intentions of the authors, proposals like this are likely to be fatal both to fast track and future trade negotiations.

Another environment-related issue that has arisen in recent months pertains to investor-state dispute settlement, also known as ''Chapter 11,'' in reference to the provisions of this topic in NAFTA.

The genesis of Chapter 11 is the legitimate concern of some U.S. investors that other countries often do not provide adequate protections of their investments. Investors have had many experiences of being poorly treated and having little recourse to air their legitimate concerns.

NAFTA's Chapter 11, and similar provisions in other agreements, are designed to address this problem. They define a basic set of investor rights under international law. The concepts are comparable to basic rights under U.S. law. They include the right to just compensation when the government takes your property, and the right to be treated fairly and equitably by the government.

Significantly, Chapter 11 provides an alternative to local courts for the adjudication of complaints about a government's actions. Investors are allowed to challenge such actions before special arbitration panels. It is appropriate to pursue such provisions in trade agreements. But investor rights are not the only concern. Unfortunately, some of the complaints brought under chapter 11 have clearly been aimed at stifling legitimate regulations. The challenge by the Canadian company Methanex against a legitimate California regulation on a gasoline additive is the most visible case in point.

Defenders of Chapter 11 note that most of these cases have not resulted in panel rulings against regulatory authorities. This is correct. But it is also part of the problem.

Chapter 11 panels have demonstrated no ability to rapidly dismiss frivolous cases. This results in extended litigation on claims that should simply be thrown out, such as the Methanex case.

These legitimate concerns must also be addressed. The bill before us today attempts to balance the needs of U.S. investors with the legitimate needs of regulatory agencies, and the concerns of environmental and public interest groups.

The bill directs trade negotiators to seek provisions that keep Chapter 11-type standards in line with the standards articulated by U.S. courts on similar matters. It urges the creation of a mechanism to rapidly dispose of and deter frivolous cases. And it urges the creation of a unified appellate body to correct legal errors and ensure consistent interpretation of key provisions.

I know some would like to go further in striking a new balance on investor-state issues. As the debate proceeds, I look forward to working with them on the issue. But I urge my colleagues to keep in mind there are several legitimate interests that need to be balanced; that if we go too far in one direction, it is going to upset the balance in another. But I very much want to work with Senators who have other amendments on this issue.

The second difficult issue within fast track is how we ensure fair trade. After being involved in international trade policy for more than two decades, I am struck by how often the issues that shape congressional thinking on trade are not trade negotiations but rather are the administration's effort to enforce trade laws.

Although the point is often lost, the United States is the most open market in the world. That has to be remembered. Our tariffs are quite low, and there are very few nontariff barriers to trade in the United States. There are some, but they are few. We do not wear white hats. We are not totally pure. Other countries do not wear dark hats. They are not Darth Vaders. But it is true the shade of gray of our hat is a lot lighter than the shade of gray of other countries; that is, we are more open compared to other countries.

Despite complaints from some of our trading partners, the U.S. market is clearly far more open than that of our major trading partners, such as Japan and Europe—both of which cast stones at the United States from behind titanic barriers of their own to agricultural trade.

To keep the playing field relatively equal and battle foreign protectionism in the form of subsidies and dumping—selling at cut-throat prices—the United States and most other developed countries maintain antidumping and countervailing duty laws.

Another critical U.S. law is section 201. It aims to give industries that are seriously injured by import surges time to adapt. Section 201 was recently employed to good effect to provide the steel industry with that breathing room, but it has previously been used on a range of other products, from lamb meat to motorcycles. Indeed, that is why Harley-Davidson is doing well today. They were given a breather.

Although the exact percentages can vary from year to year, over the last two decades, these laws collectively have applied duties to less than 1 percent of total imports; that is, our trade laws, when enforced, when in action, have applied duties to less than 1 percent of total imports. And they are completely consistent with U.S. obligations under the WTO—a point that must be remembered by all Americans who are a little concerned about some of these actions our Government, I think in most cases, legitimately takes to protect the United States of America because other countries' trade laws and barriers are so heinous by comparison and so unfair to Americans.

Yet somehow the United States has lost the public relations war on this topic. Somehow our trading partners and importers have convinced some editorial writers that these laws are protectionist. Nothing could be further from the truth. They are not protectionist.

Antidumping and countervailing duty laws combat trading practices that have been condemned for a century. Subsidies and dumping are too frequently used by foreign countries and companies to devastate U.S. industries. Consider the U.S. semiconductor industry in the mid-1980s and the U.S. lumber industry today. Rather than being protectionist, these laws are the remedy to protectionism. That dumping, those subsidies, are trade barriers. They are trade barriers. They are barriers to free trade. So our trade laws are meant to remedy that protectionism, remedy those trade barriers, by knocking down those trade barriers. That is what our trade laws do. It is a very important point for all of us to remember.

On a political level, these laws also serve as a guarantee to U.S. industries and U.S. citizens. They say that trade will be fair as well as free, and that temporary relief is available if imports rise to unexpected levels. Without those critical reassurances, I suspect the already sagging public support for free trade would evaporate and new trade agreements would simply become impossible.

Our trade laws help us, not hurt us, and help other countries, too. It keeps them honest and keeps them on their toes.

To address this issue, the bill takes two important steps: First, it identifies

several recent dispute settlement panels under the WTO that have ruled against U.S. trade laws and limited their operation in unreasonable ways. These decisions clearly go beyond the obligations agreed to in the WTO and undermine the credibility of the world trading system. If they are not addressed, I suspect public support for trade will erode further. That is why our concerns regarding these cases are identified at the very outset of the bill as findings and why the administration is directed to develop a strategy to counter or reverse these decisions or lose fast track.

This bill also directs negotiators not to negotiate new trade agreements that undermine U.S. trade laws. We cannot do that. I am, frankly, concerned that this administration has already put itself in a position in which U.S. trading partners will push hard to weaken U.S. trade laws in WTO negotiations.

We cannot put ourselves in that situation. This issue is serious enough that I carefully weighed whether the benefits of new trade agreements are worth that risk. I went forward only because I believe there are strong majorities in both Houses of Congress to block efforts to weaken U.S. trade laws.

I am concerned that additional steps on U.S. trade laws may go too far, but I hope the administration's trade negotiators take careful note of these directions; otherwise, they are headed for conflict with the Congress.

Mr. President, that describes the fast-track portions of this bill. They are not perfect. Were it not for the need to address the concerns of Senators on the other side of the aisle, I would have gone further in several areas. There are also provisions I think are unnecessary. That, after all, is the nature of bipartisan compromise. In the end, though, the Finance Committee reported the fast-track bill by a vote of 18 to 3, indicating to me that we are close to finding that balance.

One final point, especially for my friends on the left. This is the most progressive fast-track bill that Congress has ever moved to pass, by far. It is a vast improvement over past grants of fast track on many of the issues I have just highlighted. It is not perfect, but it is a good bill. I urge my colleagues not to allow the perfect to become the enemy of the good.

When I began my remarks, I noted that many people have asked a simple question: Why a trade bill? Why now? A big part of the reason is that we now have the unique opportunity to expand and approve trade adjustment assistance—not TPA, trade promotion authority, but trade adjustment assistance. Quite frankly, this would be impossible absent fast track. We can only do this in the context of a larger trade bill.

So let me turn now to what I view as the most important part of this legislation—and certainly the part I am most proud of—trade adjustment assistance.

Trade adjustment assistance, sometimes known as TAA, is a program with a simple but admirable objective: to assist workers injured by imports to adjust and find new jobs. It is that simple. This is an objective I suspect almost all Americans support.

TAA was created back in 1962 as part of an effort to implement the results of the so-called Kennedy round agreement to expand world trade. That is its genesis, 1962.

President Kennedy and the Congress agreed there were significant benefits to the country as a whole from expanded trade. They also recognized, however, that workers and firms would inevitably lose out to increased import competition.

TAA was then created as part of the new social compact that obliged the Nation to attend to the legitimate needs of those who lose from trade as part of the price for enjoying the benefits from increased trade.

Unfortunately, we have not always upheld the bargain in pursuing new trade agreements because, over the years, we have failed to provide adequate funding for TAA. We have scaled back some benefits. We have tightened eligibility requirements. We have neglected to recognize the need for expanded training and health care assistance. We have not kept up our part of the deal.

This legislation aims to fulfill the bargain struck in 1962. It does not, as some voices have asserted, make TAA more attractive than having a job. That is just not accurate. I think anybody would rather have a job, that is clear. But in the end, TAA recipients must still get by on about $250 per week while receiving retraining for a new job.

But it does make several important changes in the TAA program to make it more effective. First, it extends the period for which TAA pays out income support from 52 weeks to 74 weeks. It is extended. This allows TAA recipients to stay in the program long enough to complete training for new jobs. It also remedies a shortcoming in the current program that many observers, including the General Accounting Office, have pointed out.

Second, this legislation expands eligibility for TAA benefits to so-called secondary workers. This has been a controversial provision, so I will explain it. Secondary workers are secondary only in the minds of some of the bureaucrats administering TAA. These are workers who have lost their jobs due to imports just as surely as those receiving TAA benefits now, but they have the misfortune of working for a company or a plant that supplies input products to a plant that closed or reduced production because of trade. They are so-called secondary workers.

The shortcomings of current law are demonstrated in this example: If an auto plant must close down because of competition from Japanese imports, the workers at that plant would be covered by TAA. That is clear. The workers down the road, however—those who make windshield wipers or tires for the now closed plant—would be secondary workers and not covered. This is simply unjust, and it is why so many, including the GAO and the Trade Deficit Review Commission, which included two members of the Bush Cabinet, have advocated expanding TAA to cover secondary workers.

When Congress passed the NAFTA in 1994, President Clinton agreed to expand TAA to secondary workers for imports from NAFTA countries. We also agreed to extend TAA when a U.S. manufacturing plant moves abroad to one of the NAFTA countries. These limited applications demonstrate that both provision on secondary workers and plant shifts are workable. They have been the law and are working. It was the expectation at the time that we passed NAFTA that these provisions would be expanded to all trade. As Mickey Kantor, who was USTR at the time, has said:

> At the time [that NAFTA was passed] it was everyone's expectation that these programs would be extended to non-NAFTA countries.
>
> And that makes sense—workers who lose their jobs because of imports from Europe, for example, are just as deserving of assistance as workers who lose their jobs because of imports from Canada. The legislation before the Senate harmonizes these programs. This is long overdue.

Third, this legislation expands benefits for TAA workers. This legislation authorizes $300 million for training workers receiving TAA—nearly tripling the program. The legislation will also extend assistance in obtaining healthcare insurance to TAA recipients. Now, the call for extending healthcare insurance assistance has proven the most controversial aspect of this legislation.

But it is important for all Senators to understand that this concept was originally advanced by the bipartisan Trade Deficit Review Commission—a group that had many prominent Republican members, including Ambassador Robert Zoellick, Secretary of Defense Donald Rumsfeld, and former USTR Carla Hills. They recommended health insurance benefits for dislocated workers.

I would emphasize that the recommendation for transitional health insurance was supported unanimously by the Commission. In our bill, we have tried to find an appropriate middle ground.

For workers who are eligible for COBRA, this bill would provide a 73 percent tax credit for those payments. For workers not eligible for COBRA, this bill would provide a 73 percent tax credit for the purchase of certain State-based group coverage options. The tax credits for both categories of workers would be fully advanceable and refundable. In addition, in recognition of the fact that it may take States some time to get these group-coverage

options up and running, we provide interim assistance through the NEG program.

Fourth, this legislation also extends TAA programs specifically targeted to family farmers, ranchers, and fishermen. The legislation aims to correct some problems in the current legislation that have kept farmers and fishermen—who are typically self-employed—from benefitting from TAA. The provision on farmers is taken from legislation introduced by Senator CONRAD and the ranking member of the Finance Committee, Senator GRASSLEY. The provisions on fishermen were prepared by Senator SNOWE, who has contributed immensely to this legislation.

Finally, this bill creates what amounts to a pilot program on wage insurance. Wage insurance is essentially an alternative approach to addressing worker adjustment. In essence, wage insurance provides a Government payment to older workers who lose their jobs because of trade and decide to take a lower paying job rather than go through training. The Government payment would run for up to two years and would make up half of the difference between the new wage and the old wage. The concept is that workers may actually be able to adjust more quickly if they move back into the workforce and learn new skills on the job. Experience suggests that the workers that do take a lower paying job are often able to make up much of the difference between the new wage and the old wage as they gain experience.

There are those who would like to abandon traditional TAA entirely in favor of wage insurance. If this experiment succeeds, that may be just the course we decide to take in a few years. At this point, however, there are just too many questions to be answered to turn TAA entirely into a wage insurance program. That would not be right.

One final point on cost. I should note—we often talk about the vast benefits of trade: more jobs, higher paying jobs, cheaper products. I indicated earlier that the average family of four sees annual benefits in the thousands of dollars. Yet I am sure that some of my colleagues on the other side of the aisle will complain that TAA costs too much. But the reality is, it would cost the average family of four about $12. It is an inexpensive way to build support for trade.

All told, this bill amounts to a major expansion and a historic re-tooling of TAA—a step that is long overdue. It attempts to adopt the positive experiences we have had with expanding TAA to secondary workers in the NAFTA, adopt the recommendations of the GAO and the Trade Deficit Review Commission, adopt good ideas from the academic world, and generally turn TAA into a program that truly works.

I suspect when we look back on this legislation in 20 years it will be these provisions on TAA, which attempt to fulfill the promise made by President Kennedy nearly 40 years ago, that are found to be truly historically significant.

Finally, this legislation also extends and expands the trade preferences given to the Andean countries—Peru, Bolivia, Colombia, and Eduador. The United States had extended these preferences to our friends in Andean America until they expired last year because we wanted to provide the citizens of those countries with an alternative to the illegal drug trade and to shore up our relationship with important allies.

In the legislation we are considering today, the Finance Committee chose to expand ATPA to new products, such as textiles and apparel and canned tuna. I know these expansions are controversial, but they are critical to the beneficiary countries.

Fighting the war on drugs is an uphill battle for these countries. It is tough. They cannot fight that battle unless legitimate, value-added sectors of their economies are encouraged and developed. This bill expands ATPA in a responsible way.

The legislation also creates a petition process to give interested parties a channel for bringing to the administration's attention issues that may warrant limitation of a country's benefits. That could happen. This will ensure that the United States pays adequate attention to other issues in these relationships, such as labor rights and enforcement or arbitral awards.

Finally, this legislation includes technical changes from the committee mark, including an exclusion of certain footwear products.

Let me end by talking about the importance of trade in my home State of Montana. As in most States, trade plays a critical role in Montana's economy.

From 1993 to 2000, Montana's exports grew by 126 percent—nearly double the 68 percent growth in total U.S. exports of goods. We have expanded proportionately faster than has the Nation. According to the U.S. Department of Commerce, nearly 6,000 Montana jobs depend on exports of manufactured goods. And more than 730 companies, mostly small- and medium-sized businesses, export from Montana. Farmers and ranchers are also increasingly dependent on trade and continuing to open foreign markets. One in every three U.S. acres is planted for export—making U.S. farmers 2½ times more reliant on trade than the rest of the economy.

Unfortunately, barriers to U.S. agriculture products remain extremely high. Agriculture tariffs average more than 60 percent worldwide. By comparison, average tariffs on industrial goods are less than 5 percent. Non-tariff trade barriers, like quotas, have all but vanished from trade in manufacturing, but these barriers remain common in agriculture. U.S. agriculture exports have suffered as a result of these barriers. Indeed, because agriculture is the most distorted sector of the global economy, it is also the sector most in need of trade liberalization. Some existing agreements have provided significant improvements. NAFTA—while far from perfect—has resulted in increased agriculture exports to Mexico and Canada.

In 1993, the year that NAFTA was passed, Montana's agriculture exports to Mexico totaled $1.2 million. In 2000, that number had increased to nearly $4.7 million. Montana's agriculture exports to Canada have increased even more dramatically—from roughly $12 million in 1993 to $110 million in 2000.

The U.S. must make agriculture a priority in future negotiations, and in fact, agriculture is the highest priority for new global trade negotiations under the WTO. Countries have agreed to work toward phasing out all export subsidies; make improvements in market access; and eliminate disguised trade barriers such as in the beef hormones dispute with the Europe Union. These negotiations can only help in leveling the playing field for American farmers and ranchers and open markets overseas since 60 percent of the tariffs are in agriculture and 5 percent are in manufacturing.

Trade is clearly important for Montana's farmers, ranchers, and workers. Support for Montana ranchers and small businesses is important for our people. Yet support for trade in Montana—as in the rest of the Nation—I think has faded in recent years. Part of that is because people are more aware of the downside of trade rather than the upside of trade.

When workers are laid off as a result of imports, that is highly publicized and widely noticed. Yet few people realize that trade agreements have provided, by some accounts, benefits to families worth thousands of dollars annually. We have not done enough in this country to help those workers displaced because of trade. That is why a comprehensive bill—one that includes both fast track and TAA is so important.

This legislation is certainly controversial. As I have noted, fast track alone has proven so divisive that it has been deadlocked in the Congress for most of the decade. I know some of my distinguished colleagues—Senators BYRD and HOLLINGS, for example—have both substantive and procedural concerns. I deeply respect their views, and I value their insight. They are very good people. We disagree, however, about trade. But their concerns are heard. I will address their concerns more fully as this debate continues.

In the end, though, it can be said that everybody would like to see changes in this bill, in one direction or the other. But I believe strongly that this legislation represents a sound balance on all fronts.

Forty years ago, President Kennedy asked Congress to grant him new trade negotiating authority. It was a much simpler bill, at a time when trade issues were more narrowly defined. But it was still quite controversial, for

many of the same reasons that trade remains controversial today.

President Kennedy emphasized the importance of trade for our economy, for our workers, and for American leadership. Yet he recognized even then that trade also creates dislocation and that a new program, trade adjustment assistance, was needed to aid workers adversely affected by trade.

President John F. Kennedy, urging support for his proposal, said this:

> At rare moments in the life of this Nation, an opportunity comes along to fashion out of the confusion of current events a clear and bold action to show the world what we stand for. Such an opportunity is before us now.

Congress seized that opportunity and passed the Trade Expansion Act of 1962.

Today, we too can show the world—and America—what we stand for. Building not only on the vision of President Kennedy, but on the efforts of the Presidents who followed him, we can show the world that America can lead the way in building a new consensus on international trade. We, too, must seize this opportunity.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, we have attempted to really get the process going on trade promotion authority for a week now, with little or no success. I think today we moved completely in the wrong direction. I am, for the first time, becoming concerned that we may not be successful in our effort. I wanted to come to the floor today to talk about it.

Had we brought the trade promotion authority bill to the floor of the Senate on Tuesday, the bill that was reported on an overwhelmingly bipartisan vote—I think 18 to 3 out of committee—and if we could have had an up-or-down vote on it, my guess is that some 70 Members of the Senate would have voted for trade promotion authority. And the vote ought to be 100.

If there is anything I think we have learned in the history of mankind, it is that trade works, that trade promotes economic growth, it promotes better jobs, it expands freedom, it is something that all enlightened opinion speaks in favor of; yet it is something that, throughout history, has been under assault. It is hard to understand trade, and it is so easy to argue against it.

Every special interest can cloak itself in the American flag and argue against trade. It reminds me of the writing of a French economist, who, as individual industries were getting protection from foreign competition in France while England was blossoming economically through free trade—a famous French economist wrote a petition to the economic ministry that was granting all these exceptions for one industry after another, basically arguing that they had to protect dairy products because they had so many jobs tied to it—tending the cattle, and all of the people who service the industry—and they had to protect this industry to protect that. So this famous economist wrote a petition on behalf of candlemakers, arguing that they were disadvantaged in selling their products because of the Sun, which had an unfair competitive advantage: It seemed to produce light for nothing—in overwhelming quantities.

Anyway, to make a long story short, he goes into this elaborate argument about how France could become rich from all the people who would be employed in making candles if they would just pass a law requiring people to pull their shutters closed during the day and to pull down their shades so that they would have to buy more candles. What was interesting about his petition was that it made exactly as much sense as all the other petitions that had been granted.

The point is that trade doesn't help every individual producer under every individual circumstance, but it helps the whole, it helps society.

We live in a golden age today. We live in an age where consumer goods, relative to our wages, are the cheapest they have ever been in the history of mankind. The other day I put a shovel in a truck, and someone had gone somewhere in the truck. I needed the shovel, but I had a limited amount of time. So I went to the hardware store to buy another shovel—complaining about how stupid I had been for leaving it in the truck. I should have paid attention. I had only one day to do what I was going to do. So I went there to buy a shovel, and I bought a shovel for $4.52. I submit that never, since man first emerged from the Garden of Eden, has any citizen anywhere bought a quality shovel for less than I paid for it at the hardware store.

Today, we all benefit from world trade. I never will forget, as a boy, as an economic student, when the professor explained comparative advantage and the gains from trade. It didn't take me long to figure out these were powerful ideas that people didn't understand. It is so easy for a Member to stand up and say: We buy products from some country, but they don't buy that product from us. But I could say that I buy groceries from Safeway, but they don't buy anything from me. I have a totally one-way trade with Safeway. I could claim that that was unfair trade. I could stop buying groceries from grocery stores since they don't buy anything from me. I could plant my little backyard in vegetables. But the price I would pay would be poverty.

The point is, there is no issue we have debated in this Congress, or any Congress, related to the material well-being of our people—which I separate from things like our political freedom—there is no issue that we have debated that is more important than trade. Trade won the cold war. Trade and the wealth that it created, the wealth machine it generated rebuilt Japan and Europe after World War II. Trade created wealth in Taiwan and Korea where it had never existed. In the process, it destroyed the Soviet Union. It gave more freedom to more people than any victory in any war in the history of mankind. The first point I am trying to make is, trade is very important and trade promotion authority, giving our President the tools he needs to negotiate and create more good jobs in America through trade, is something that every Member of the Senate ought to be for, and thank goodness, a large number of our Members are for it.

If that had been the issue before us, we could have finished our business on Tuesday. But for some reason, the majority decided they were unwilling to let the Senate vote on trade promotion authority alone and that they were going to add other legislation to it, most importantly, trade adjustment assistance. Whereas the trade promotion authority bill came out of the Finance Committee on a strong bipartisan vote, the trade adjustment assistance bill actually passed the committee after the expiration of the two-hour rule. It was totally a partisan procedure, and it is a very contentious bill.

I could go into great length about what is in it, but the point I wish to make today is that we have been negotiating, I believe, in good faith in trying to come up with an agreement that would let us move forward and pass this most important legislation—trade promotion authority.

In the midst of these negotiations, yesterday Senator DASCHLE offered this amendment. The astounding thing is that a huge amount of this amendment represents material that not only is not in the trade promotion authority bill but is not in the trade adjustment assistance bill. And there are totally new issues that have not been discussed in the context of fast track before. These represent basically an undercutting of the whole process of trying to negotiate a compromise.

I understand that to legislate, it requires a compromise. Nobody gets everything they want. I do not think it is asking too much to have a straight up-or-down vote on trade promotion authority, something as important as that, but now we find hidden in this amendment a provision whereby to get trade promotion authority, we are going to have to cover legacy costs for the steel industry.

This provision was not part of trade adjustment assistance, but suddenly out of nowhere, if you are part of the legacy cost to the steel industry, you are going to get a brand new entitlement benefit under this program. Never in our negotiations has there been talk about wage insurance. Let me explain this concept and let me explain how trade adjustment assistance works.

First, under the current law, if I lose my job because lightening strikes the building I am in and destroys the Capitol or a terrorist attack destroys the

business, I get unemployment insurance until I can find a new job. But if foreign competition can be blamed for me losing my job, I get a totally different set of benefits, far richer, far more valuable.

Quite frankly, I never understood why Americans ought to be treated differently based on why they lose their jobs. If they are Americans and they lose their jobs and Government provides programs, it seems to me they ought to get the same benefits. I do not understand treating people differently, but I long ago have concluded that my view is hopelessly in the minority on that issue.

Now we are talking about adding new benefits to the differential, and I want to talk about two issues in particular.

The first I mentioned is this whole steel legacy issue, and it really boils down to the following thing: Sad as it is, painful as it is, the American steel industry promised benefits that they never intended to pay, that they never had the resources to pay, and now, having negotiated all of these gold-plated benefits, principally to their retirees, when the bill has come due, these companies, many of them still in business, many of them that have equity values on the New York Stock Exchange are saying: Look, we cannot pay these benefits; we agreed to them, but we cannot pay them, so we want the taxpayers to pay them.

Now we have a proposal out of the clear blue sky added to the ransom that we are supposed to pay to get trade promotion authority passed. We have this requirement that these steel legacy costs come under trade adjustment assistance. I say to my colleagues, when you are in the business we are in, you never say never; you never say that something is not going to happen. But let me put it this way: We may adopt a bill that funds steel legacy costs as tribute or bribery or ransom to get trade promotion authority, but it is not going to happen soon and it is not going to happen easily. Within every limit of every rule of the Senate, I assure my colleagues, we are going to fight this. And if in the end, God forbid, but if in the end it were a choice between trade promotion authority, which we need, which is vitally important and which I am 100 percent committed to, if I had to choose between trade promotion authority and paying steel legacy costs to get it, the answer is no, it is not worth it. It is absolutely not worth it.

If we were talking from now until Jesus came back, I do not know that I would be so quick to make that statement. But we know we are going to have a new Congress next year. We might actually have a Republican majority in that Congress. To simply come in and ask the taxpayers to pick up all these legacy costs for operating American businesses that promised benefits they could not and they never intended to pay, in many cases, is so outrageous it is piracy on such a scale that, in my opinion, it is not worth paying, not even for trade promotion authority.

Let me talk about wage insurance. I remind everybody that currently in our trade promotion authority bill only about one out of every four Americans who lose their jobs where it can in any way be related to trade claim benefits under trade promotion authority. About three-fourths of them simply go on about their business and get other jobs, but about one out of every four take trade adjustment assistance benefits.

Under this bill, we create a brand new benefit which will guarantee that almost everyone will participate in the program. As a result, the cost of the program will skyrocket. This is a brand new entitlement, and what it says is, if you earn less than $40,000 a year when you lose your job, when that can be in any way related to trade, the Government is going to guarantee your wage, and so you will take a new job and the Government will come along and pay a portion of the difference between the wage you had in your old job and the wage you have in your new job.

This is a brand new entitlement program, potentially explosive in its costs.

The idea we are suddenly going to start insuring people's wages represents a step toward Government domination of the marketplace that we have never seen before. This is a provision that cannot be in any final compromise.

I will sum up because I know the distinguished ranking member of the committee is present. I know he wants to speak.

I do not think we are moving in the right direction. I thought it was a mistake, I believe it is a mistake, and I believe many of my colleagues will not support tying trade adjustment assistance with all of these new entitlement programs to trade promotion authority. Now we are having all of these new benefits in the trade adjustment assistance bill, benefits the cost of which no one knows.

I hear my colleagues say we are running a deficit, we are spending the Social Security trust fund, what an outrage it is, but yet today we have an amendment before us offered by the majority leader that would create massive new entitlements that, clearly, would end up costing billions, perhaps tens of billions of dollars, and no one seems the least bit concerned. No one seems concerned that we are creating all these new entitlements that will change worker behavior, that will induce people not to move to new jobs, that will disrupt the economy and in the process create this incredible situation where people who are working have no guarantee of wages but people who are unemployed do; people who are working do not have a guarantee of health insurance but people who are unemployed have a Government guarantee.

How can we tax people who are working, who have no wage guarantee and who have no health insurance, how can we justify taxing them to pay benefits to people who are unemployed who are not working? I do not see how such a guarantee can be made.

Ultimately, what we are talking about is a European-type system, where we are going to guarantee health coverage ultimately to everybody, where we are going back and bailing out the steel industry to simply get the right to vote on trade promotion authority, and where we are beginning to write guaranteed wages into the American economy.

The President of the U.S. Chamber of Commerce today in the paper said it well, I think, that we are reaching the point where the price we are being asked to pay for trade promotion authority is simply too high; it is unacceptable.

So I urge my colleagues to—and let me speak to my colleagues on my side of the aisle. I am never going to support these provisions. I am never going to support bailing out the steel industry as a price for trade promotion authority. I am not going to support a wage insurance program. Every country in the world that has such a program, that has the least bit of economic development, is trying to get out of it.

Europe has not created a job in 30 years because of their wage insurance program and the inflexibility that produces. So if you ever get a job, you are protected, but in Europe people do not get new jobs unless somebody dies or retires. That is not what we want in America. So I think this has to be rejected. I do not think this represents any kind of good-faith offer. I think this undercuts what we have been trying to do, and I think we are moving in the wrong direction.

We are going to hear today from many of my colleagues who have been involved in this debate. I am for trade promotion authority, and I understand piracy. I understand that often in the legislative process one has to do a lot of things they do not want to do to do some good, but the price we are being asked to pay in the Daschle amendment is too high. Not even trade, as great as it is, is worth the tribute we are being asked to pay in this amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Iowa.

Mr. GRASSLEY. Madam President, does the assistant majority leader have a statement he wishes to make?

Mr. REID. I appreciate the Senator asking. What we are going to do, as soon as the Senator completes his statement, we are going to work out a time agreement where Senator DORGAN's amendment will be voted on at or around 12:30 today. So Members should be aware that is what we are working toward. As soon as the Senator completes his statement, we will propound a unanimous consent request. I have checked with the Senator and I have

checked with the manager on our side and that seems to be OK with both of them.

Mr. GRAMM. Madam President, will the Senator yield to me for a moment?

Mr. GRASSLEY. Yes.

Mr. GRAMM. I appreciate the Senator yielding.

There is not going to be a unanimous consent agreement on the Dorgan amendment. We are not going to do a time limit on it. We are not going to vote on it today.

Mr. REID. I say to my friend, there are other ways we can vote.

Mr. GRAMM. That is fine. I am saying we are not going to have a unanimous consent agreement today on that amendment or any other amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. The majority leader yesterday finally brought to the Senate legislation that contains trade promotion authority, a second part called trade adjustment assistance, and a few other items, all very important but not getting as much attention as those two.

I am pleased that the Finance Committee's bipartisan trade promotion legislation is now before the Senate. I believe strongly this legislation, more than any other, will promote America's constructive leadership of the international trading system. Nevertheless, my enthusiasm for the trade promotion authority component of the majority leader's legislation is tempered by the dismay that I have about how this process has been carried on.

Even though I believe strongly trade promotion authority is badly needed, and surely it ought to be passed by the Congress and signed into law, I regret we are being forced by the Democrat leadership's unnecessary counterproductive, sort of take it or leave it approach—it is kind of a partisan attitude in the taking up of trade promotion authority and doing it in this fashion.

When we passed trade promotion authority from the committee 4 months ago, the vote was 18 to 3. We did it in an open, cooperative, bipartisan spirit. I was greatly heartened by the bill itself and by the process in which we achieved a result that was good for America. But this bill before us, the one laid down by the Senate majority leader, is a much different story. I had hoped after bruising, partisan fights on economic stimulus, the Jordan trade bill, judicial nominations, and other issues, finally after those other issues that are very partisan, because we had an overwhelming vote in committee then in favor of trade promotion authority, that we would be able to show America's farmers, ranchers, agricultural producers, our workers in America's families and tens of millions of American consumers who benefit from free trade that we were beyond partisanship, able to do in a successful and short manner what the Senate has done on trade in the past, to be able to give the President the authority in this bill that Presidents since President Ford have had.

I hoped the Senate could put aside partisan differences and we could move forward for the good of the country and this bipartisan spirit would carry over into the consideration of trade promotion authority.

Unfortunately, because of the bill laid down last night, I am very sad to say I was wrong. Even after the Finance Committee approved trade promotion authority 18 to 3, it took 4 months before the Senate Democrat leadership would agree to bring this critically important bipartisan bill to the Senate floor. It took 4 months just to get a bill which passed out of committee by 18 to 3, to the floor, even though the President said time and again that the lack of trade negotiating authority was hurting his ability to lead at the negotiating table.

When we finally seemed to be making progress in getting trade authority legislation to the floor, we were told the only way we could have this debate—a debate that the American people deserve to have, particularly the jobs created by trade—was if we agreed to partisan trade adjustment assistance legislation with which many Members on our side of the aisle disagree.

I support trade adjustment assistance. I support an enhanced, updated, and fine-tuned trade adjustment assistance program. I have said that many times. In fact, the trade adjustment assistance legislation I support will more than double overall program spending because what I support will vastly increase spending on training to help the dislocated workers. My program adds health care coverage for the first time ever. It will assist so-called secondary workers for the first time ever.

What I find difficult to agree to, and many Members on my side of the aisle will not agree, is the partisan, ''my way or the highway'' approach taken in the bill laid down by the Democrat leadership. The bipartisan way is the best way to get things done in Washington. Somehow the Democrat leadership is not listening to either the people on my side of the aisle or the people on his side of the aisle who I know agree that we need a bipartisan approach. Others have been ignored, even beyond this body, groups representing tens of thousands of farmers, ranchers, and hard-working American families, those workers who have jobs related to trade, those jobs that will be created because we pass this bill and have enhanced trade.

I briefly quote from a letter to the majority leader printed as a full-page advertisement on April 11 in the Roll Call newspaper. This letter to the Senate majority leader was from the Agricultural Coalition for the Trade Promotion Authority, representing 80 food and agricultural groups dedicated to the passage of TPA.

In part, it says:

The strong bipartisanship that has historically prevailed in the Senate on trade matters must be reestablished to allow rapid action on trade promotion authority. We urge that this bipartisanship extend to work on other trade-related legislation that may need to move in tandem with trade promotion authority so that the U.S. can regain its position as world leader for free and fair trade, and in so doing open a world of opportunity for U.S. agriculture.

That plea for bipartisanship on trade adjustment assistance is being ignored. My pleas for bipartisanship are being ignored, and so were those of many other Senators.

We have a divisive partisan product, laid down last night, a product deliberately designed to emphasize differences, not to build bridges between Republicans and Democrats, among people of different viewpoints. It was meant not to seek common ground, not to restore the traditional nonpartisan approach to international trade and foreign policy that characterized so much of America's history but otherwise put down to simply score partisan political points.

As disappointed as I am by the process that took place last night, I am still hopeful and commit myself to work for a genuine compromise. I happen to think it can still come together. I believe we can compromise and come together because America's global leadership is at stake. In other words, this is a very important bill.

I don't for 1 second believe any Senator would deliberately want to diminish America's standing in the world community. Stakes are very high. But that is what will happen if we don't restore the President's credibility at the negotiating table. And this bill that came out of the committee does that—not the bill before the Senate. The merits of the Finance Committee bipartisan trade promotion authority bill are so compelling that I believe we will ultimately be able to compromise on trade adjustment assistance.

I summarize the need for the Finance Committee TPA bill simply by saying the United States must be in a strong position to pursue our Nation's interests at the bargaining table. Without trade promotion authority, we are not in a strong position to accomplish that goal, it is just that simple.

Already the United States has been pushed to the sidelines, pushed to a point where a great deal of activity on the trade front has taken place bilaterally, it has taken place regionally, and now globally in new trade negotiations underway through the regime of the WTO.

There are many examples of how the United States is being left behind. The Andean community and Mercosur, for example, have moved closer to creating a South American free trade zone comprising 310 million people. Mercosur and the Andean community together have about $128 billion in annual exports. If they have a free trade zone, it will strengthen tremendously the economic power of Latin America and be negative towards the United States. If

we fail to give our President trade promotion authority and progress on negotiations of the free trade area of the Americas slows as a result, or comes to a halt as a result—and this is now the case—then major U.S. exporters will be at a major disadvantage in these important Latin American markets compared to exporters in countries that do have such trade agreements.

American suppliers seeking to sell in these Latin American countries are going to have a heck of a time to have a market for their goods that come from the United States. They will face other difficulties as well. Just one example from my State of Iowa, the Bandag company, in Muscatine, IA, makes and sells retreaded tires. That company is an enormously successful company, also in the international market. At one point in time, Bandag products went to Uruguay, Paraguay, and Argentina from our country. American workers made those products.

However, when the Mercorsur agreement was put into effect between Brazil and those other three countries, it became more viable for Bandag to ship product from a plant that Bandag built in Brazil. Those jobs and that investment as well did not stay in my State of Iowa or somewhere else in the United States. In fact, out of economic necessity, it went to Brazil. That is what happens if the United States is not credible at the negotiating table. That is what happens when the United States cannot lead in opening new markets and reducing tariffs overseas.

Without trade promotion authority, it is a story that will be told over and over again. This is our challenge, then. If we fail in this challenge, if we do not seize this opportunity to grant the President trade negotiating authority, I believe the process of opening global markets through bilateral, regional, and especially global negotiations—the process that has been the pattern for the last 50 years—will be set back for years.

If that happens, then the future prosperity of millions of Americans and the future prosperity of many of this Nation's most competitive businesses, and our farmers as well, will be put in doubt.

Even though this was a flawed process, and regrettably an unnecessarily divisive process, laying this bill down last night, it is never too late for us to do the right thing. Let us use the commitment to good faith that I believe we all share to reach a genuine and fair political compromise on trade adjustment assistance and to finally resolve the few remaining trade adjustment assistance issues—and maybe a few other issues—that are out there.

We can get this done. Senator BAUCUS and I have shown 98 other Senators that working together we can accomplish a great deal of good. He has been doing that with me. But I think the process last night detracts from it. Maybe it was not meant to hurt what we are trying to do, but I think it has done that.

I am glad that I will have the opportunity, regardless of this act, to continue to sit down with my colleague and work out differences. That is what I want all the other 98 Senators—or at least hopefully an overwhelming number, 70 or so—to do, work with us in this process. I think there are that many people in this body who know trade promotion authority is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I come to the floor this morning to speak in behalf of an amendment laid down by my colleague from North Dakota, Senator DORGAN, as it relates to a particularly growing concerning that we have about a provision within the North American Free Trade Agreement. Because we are now on the floor of the Senate with trade issues that are so important to our country, we thought this the appropriate place to offer this amendment.

Representing a State such as Idaho, I know the words ''made in Idaho'' or ''buy Idaho'' have become a rather important but familiar refrain across my State for the last good number of years. What is unique about that is it has now become a refrain around the world, as products built in my State, as in other States, are now trafficking in world commerce and are a growing part of the Idaho economy. Whether it is the potato chip, for which we are well known, or the computer chip, with which we now dominate world markets because of quality and efficiency, Idaho's trade has grown phenomenally in the last decade, increasing and improving and diversifying our economy, and at the same time supplying increasing numbers of jobs that are important to all Idahoans.

So whether it is trade adjustment or whether it is trade promotion authority, all of those become important items that we clearly need to debate. I, like the ranking member of the Finance Committee, am extremely frustrated by the process and the character of the process that has been given to us by the majority leader. We cannot look at these different trade issues separately and in a clean fashion and debate them in a way that allows us to focus individually on these issues from the importance of displaced worker health care, of course, to the importance of our President having the authority to negotiate trade agreements.

All of that said, what is most important in any trade agreement is the transparency of the process so all of us can understand what our negotiators are doing and why they are doing it and the advantages those negotiations will bring to us as citizens, as workers, as producers within this economy.

The Dorgan amendment does just that for an agreement that is already in place, the North American Free Trade Agreement—that I happened to oppose when it came to the floor some years ago.

I had been a supporter of the Canadian Free Trade Agreement originally. But as the Bush administration and then the Clinton administration put the final touches to the North American Free Trade Agreement, there clearly were provisions within it that I thought would not only be troublesome to enforce but this country more likely would not enforce, and the Canadian Government, on the other side of the border, would enforce, making it most difficult for commerce to flow evenly in both directions, which would create disadvantages for our producers and for our consumers, while creating advantages for the producers of Canada.

Guess what. I was right in many instances. Many of my farmers and ranchers in Idaho today do not agree that the Canadian Free Trade Agreement was, in fact, a positive move for our country. This administration, though, has shown its willingness to enforce trade remedy law. With the steel agreement of a few months ago, and now a soft wood Canadian timber agreement just penned by the Department of Commerce, and being heard by the International Trade Commission as we speak today, we see the willingness on the part of this President to use law, current law, in a way that will not only force but stabilize markets and create level playing fields for producers and create a fair trade environment that some of my producers do not think exists.

While trade is so important to my State, tragically enough some of my producers and workers are beginning to believe that free trade means that it all comes here and is sold in America, displacing our workers and changing our economy because we have had administrations in the past that were not willing to enforce trade remedy situations and level the playing field and create fair and equitable environments.

I know the positive nature of trade and the importance of it. At the same time, chapter 11 of the North American Free Trade Agreement does something that is increasingly important as it relates to what are called Investor Protection Tribunals. That means when one government takes an action that may cause a dislocation of a product within the commerce of another country under the North American Free Trade Agreement, there is a procedure, a process by which it can be determined whether that was a fair and equitable process.

The tragedy of that is the tribunals have been closed and the public has not been allowed to see them. I must tell you, this administration recognizes it, understands its problems. It is important we try to deal with those as rapidly as we can.

Last July, our U.S. Trade Representative, Bob Zoellick, together with his Canadian and Mexican trade counterparts, discussed the secretive nature of

these unique dispute tribunals. They recognized that these tribunals needed to be more open and they announced they would take steps to open up the deliberations of the tribunals.

On July 31, they issued an interpretation of chapter 11 stating that tribunals should operate as transparently as possible. That very wording, tragically enough, gave those who operate the tribunals an opportunity to operate in a less than transparent environment.

As a result of that, Senator DORGAN and I have brought this amendment to the floor—I am a cosponsor of it—simply saying that this is a requirement, that the President needs to move in this direction, to certify that these tribunals are open, and to respond as quickly as possible in a time certain. We believe that is critically important.

If we are going to get the American producer, the American worker, and the American consumer to understand the international character of our commerce and the international character of our economy, they also have to know that on the government side of the process—and there is a government side to trade when you move across international borders and when you move across political jurisdictions—that the government's side of it will be aggressive, balanced, fair, and that the proceedings of that government be transparent so that the public can understand why a certain action is taken and why a certain remedy is produced. We think that is all very critical and very necessary.

I suggest that the Dorgan amendment is in fact a perfecting amendment to the North American Free Trade Agreement.

We believe it was the intent originally that these dispute tribunals be allowed to be open, and appropriately so. Yet it has not occurred. All of them have been secretive in the past.

We had a tribunal against MTBE because of the action of the State that dramatically impacted the producing company in Canada. At the same time, it was the right of the State of California to do what they did.

Regulatory activity that changes a market environment needs to be understood, and the transparency of those tribunals simply allows that to happen. That is, in my opinion, the importance of the Dorgan amendment.

The Washington Times has recognized this problem, as have other publications, as it relates to, again, the kind of transparency that we think is important.

In the character of the tribunal, Bill Moyers—I don't always agree with him and what he says on PBS, but I think in this instance we agree—talked about the balance and the importance. Other publications have recognized that this is a growing problem within the North American free trade environment—that what we do is not as open and transparent as it ought to be.

It is my understanding that we are going to have an opportunity to vote on this issue sometime in the immediate future. I hope my colleagues, recognizing that this is a perfecting amendment which directs the President to move in a positive direction to certify the openness and the transparency of these actions within the North American Free Trade Agreement and within the tribunals of jurisdiction, will do so under what we call the chapter 11 tribunal.

With those comments, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I ask unanimous consent that I may proceed for 7 minutes as if in morning business.

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

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2446 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I yield the floor

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I would like to say a few words about the pending amendment offered by my good friend from North Dakota, Senator DORGAN. It was offered yesterday evening.

His amendment calls for greater transparency in dispute settlement under NAFTA chapter 11—that is the so-called investor-State dispute settlement. I think that is a very important objective.

I agree that lack of transparency is one of the major flaws in how chapter 11 has operated. It is clear that it makes no sense whatsoever that when the United States is negotiating or companies are negotiating or trying to resolve a dispute with a Canadian company, the proceedings are, in effect, secret, that they are not open to the public. That makes no sense.

I might say, too, that the issues in dispute before chapter 11 tribunals clearly implicate essential functions of Government, including protection of the environment. They raise issues concerning public health and safety. I think any body deliberating on such important questions—it is axiomatic; it is a priority—should be open to the public. That is just a given.

Moreover, interested parties must be able to convey their views in such a body, as is the case in our judicial process, where an interested party can file a brief, say, an amicus curiae brief, say, with the Supreme Court.

Fortunately, this is a matter under which I think there is a growing consensus. I note that last year the United States, Canada, and Mexico adopted an interpretive note that provides for greater transparency in chapter 11 proceedings. The parties agreed, "to make available to the public in a timely manner all documents submitted to, or issued by, a Chapter eleven tribunal," subject to redaction of confidential material. The United States, Canada, and Mexico did agree, in an interpretive note, to provide for greater transparency, at least with respect to making public documents more available.

I think this interpretive note is a good start, but it is clear it is only a start. We have far more to do in opening up proceedings.

I might say, I raised this issue with European negotiators at the infamous Seattle administerial on trade not so long ago, and I was surprised at the resistance I received, particularly from European negotiators. They did not seem to be automatically agreeing that, yes, that is good for the process. To me, it indicates we are going to have to move further and work a little more aggressively to help accomplish our objective, and that is transparency. For that reason, the Finance Committee bill currently on the floor included in the TPA bill a detailed negotiating objective precisely on this subject.

Let me read it. These are the primary negotiating objectives contained in the bill: provide for ensuring that all requests for dispute settlement, and all proceedings, submissions, findings, and decisions in dispute settlement are promptly made public; ensuring that all hearings are open to the public; and establishing a mechanism for acceptance of amicus curiae briefs from businesses, unions, and nongovernmental organizations.

It is a huge step, frankly. It is very clear that this is a primary negotiating objective on the part of the U.S. Government.

I think we in America sometimes take it for granted that important decisions—that is, judicial decisions, legislative, and executive decisions—are made openly, made in public, with adequate opportunity for all sides to be heard. I think we take that for granted; it is so common in our country.

I think the same ought to be true when important Government regulations are being considered in international dispute settlements. I firmly believe the trade bill makes that objective clear.

Having said that, I must say I have some concerns about the amendment of my friend from North Dakota. And that is because his amendment would mandate that the President pursue negotiations with Canada and Mexico and require that the Trade Representative certify that the negotiations have been accomplished within 12 months.

There is no mandating language in this bill—for good reason. First, it is unconstitutional. The courts will strike it because the legislative branch cannot mandate the executive branch what to do in negotiating agreements. It is unconstitutional. That is No. 1.

No. 2, even if it were constitutional, if we mandate in one area, we necessarily give up significantly in other areas. One other area would be the agricultural provisions. We are trying to get Canada, for example, to dismantle

its trading commission, the Wheat Board. It is an unfair trade barrier and hurts our American farmers. If you mandate transparency, what will happen?

First, the Canadians will say, if you want us to do that, we will ask you to give up someplace else or we will not be as amenable to your suggestion that we give up on the Canadian Wheat Board. It does not make good sense in trying to get good, solid trade agreements.

We have avoided using mandates in the bill. Rather, in the tradition of these kinds of measures, we laid out negotiated objectives and agreed to consider implementing legislation under special rules; that is, if the President makes progress in achieving these objectives.

I think it should give all Senators some concern that this mandate also requires the President to, in 1 year, certify that the USTR has fulfilled the requirements set forth in this section. I don't know how in the world the President of the United States in 1 year will be able to certify that the mandate called for in this amendment is fully implemented; that is, full transparency. It is just not going to happen. It is unconstitutional anyway because the legislative branch, under the Constitution, cannot mandate to the executive branch what to do in negotiating agreements with other countries. That is an unconstitutional provision.

I very much hope my friend from North Dakota will work to modify the amendment. I strongly agree with the intent and the import of what he is trying to do. This puts me in a very difficult position because I do agree with what he is trying to do. But the goal here is to be effective. The goal here is to get the job done.

Frankly, I would like to ask the Senator from North Dakota if he would yield for a question; that is, if there is some way we can modify this amendment to make it effective, because the current draft is unconstitutional and also because of the flaws of the mandating approach and the impracticality of getting this accomplished within 1 year. I ask my good friend from North Dakota if he is willing to modify given those flaws?

Mr. DORGAN. In response to the Senator from Montana, I certainly respect his view, but I don't share his view that this amendment would in any way be unconstitutional. I believe the amendment, if I modify it, would be less likely to achieve its purpose. If I don't modify it, I think it is a stronger initiative that says to the administration, this is what the Congress aspires to achieve with respect to changing the secrecy by which dispute tribunals in NAFTA are now conducted. I would prefer we not modify it in order that it be a stronger initiative.

I do not see this as in any way being unconstitutional. It is in perfect concert with our constitutional responsibilities.

Mr. BAUCUS. I thank my good friend, but it is just a matter of judgment. It clearly is unconstitutional because Congress cannot mandate to the President telling the President what he must do in negotiating agreements with other countries. That is clearly an unconstitutional mandate of authority. I must say, I doubt this provision will survive in conference for those reasons.

I fully understand the Senator. The goal here is to be as effective as we possibly can because the Senator and I agree with the same objective. The objective is full transparency in these proceedings. That is clearly going to be in the public interest. It is going to help Americans and help people all around the world.

I thank my good friend and yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from North Dakota.

Mr. DORGAN. Madam President, my colleague, Senator CRAIG from Idaho, spoke in support of the amendment. It is an amendment we offered jointly. I ask unanimous consent that others in the Senate who have asked this morning be added as cosponsors: Senators BYRD, DAYTON, and DURBIN.

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

Mr. DORGAN. Let me describe again what it is we are attempting to achieve. We have now, under NAFTA, dispute tribunals or tribunals that are created for the purposes of resolving disputes. Regrettably, those tribunals are conducted in secret. They are secret tribunals. The American people are excluded from knowing what they have done, what they are doing, what they are going to do, how they reached a decision. We are not entitled to review any of the information they have or the information they might have used to reach a decision. They lock the door, and behind locked closed doors, they discuss this country's future with respect to international trade disputes.

We ought not be a party to that. That is not what we signed up for. That is not what the U.S. Government is about—secrecy, closed, locked doors in some foreign land. That is not what we ought to be about. This amendment says: Let's stop that. Let's not have the dispute tribunals be secret.

Let me give an example of why this is important: what is happening with respect to NAFTA and a fuel additive called MTBE. This is all under something called chapter 11. You might think chapter 11 has to do with bankruptcy. It does not. Chapter 11 was put in NAFTA at the request of negotiators thinking that U.S. investors in Mexico might have their assets seized by the Mexican Government or Mexican regulators and the Mexican legal system probably wouldn't provide sufficient protection. So U.S. negotiators actually asked to have chapter 11 included in NAFTA. It was. It was designed to create tribunals that would consider claims from foreign investors that they had property taken by Government regulation.

By design, these tribunals were given leeway to operate in secrecy. They were bound only by international arbitration rules. That allowed the tribunals to act however they saw fit. If any of the parties to the claim wanted to keep the proceedings secret, the briefs would not be disclosed and the hearings would be closed. And that is exactly what has happened.

Let me describe what has happened here with respect to chapter 11 and the tribunals and what this Government, what the United States of America, is part of. It involves Methanex, a Canadian company that makes MTBE, a fuel additive. We have been talking about MTBE recently in the debate over the energy bill so most Members are familiar with this fuel additive.

In 1999, California decided to ban MTBE because they began to find it in their ground water and drinking water. All of a sudden they began to measure this fuel additive, which is harmful to human health in their water system. They decided they better ban MTBE. And so California did that. Fourteen other States are considering limitations to the use of MTBE. It was 1990, in fact, when California first discovered traces of MTBE in the drinking water.

In 1995, 71 percent of Santa Monica's drinking water was shut down. Their supply was shut down due to the presence of MTBE. In 1996, MTBE was discovered in Lake Tahoe. In 1998, an EPA blue-ribbon panel called for substantial reduction in the usage of MTBE.

Then California decided, in 1999, they were going to ban MTBE altogether. A Canadian corporation that makes it called Methanex heard about the California decision, and they realized they stood to lose a lot of money. If California bans MTBE, this corporation stands to lose money. So Methanex filed a chapter 11 claim against the United States for $970 million. Think of this. Methanex, a Canadian corporation, files a $970 million claim against the United States of America because California decided to ban MTBE because it was discovering it was showing up in drinking water and ground water and that it is harmful to human health. So a foreign corporation sues our country because we are taking action to protect human health in this country.

This claim has had an incredibly chilling effect on environmental regulatory activity. If a State wants to keep poisons out of its rivers and streams, it now has to worry about a chapter 11 complaint being filed. The producers of that poison will file a chapter 11 claim and claim a billion dollars in injury against the United States. But, then, that claim, when considered under a tribunal in chapter 11, will be resolved in secret.

Let me restate this so people will understand it. A State finds a poison in its drinking water and in its ground

water. It takes action to ban the use of that fuel additive that creates it and which has allowed it to show up in the drinking water; and a foreign company that produces it sues us for almost $1 billion because that is the injury that will exist to that company. By the way, they would sue us and go to chapter 11, and they will have an advantage in a three-person tribunal under chapter 11 of having secret proceedings. The American people are told it is none of your business. It is none of our business when we take action to stop poisons from finding their way to our drinking water? That is none of our business?

Well, I am using one example—MTBE. This amendment says it shall not be secret any longer, that the dispute resolution under chapter 11—the tribunals, their behavior, actions and their considerations—shall not be secret. You cannot keep that information from the American people. We will not allow it. Our amendment says the President shall negotiate a change with Canada and Mexico to the conditions under which these tribunals meet and shall report back to Congress within 1 year; that these tribunals shall be held in the open; that the secrecy has ended, and that transparency will exist. That is our amendment.

My colleague from Montana said the amendment is unconstitutional. If I might, without providing a lecture on the Constitution, I will put up a chart. Article I, section 8 of the Constitution says the Congress shall have the power to regulate commerce with foreign nations. It doesn't say Ambassador Zoellick shall have the power, or President Clinton or President Bush shall have the power; it says the Congress shall have the power.

We have a lot of people here who have forgotten that or have decided to ignore it. But that is what the Constitution of the United States says—Congress shall have the power. Fifty-five people wrote that over 200 years ago. This Congress, well over two centuries later, has apparently decided that it wishes to consider giving the President the authority on trade with something called fast track. So it is apparently not unconstitutional in the minds of some to give the President this authority, despite the fact that the Constitution says it is the Congress's authority. They would say it is not unconstitutional to give the President the authority to do this, but it is unconstitutional to direct the President to end secrecy in the tribunals. I don't understand that. That doesn't make any sense to me. Of course, we have a right to direct our trade negotiators to direct this administration to negotiate an end to the secrecy in these tribunals. Of course, we have a right to do that. Are we kidding? The Constitution says we have the right.

This isn't some idle piece of paper. It is the Constitution of the United States. I don't want to hear that we don't have the authority to do this. Of course we do.

The question for the Senate is this: In the future, both in this case and the next one, when one of our States, or our Government, takes action to protect our citizens against someone poisoning our water or polluting our air, and somebody files a large claim against the United States for protecting its citizens, saying, by the way, you have violated our trade laws and injured us; do you want the consideration of that dispute to be resolved in deep secrecy, behind closed doors, perhaps in a foreign land, with three people who will not tell you what they are doing, what they have done, or why they have done it? Is that what you want for this country? I don't think so.

If you believe in open government, and in democracy, and in fair trade, and in the Constitution, then you have to believe in this amendment. This is not rocket science. This is common sense. Often, common sense finds a difficult road here in the Congress because it attracts comments by people who say, well, I know it sounds good, but it is not as easy as it sounds. This is as easy as it sounds, believe me. It is as easy as it sounds. All this country has to do, with respect to Canada and Mexico, is to say with respect to our trade agreement that we will not be involved in secret tribunals. That is not the American way and not something Congress will any longer support.

Why do we have to do this in this legislation? Because we have had our Trade Representative, Mr. Zoellick, already tell us that he would like to end the secrecy.

Trade ministers from the U.S., Canada, and Mexico last year tried to impose greater openness on a procedure under NAFTA that allows companies to sue governments for millions in monetary damages, but the effort has so far failed.

That is according to the Washington Times last month.

Charges of secrecy have dogged the chapter 11 process since its inception. Many NAFTA supporters now concede that the closed tribunals have contributed to public distrust of the agreement, and advocate greater openness for the procedure.

Our Trade Representative, Mr. Zoellick, has spoken on this issue. He wants more openness. But the fact is, these tribunals ignore it. The openness doesn't now exist. There is still a veil of secrecy. That dis-serves the interests of this country. That is why this amendment is necessary, and that is why the amendment is necessary now. No, it is not unconstitutional—not at all.

This Congress has every right to speak on this subject. In fact, this Congress has a responsibility to speak on this subject. We know it is wrong to have a foreign corporation suing our Government because our Government is taking action to protect our consumers against poison in the water. And then to throw that into a tribunal and tell the American people, by the way, it is none of their business; they can't see it, hear it, or be a part of it, we know that is wrong. Everybody in this Chamber knows that is wrong.

So we are going to vote on this amendment. As I said when I started, it is a bipartisan amendment. I have been joined by Senator CRAIG from Idaho, from the other party. I appreciate his cosponsorship and his work with me on it. I think he believes, as I do—in fact, he expressed that a few minutes ago on this floor—that we must take action to end this secrecy. This is the place to do it and this is the time to do it. We are now considering international trade. We are considering fast-track trade authority. This is the place and time to add this amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. BUNNING), and the Senator from Utah (Mr. BENNETT) are necessarily absent.

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

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

The result was announced—yeas 29, nays 67, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—29

Allen	Frist	McCain
Bond	Gramm	McConnell
Breaux	Grassley	Miller
Brownback	Gregg	Nickles
Chafee	Hagel	Santorum
Cochran	Hatch	Stevens
DeWine	Hutchison	Thompson
Domenici	Kyl	Voinovich
Enzi	Lott	Warner
Fitzgerald	Lugar	

NAYS—67

Akaka	Corzine	Inouye
Allard	Craig	Jeffords
Baucus	Crapo	Johnson
Bayh	Daschle	Kennedy
Biden	Dayton	Kerry
Bingaman	Dodd	Kohl
Boxer	Dorgan	Landrieu
Burns	Durbin	Leahy
Byrd	Edwards	Levin
Campbell	Ensign	Lieberman
Cantwell	Feingold	Lincoln
Carnahan	Feinstein	Mikulski
Carper	Graham	Murkowski
Cleland	Harkin	Murray
Clinton	Hollings	Nelson (FL)
Collins	Hutchinson	Nelson (NE)
Conrad	Inhofe	Reed

Reid	Shelby	Thomas
Roberts	Smith (NH)	Thurmond
Rockefeller	Smith (OR)	Wellstone
Sarbanes	Snowe	Wyden
Schumer	Specter	
Sessions	Stabenow	

NOT VOTING—4

Bennett	Helms
Bunning	Torricelli

Mr. REID. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have been informed by staff—I hope I have been informed wrongly—that we are now not going to be allowed to vote on the underlying amendment, the Dorgan amendment.

Normally what happens here is that when a motion to table is defeated and the amendment is there, and it is such an overwhelming vote, it is just adopted by voice. But I have been told the minority will not allow us to do this.

I am troubled for a number of reasons, not the least of which is what happened when the majority leader had breakfast with the President yesterday. I believe it was yesterday. It could have been the day before, but I am almost certain it was yesterday. At that breakfast, the President told the majority leader and those other people assembled that his No. 1 priority was this trade bill.

On the first amendment we offered, there is a filibuster.

If there is something in this bill that someone doesn't like, let him move to strike that portion of the bill. There are all kinds of things that can be done. But for us to be told that we cannot vote on this says there is a filibuster taking place. I suggest—certainly the decision is not mine, but I think the majority leader would have to strongly consider filing a motion to invoke cloture. Certainly, when the motion is defeated by such an overwhelming margin and we are now told we cannot adopt the measure, it seems it is totally unfair.

Mr. DORGAN. Will the Senator from Nevada yield?

Mr. REID. I yield to the Senator from North Dakota, for a question, without losing the floor.

Mr. DORGAN. Madam President, I inquire whether the Senator has been informed of the delay here being a delay because someone needs more time to speak on this amendment. That is certainly reasonable.

I spoke on the amendment yesterday. I spoke on it this morning. Others spoke on it this morning. Senator CRAIG, who is a cosponsor, spoke on it.

Unless there are others who wish to speak on the amendment—certainly that is reasonable. But if that is not the reason, we have had plenty of time on this amendment. I thought we had. Then there was a tabling motion. We should be ready to adopt the amendment. After all, 67 people voted against tabling. One would expect there would be a pretty strong expression here with respect to this amendment.

Was the Senator informed about the manner of the delay? Is it because there needs to be more discussion on the underlying amendment or is there some other reason?

Mr. REID. I say to my friend from North Dakota in answer to his question, we have just been through 6 or 7 weeks on the energy bill. On that bill, we had a series of amendments pending. I think we got up to maybe 15 or 16 amendments pending where people would offer amendments and then there would be no resolution of that amendment. It made it very difficult to work through that bill.

I say to my friend from North Dakota, who had the wisdom and foresight to offer this amendment, that it appears clear we have an effort to stop the bill. I commented as the Senator from Texas was giving his statement this morning, I have great respect for him. He obviously was a great professor. We know he has a Ph.D. in economics. His statement was one that gave me the desire to listen to what he had to say.

As I was going through this, I said to myself: If I were on the other side and I didn't like this, I would simply move to strike part of it. But the Senator has made his decision, and I respect that. As a result of that—I think it is too bad—I say to my friend from North Dakota, I think the majority leader this afternoon should strongly consider invoking cloture on this bill.

AMENDMENT NO. 3389 TO AMENDMENT NO. 3387

Madam President, while I have the floor, on behalf of Senator LIEBERMAN I call up an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, for himself, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. ALLARD, Mr. BROWNBACK, Mr. BUNNING, Mrs. CARNAHAN, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS, Mr. DEWINE, Mr. HATCH, Mr. KYL, Mr. MCCONNELL, Mr. SANTORUM, Mr. SMITH of New Hampshire, Mr. STEVENS, Mr. WARNER, Mr. BAUCUS, Mrs. BOXER, Mr. WYDEN, Mr. CORZINE, Mr. DURBIN, Mr. GRAHAM, Ms. LANDRIEU, Mr. HARKIN, Mr. JOHNSON, Mrs. MURRAY, Mrs. LINCOLN, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. REED, and Mr. SCHUMER, proposes an amendment numbered 3389 to amendment No. 3387.

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

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

The amendment is as follows:

(Purpose: To express solidarity with Israel in its fight against terrorism)

At the appropriate place, insert the following new section:

SEC. ____. EXPRESSING SOLIDARTIY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Israel are now engaged in a common struggle against terrorism and are on the frontlines of a conflict thrust upon them against their will.

(2) President George W. Bush declared on November 21, 2001, ''We fight the terrorists and we fight all of those who give them aid. America has a message for the nations of the world: If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.''.

(3) The United States has committed to provide resources to states on the frontline in the war against terrorism.

(b) SENSE OF CONGRESS.—The Congress—

(1) stands in solidarity with Israel, a frontline state in the war against terrorism, as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;

(2) remains committed to Israel's right to self-defense;

(3) will continue to assist Israel in strengthening its homeland defenses;

(4) condemns Palestinian suicide bombings;

(5) demands that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas;

(6) urges all Arab states, particularly the United States allies, Egypt and Saudi Arabia, to declare their unqualified opposition to all forms of terrorism, particularly suicide bombing, and to act in concert with the United States to stop the violence; and

(7) urges all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East.

Mr. REID. I extend my appreciation to the Senator from Connecticut for the work he has done on this amendment.

During the time we have served together in the Senate, we have become friends. But from my own perspective, I have come to rely on the Senator from Connecticut as someone who never does anything in a hurry. He is very deliberate, thoughtful, and this amendment is in the style of LIEBERMAN. So I want him to understand how much I appreciate—and I think I speak for the whole Senate—the work he has done on this very difficult matter that is going to be brought before the Senate. I hope we can have some debate and vote very quickly.

I think the people of our country are expecting a good strong vote on this issue, and they will get a good strong vote. There are a lot of reasons, not the least of which is the work done by the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Nevada, whose words were unexpected. They are unnecessary. But they are deeply appreciated—in general and on the specific thanks for his support of this resolution.

I am proud to stand and urge adoption of this amendment, which embodies a resolution expressing solidarity with Israel in its fight against terrorism.

This amendment is a statement of fundamental principles. It is cosponsored by Senator SMITH of Oregon, with

whom it has been a pleasure to work. The underlying resolution is also cosponsored by the majority leader, Senator DASCHLE, and the Republican leader, Senator LOTT. At last count, we had well over a majority of Members of the Senate cosponsoring the resolution which has now become this amendment and, notably and encouragingly, with just about equal support from both Democrats and Republicans.

It is a fundamental principle of our foreign policy that terrorism is evil. It is not an acceptable form of political expression. It is also a fundamental tenet of our policy that a government, a society, should and must protect itself against violent terrorism. Those policies underlay most of recent memory, since the ugly head of terrorism reared itself in our history.

We have felt it with a particular intensity, pain and resolve, since September 11 when we in America were brutally attacked by terrorists and lost the lives of more than 3,000 of our fellow Americans and family members in that attack.

After that attack, President Bush came before Congress with a very stirring, strong, and principled speech. Among other things, he enunciated a series of principles which have come to be known as ''The Bush Doctrine.''

To state it as simply as I can, as I recall those words, the President spoke to the Joint Session of Congress in September. He said to the nations of the world:

> Either you are with us, or you are with the terrorists.

Then on November 22, 2001, the President said:

> We fight the terrorists, and we fight all those who give them aid. America has a message for the nations of the world. If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist, or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.

The intention of this amendment, which Senator SMITH, I, and others have worked on—and which we have tried to fashion in a way to encourage the broadest statement by this Senate representing the American people—is to embody and express those last words that I quoted from President Bush: If you support a terrorist in any way, you will be held accountable by the United States and by our friends.

Israel is and has been a great friend of the United States. The United States has been a great friend to Israel. Our two nations are tied together by common values, by a common political system—democracy—by common strategic interests, and by the closest of relationships between our military and intelligence systems.

Our friend, Israel, has been under siege from a systematic and deliberate campaign of suicide and homicide attacks by terrorists. Their essence is identical to the attacks on our country on September 11. Those suicide bombers striking innocent Israelis in supermarkets, buses, public squares, pizza restaurants, schools, and religious observances are cut from the same cloth of evil as the terrorists who turned airplanes into weapons and struck the United States on September 11.

So our country is engaged now with Israel and other allies in a common struggle against terrorism. But Israel, in particular, among our allies has found itself now on the front lines of a conflict thrust upon it against its will. In the absence of action by the Palestinian Authority to suppress these acts of terrorism—in particular the abhorrent and inhumane practice of suicide and homicide bombings—the Israeli Government has acted to protect its homeland, just as we have acted in so many ways, so courageously, so proudly, and so effectively since September 11, to protect our homeland and our people in America.

The intention of this amendment is to put the Senate of the United States on record in support of Israel's right to self-defense.

To state it in words that are direct, Congress stands in solidarity with Israel—a front-line state in the war against terrorism—as it takes necessary steps to provide security to its people, by dismantling the terrorist infrastructure in the Palestinian areas, and remain committed to Israel's right to self-defense.

I welcome the easing of a recent standoff between Israel and the Palestinians achieved in the last few days, thanks in good measure to effective diplomacy by the Bush administration.

It is my fervent hope now that Chairman Arafat and Palestinian leaders will use this opportunity, as this amendment states, to ''dismantle the terrorist infrastructure in the Palestinian areas and to pursue vigorously efforts to establish a just, lasting and comprehensive peace.''

That is what the majority of Israelis want. I continue to hope and believe that is what the majority of Palestinians want—that the established leadership of the majority of the Palestinian people, whose lives have been so difficult, will take back the legitimate cause of Palestinian statehood from the suicide bombers and terrorists who have hijacked it.

A just, lasting, and comprehensive peace is also clearly what we in America want. It has been our national policy for years now—certainly since the Declaration of Principles that originated in Oslo and which was signed on the White House lawn in September of 1993. The hope of our policy has been that we could be pro-Israel and pro-Palestinian, but united together against terrorism. That is the thrust of this amendment.

I also call on other friends in the region—in the Arab world particularly—to work with us, to use all their best efforts to help bring about an end to the violence and a dismantling of the infrastructure of terror, not only in the Palestinian territories but also the elements in their own countries that have aided and abetted terrorists, or that give militant, extremist, hateful ideas legitimacy.

America will never countenance terrorism. We stand with those who oppose terrorism and against those who support it in any form. That is the message of this amendment—a message which I hope will have the overwhelming support of the Members of this body.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I am privileged to stand on the Senate floor today with my colleague from Connecticut, Senator LIEBERMAN, as a cosponsor of this amendment. He and I stand here against the wishes of the administration that we—the Congress, and specifically the Senate—would involve ourselves at this delicate time. And we are not here to be indelicate. We are here because the Founders of this country set up a framework in which the Congress—the Senate specifically—has responsibilities when it comes to foreign affairs.

I remember during the Clinton administration we would often do this, and it would upset their apple cart.

I am proud as a Republican to be here to do this and upset the apple cart of the Bush administration—not with any malignancy but because of a principle I feel very personally and deeply about; that is, we as elected Members of this body have a right, and indeed an obligation, to stand up and be counted right now at this critical hour no matter what apple cart is overturned in the process.

Most of us who serve in this body are of an age when our earliest memories of life are of a black and white television set with flickering pictures. I recall as a little boy seeing accounts of the 20th century—my century. I was born in this meridian. I remember the pictures indelibly impressed on my mind of the Holocaust that occurred in Europe.

I remember seeing the pictures of the bodies of the children of Israel being bulldozed into mass graves. And I remember, at an early age, as somebody who has always been interested in public life, feeling pride that my country stood by as an ally to the children of Israel as they sought to establish a homeland in their ancestral land.

Many people can differ on interpretations of Scripture. I remember in the Presidential election, JOE LIEBERMAN was once asked a question. I loved his answer. He was asked: Senator, if you could interview anybody in history, who would it be? And he said: I would interview Moses, and I would interview Jesus. And he as a Jew and I as a Christian, I think, would answer the same way. I would like to interview Moses. I would like to interview Jesus to better understand this great conflict that has the whole world consumed by it.

I am pleased to stand in this Chamber in support of this amendment because we need to be on record as a nation, as a Senate, as a body here, in unity with Israel at this critical hour.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by George Will in this morning's Washington Post. It is entitled ''Final Solution,' Phase 2.''

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

[From the Washington Post, May 2, 2002]

''FINAL SOLUTION,'' PHASE 2

(By George F. Will)

Such is the richness of European culture, even its decadence is creative. Since 1945 it has produced the truly remarkable phenomenon of anti-Semitism without Jews. How does Europe do that?

Now it offers Christian anti-Semitism without the Christianity. An example of this is the recent cartoon in La Stampa—a liberal Italian newspaper—depicting the infant Jesus in a manger, menaced by an Israeli tank and saying ''Don't tell me they want to kill me again.'' This reprise of that hardy perennial, Jews as Christ-killers, clearly still strikes a chord in contemporary Italy, where the culture is as secular as a supermarket.

In Britain the climate created by much of the intelligentsia, including the elite press, is so toxic that the Sun, a tabloid with more readers than any other British newspaper, recently was moved to offer a contrapuntal editorial headlined ''The Jewish faith is not an evil religion.'' Contrary to what Europeans are encouraged to think. And Ron Rosenbaum, author of the brilliant book ''Explaining Hitler,'' acidly notes the scandal of European leaders supporting the Palestinians' ''right of return''—the right to inundate and eliminate the state created in response to European genocide—''when so many Europeans are still living in homes stolen from Jews they helped murder.''

It is time to face a sickening fact that is much more obvious today than it was 11 years ago, when Ruth R. Wisse asserted it. In a dark and brilliant essay in Commentary magazine, she argued that anti-Semitism has proved to be ''the most durable and successful'' ideology of the ideology-besotted 20th century.

Successful? Did not Hitler, the foremost avatar of anti-Semitism, fail? No, he did not. Yes, his 1,000-year Reich fell 988 years short. But its primary work was mostly done. Hitler's primary objective, as he made clear in words and deeds, was the destruction of European Jewry.

Wisse, who in 1991 was a professor of Yiddish literature at McGill University and who now is at Harvard, noted that many fighting faiths, including socialism and communism, had arisen in the 19th century to ''explain and to rectify the problems'' of modern society. Fascism soon followed. But communism is a cold intellectual corpse. Socialism, born and raised in France, is unpersuasive even to the promiscuously persuadable French: The socialist presidential candidate has suffered the condign humiliation of failing to qualify for this Sunday's runoff, having been defeated by an anti-Semitic ''populist'' preaching watery fascism.

Meanwhile, anti-Semitism is a stronger force in world affairs than it has been since it went into a remarkably brief eclipse after the liberation of the Nazi extermination camps in 1945. The United Nations, supposedly an embodiment of lessons learned from the war that ended in 1945, is not the instrument for lending spurious legitimacy to the anti-Semites' war against the Jewish state founded by survivors of that war.

Anti-Semitism's malignant strength derives from its simplicity—its stupidity, actually. It is a primitivism which, Wisse wrote, makes up in vigor what it lacks in philosophic heft, and does so precisely because it ''has no prescription for the improvement of society beyond the elimination of part of society.'' This howl of negation has no more affirmative content than did the scream of the airliner tearing down the Hudson, heading for the World Trade Center.

Today many people say that the Arabs and their European echoes would be mollified if Israel would change its behavior. People who say that do not understand the centrality of anti-Semitism in the current crisis. This crisis has become the second—and final?—phase of the struggle for a ''final solution to the Jewish question.'' As Wisse said 11 years ago, and as cannot be said too often, anti-Semitism is not directed against the behavior of the Jews but against the existence of the Jews.

If the percentage of the world's population that was Jewish in the era of the Roman Empire were Jewish today, there would be 200 million Jews. There are 13 million. Five million are clustered in an embattled salient on the eastern shore of the Mediterranean, facing hundreds of millions of enemies. Ron Rosenbaum writes, ''The concentration of so many Jews in one place—and I use the word 'concentration' advisedly—gives the world a chance to kill the Jews en masse again.''

Israel holds just one one-thousandth of the world's population, but holds all the hopes for the continuation of the Jewish experience as a portion of the human narrative. Will Israel be more durable than anti-Semitism? Few things have been.

Mr. SMITH of Oregon. I would like to read briefly a couple of paragraphs from his article because I think they encapsulate why it is so important that America not waiver at this critical hour. Writes Mr. Will:

Today many people say that the Arabs and their European echoes would be mollified if Israel would change its behavior. People who say that do not understand the centrality of anti-Semitism in the current crisis. This crisis has become the second—and final?—phase of the struggle for a ''final solution to the Jewish question.'' As [Ruth] Wisse said 11 years ago, and as cannot be said too often, anti-Semitism is not directed against the behavior of Jews but against the existence of the Jews.

If the percentage of the world's population that was Jewish in the era of the Roman Empire were Jewish today, there would be 200 million Jews [in the world]. There are [only] 13 million. Five million are clustered in an embattled salient on the eastern shore of the Mediterranean, facing hundreds of millions of enemies. Ron Rosenbaum writes, ''The concentration of so many Jews in one place—and I use the word 'concentration' advisedly—gives the world a chance to kill the Jews en masse again.''

I say, Mr. President, that the pride I felt as a young boy in Harry Truman's defense of Israel in its infancy is pride that I feel as an American today. And I call upon our Government not to waiver but to make sure that since the Holocaust, on America's watch, when America is a leader in the world, we never stand idly by and see the children of Israel subjected to another Holocaust.

JOE LIEBERMAN and I have crafted an amendment that I think fairly calls upon all the parties to produce a just and lasting peace. But it does state, without equivocation, we stand with Israel on the front line in the war against terrorism, and we support it in taking ''necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas. . . .''

We would do no less if terrorists came into our country, into our shopping malls, into our schools, and murdered our children. And we should demand nothing less of Israel's Government.

Yes, we do condemn the Palestinian suicide bombers. But we call upon both sides to pursue efforts to establish a just and lasting peace in the Middle East. But America must stand firmly, and we must be unique among the nations of the world in rejecting anti-Semitism and standing by the ancestral home of the children of Judah.

Mr. President, I urge all of my colleagues to come and vote for this amendment, and with conviction, so that when the Prime Minister of Israel comes here next week, he will know that he has friends in high places in this Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Oregon for the work we have done together on this amendment, but really, for the moment, for the statement he has just made, which is a statement of moral clarity and principles that are consistent with the highest ideals of our country.

That is exactly what this amendment is about: The moral clarity of our own war against terrorism, and the understanding that gives us of the right of self-defense that the Israelis have, but the universalist principles that have been at the foundation of the American experience from the very beginning in the Declaration of Independence, when those rights to life, liberty, and the pursuit of happiness were declared as self-evident truths, from where endowed were not from the Founders, not from any philosophers of the Enlightenment, but from the Creator. And that unity that flows from that, the humanity that flows from that, the principles and policies that flow from that are exactly the ones that are upheld in this amendment and have been eloquently expressed by my friend from Oregon.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank my colleagues, Senator LIEBERMAN and Senator SMITH, for bringing this amendment forth. They are serving an important purpose today to bring clarity back into the debate—a clarity

which has eluded some pundits and some talking heads and others who appear on the news and as result of which confuses the situation at a time when it requires a very clear-eyed approach by the United States.

Like it or not, we are in a position where everyone calls upon us to help solve problems of the world, including this most intractable problem in the Middle East. But as it turns out, we are in a unique position to influence matters in the right way, if we look at the situation clearly.

What I appreciate about this amendment being brought to the floor today is that it brings us back to the first principles. It says, let's get back to where we started in our war on terror in analyzing where others are, where they should be.

It makes the point that the United States and Israel are on the front line in this war on terrorism, that our goals and objectives are the same, and that therefore the United States is not only obligated to recognize Israel's rights for its sake but also for the sake of the war we are conducting.

It brings us back to a position of clarity in the way we analyze the situation, which is why the amendment is so important today.

I appreciate their bringing it forth and look forward to expressing my support through voting for it as well.

I am so disappointed, in talking with some close friends and watching the news to see the kind of confusion that creeps into the debate when propagandists, who have their own agenda, and people without a clear understanding combine to create disinformation and misimpressions about what really is at stake.

When I see talk about a cycle of violence, when I see a great emphasis placed on the question of when the Israelis are going to withdraw, to the exclusion of any expressed concern about the horror of the terror that is being visited upon the Israeli people, when I see questions about why we would not allow the United Nations to come in and investigate a massacre—an alleged massacre—without any seeming concern for the obvious massacre, which is essentially undenied, that has occurred week after week after week for the last 18 months, there seems to be such a distortion of the picture here that it almost boggles the mind. It requires an amendment of this sort to bring us back to the reality of what is happening. It is almost as if there is a clouded lens in front of some people's eyes and an amendment such as this is necessary to remove that cloud so that we can clearly see what is happening. And what is happening is that just as the United States was attacked by terrorists, Israel has been attacked by terrorists.

The President has said whatever grievance one might have, terrorism is an illegitimate response which the whole world must rise up to defeat and those who temporize with it, those who rationalize it are just as bad as those who support it and harbor it because they allow it to continue. They allow a great confusion to exist which makes it more difficult for us to do what has to be done in fighting the war on terror.

That is why this measure which brings us back to the clarity of purpose is so timely and why it is so important.

Mr. President, I conclude with this thought: The United States is not right in everything, but one reason that most of the world has looked up to us most of the time is because of the moral clarity of our positions. People will disagree with us, they will be uncomfortable with what that moral clarity requires them to do, they will find reasons not to join us in these activities, but at the end of the day, if you give people a choice of whether you would like to come to the United States of America to live, ''What do you think about the moral positions of the United States,'' more often than not people would have to admit, at least in their heart of hearts, that the United States pursues its action out of what we fundamentally believe is right for the reasons that do not have so much to do with our own vested interests as they do with the good of humanity, of mankind.

When the President commits the United States to conducting this war on terror, it is not just for the American people, but it is to help rid the world of a form of evil which can afflict all people of the world. The President is able to galvanize not only American public support but support around the world because of the moral clarity of that purpose.

Terrorism is evil. It has to be defeated. There is no compromise with it. Therefore, at some point in time you have to choose to be with us or against us in fighting it. You cannot remain on the sidelines. You cannot be neutral about something that is so terrible.

Therefore, it is critical for leaders in the United States to keep reminding people of the fundamental, clear rationale for American action. When we get back to that clear, fundamental rationale of good versus evil, then we can see clearly how the principle applies in other situations. The other situation that we are referring to today is the situation in the Middle East in which certain terrorists, who are Palestinian by and large, are attacking innocent civilians who, by and large, are Israeli citizens in a way which is clearly evil: Terrorism against innocent people.

No amount of testimony temporizing or rationalizing or expression of grievance or pointing of fingers or anything else can change that fundamental fact. Unless we are able to look at this that clearly, it is possible to become confused, to begin to support compromises, to begin to suggest negotiations of fundamental principle. All of those things are a slippery slope which lead to disaster, which do nothing but ultimately demonstrate to terrorists that there is hope for them in their terror.

As was pointed out by former Prime Minister Netanyahu, the key to fighting terrorism is to remove the hope that terrorists have that by conducting this evil enterprise, they can actually succeed in what they are attempting to achieve. Once that hope is removed, then reasonable people can discuss reasonable solutions to the real problems of Palestinians and Israelis, a Palestinian State can be created and all of the things that right-thinking people in the region hope for can come to pass. But that is not possible as long as a small group of people believe and hope that they can achieve their radical aims through the means of terror.

That hope has to be removed. It will not be removed if leaders of the world temporize and suggest that you can reach accommodations with these people for one reason or another, in one way or another. That hope can only be realized if there is a continuing commitment to a clear principle that terrorism is wrong; you cannot compromise with it. You have to face up to it. Tough. Deal with it. And if that means that the United States has to support the Government of Israel in rolling back the terror that it has been faced with, then so be it. That is our goal as much as it is Israel's goal.

This amendment gets back to that first principle and expresses the United States commitment not only to fight the war on terrorism but to join others who are doing so, such as our good friend and ally, Israel. That is what this amendment brings us back to—moral clarity, as the Senator from Connecticut just said.

We have to be clear-eyed in our fight here or the rest of the world is not going to support us. They will view our effort as unclear, as compromisable, and, therefore, one which is not assured of victory. It will only be assured of victory if we hold this beacon out here that we are going to continue to pursue, which is clear, which is unassailable from its moral perspective. If we remain true to that, then we will be victorious in this war of terror and the good people of Israel will be happy for that future as well.

I commend my colleagues for bringing this amendment to the floor, and I very much look forward to supporting it with my vote.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair.

I want to commend my colleagues, the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Oregon, Mr. SMITH, for putting together this amendment. I will say first, I want to take my hat off to both of them. There have not been two Senators who have been more stalwart and more farsighted and stronger in their support of what is right in the Middle East. I think it is great that we are considering this amendment. I think it is timely, and I really do again wish to commend both Senator LIEBERMAN and

Senator SMITH not only for this amendment but for their strong, unwavering support on this issue.

Let me say first that I read the amendment and I said, finally. Because it is almost as if the rest of the world sees the Middle East through a kaleidescope that changes everything upside down: right becomes wrong, wrong becomes right; defending yourself is worse than committing the offense; terrorism is explainable, and you sympathize with it. And yet you can justify—and so many do, not just Palestinians but in the rest of world—shooting a 5-year-old girl in her bed, taking a bomb and bringing it to a discotheque filled with teenagers, filled with life and hope, and it seems the rest of the world is bending itself and contorting itself to understand why that has happened instead of looking at the world as it is and saying the beleaguered nation here is Israel.

That is the bottom line. That is what this amendment talks about in part. That is the truth.

I was at a department store a few weeks back and two gentlemen came over to me and said: Senator SCHUMER, we like your policies, but we really don't agree with Israel. When we got into it, they said: Why would young people kill themselves unless they were truly aggrieved? I said to them: Do you believe that about Mr. Atta and the 19 hijackers; do you believe that about Osama bin Laden and all of those he asks to kill themselves? Just because somebody will take extreme means does not mean they are right. And to some, particularly some of my friends at the far left side of the political spectrum, there is almost a knee-jerk reaction in that regard. This amendment sets things straight. Let me make a couple of points about it.

First, the war on terrorism is the world's war on terrorism. We cannot make an exception. Once we make one exception, there are others.

What is terrorism? We all know what it is. It is deliberately killing innocent civilians within a nation's homeland. The bottom line is simple: If you condemn terrorism in Afghanistan, if you condemn terrorism in Europe, and if you condemn terrorism in Asia, it is inexorable; to be consistent, you must condemn it when it is exacted against Israel.

I do not know why so many—the Arab world and particularly some in Europe—seem to have a double standard and seem to believe that terrorism is intolerable in the rest of the world and when directed at them, but it is OK to be directed at Israel.

My second point is, we have to face a hard truth, I say to my colleagues, and that is this: A vast majority of Israelis want peace and want to live side by side in peace—no violence—with the Palestinians. Unfortunately, I do not think it is true on the other side.

A majority of Palestinians—there is a minority who do—do not believe in the State of Israel. They have been taught by the Palestinian Authority and Yasser Arafat that all of Israel is theirs. The Palestinian Authority textbooks show not just Jerusalem, but Tel Aviv, Ashdod, Ashqeion, cities on the coast, as belonging to the greater Palestine. Add that to the fact they believe terrorism is a proper means to achieve their goal, and peace is almost impossible.

Unless that attitude is pushed back, as this amendment attempts to do, I do not think you can achieve peace.

Third, as this amendment states, Israel has every right to defend herself. Who would ask any nation when every day the bombs were going off in pizza shops, on buses, in streets, to understand and sit down and talk with the very people who, if they did not create the bombings, allowed it to occur and were joyous when they did occur—who would ask any nation to do that? No. Why are some—thank God not too many in this country—why are some saying that is OK?

This amendment tries to restore some balance. When Israel defended herself against these suicide bombings—and thank God thus far it seems successful; there are still some, but not every day, not with the same horrible consequences of the earlier ones—she did so in a careful way. She did not bomb from the air. Even in Jenin, the Israeli soldiers knocked on doors: Is there anyone here? Please get out; you may be in danger. I do not know of many countries that would do that, and that does not seem to even get recognized.

Another point is the U.N. The U.N. sets itself up as an arbiter of peace when it wants to and then resumes its one-sided actions. We have one Israel and one United States and just about no one else in the United Nations understanding the fairness and balance that need to be done. But when Israel says she does not want the United Nations to set itself up as an impartial arbiter, who can blame Israel? I know Mr. Kofi Annan, but I have been terribly disappointed in his failure to be evenhanded as he proceeds.

I have one criticism of this amendment. I am fully supportive of it. I am a cosponsor. But I think the amendment is missing six letters—A-R-A-F-A-T. We should be naming Yasser Arafat in this amendment because the bottom line is, Yasser Arafat, as everyone admits, as our own President has spoken, is not an implement to peace; he is an obstacle to peace.

Dennis Ross, President Clinton's previous adviser who labored so hard to produce a peaceful solution, afterward said—and he said it repeatedly and now has said it publicly—that their biggest mistake was relying on Yasser Arafat.

Yasser Arafat is in charge of the Al Aqsa brigade which our country has branded a terrorist organization. Yasser Arafat cheers the homicide bombers who blow themselves up and take innocent people with them. Yasser Arafat had to be told by our Secretary of State to say the same thing in Arabic and English. If that is not saying you speak with duplicity and forked tongue, what is?

He has to be asked to step up to the plate, and I hope that as this amendment wends its way through the process, we will explicitly mention him by name because, at the very minimum, he is like the Taliban, and probably he is more like al-Qaida itself. We cannot let him slip away from this inexorable equation that terrorism is bad and if you are not against it, you are not on our side. With Arafat it is even worse, because he is for it and uses it as an instrument to policy.

This is a fine amendment, and I am proud to support it. As I say, I wish it had explicitly mentioned Yasser Arafat who has been an obstacle to peace. But the beauty of this amendment, the strength of this amendment is it does restore some right to what every fair-minded person sees as going on in the world. I thank my colleagues for doing it.

I have one final point. This backward vision of so many is confounding. When I read in the newspaper that there was an attempt to take the Nobel Peace Prize away from Shimon Peres but not Yasser Arafat from some on the Nobel committee, I had to scratch my head and wonder: What is going on in so much of the world and why isn't even a bit of truth seen?

This amendment I hope will be read not only by our colleagues and American citizens but by citizens throughout the world because it does restore some fairness and balance, particularly at a time when beleaguered people, the Israelis, are trying to defend themselves against the evil force of terrorism.

Mr. INHOFE. Will the Senator yield?

Mr. SCHUMER. I will be happy to yield.

Mr. INHOFE. Mr. President, quite often we are not together on legislation. In this case, we are. It was my wish we would have a stronger amendment. There was one in the House that mentioned Yasser Arafat. I think we should be mentioning Yasser Arafat.

We are in a war on terrorism. He is a terrorist. Sometimes we forget that in 1973 he gunned down three of our diplomats, including our U.S. Ambassador. He fits every description, every definition of a terrorist. All of us need to rise up and fight our battles, including Israel. This amendment is not strong enough, but I do support it.

Mr. SCHUMER. I thank my colleague. It is a fine amendment. I wish it mentioned Yasser Arafat, but I am fully in support of this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I join other colleagues in commending our distinguished junior Senator from the State of Connecticut, with whom I am privileged to serve on the Senate Armed Services Committee, for his

leadership, and my colleague from Oregon for his service on the Foreign Relations Committee and for taking this initiative.

This is done in a true spirit of bipartisan leadership in our wonderful Senate. It comes at a timely moment. I am pleased to be a cosponsor because I firmly believe the portions of this amendment that relate to this conflict are well stated and should be studied and read by all.

I am grateful that the leadership of the Senate, in my understanding, working with the executive branch, has decided it is timely for the Senate to act on this particular amendment. As I have often noted, the executive branch proposes, but the Congress disposes. In matters of foreign policy, however, the President has a principal role in guiding the affairs of the United States, and the Congress should follow his lead, wherever possible. Timely, informed debate about matters, such as the one before us, that include divergent views and new ideas are intended to assist the executive branch as they perform their challenging, often daunting responsibilities.

I rise today to express my profound and growing concern about the conflict between Israel and the Palestinian people, and to express my support for the amendment before the Senate, which recognizes that Israel is engaged in an all-out war against terrorism in its homeland.

Implicitly, the amendment recognizes the loss of life and the human suffering of both sides of this conflict. I feel strongly that this current conflict is of such gravity as to demand the attention of Congress and, most specifically, the Senate, and also demands our most valued resources and our best possible effort.

There is an ill wind blowing out of the Middle East that we have not experienced before. We have seen conflict, indeed, for centuries. But this one is different. It is a force that could fan the flames of conflict out of control, unless we act soon to stop this unending violence and human suffering.

All of us have listened for years as this problem has erupted from time to time. We have discussed it and debated it. The unfortunate end of much of this discussion is a grim resignation by some that this is an insoluble problem. I do not believe it is insoluble. We cannot accept that as an answer, and I join those who refuse to recognize it as unsolvable. But it is solvable only if we work together for a common solution—only if we put forward our own ideas, which may not be consistent, or expressed, or affirmed by others. That is basically what I am about to do.

I commend our President, the Secretary of State Colin Powell, and Secretary Rumsfeld, with whom a group of us met yesterday, for the persistence this administration has shown and for its leadership role. Understandably, there is a legitimate debate as to whether certain actions they have taken, or not taken, were timely or done in a manner that fully reflects the need to stop this terrible conflict. But I think we can examine the past at another time. It seems to me that, just by keeping both sides talking, our President and the administration are renewing hope in a region that is virtually devoid of any optimism. Hope is important in the near term, but hope is not a method for a long-term solution. Bold ideas are needed, and they are needed now.

Something has changed in this chapter of the long history of conflict in the Middle East, and it is time we recognize it and face up to it and give our best judgment as to how to end it. The anti-Israeli and anti-United States sentiments in the Arab world are stronger than they have ever been before. I have had the opportunity to associate with that part of the world ever since I was Under Secretary of the Navy and first visited there early in 1970–71. Thereafter, I have been back many times. At that time, our Navy put an installation in Bahrain, and I worked on other military installations in the region. I have been back a number of times, as have others.

Unfortunately, certain negative sentiments are growing as young, frustrated Arabs, with few prospects for ever enjoying happiness or opportunities—such as we enjoy in this country or are enjoyed elsewhere in the world—believe all is lost. They have a distorted image and understanding of the Israeli people and the need for the Israeli people to live safely within the safe, recognized borders.

The recent suicide bombings are something that I personally have difficulty comprehending. Only once before in history can I recall this scale of suicide, and that was in the closing months of World War II. I was a young sailor in a training command and we witnessed from afar the tragic suicide operations in the Battle of Okinawa, where Japanese pilots were strapped into their aircraft and their aircraft were used as missiles, devouring them and their lives. That was a tragic chapter in the war in the Pacific. It was shortly thereafter that President Truman made the decision to end that war as quickly as possible, utilizing means that we all recognize now.

Unfortunately, the negative sentiments in the Arab world that foment irrational suicides and other radical actions are growing and we have to do everything we can to reverse it. If we do not act to preserve the will of the vast majority of peoples in the Middle East, the radical minorities may well gain further advantage, and that we cannot allow. The result would be increased killing, and, indeed, it threatens to undermine the position of the United States in that part of the world—a position that many administrations have worked hard on, and that many individuals have conscientiously worked on over the years. We cannot allow that to be further eroded. Our position in the Middle East and our ability to successfully wage war against terrorism globally is at stake. I share these thoughts with my colleagues.

There has been no shortage of experts and observers offering opinions and ideas for ending the violence and solving—or at least mitigating—this crisis. I add my voice with this idea: First and foremost, we must foster in every way possible a cease-fire. Clearly, this has been elusive in the past, and other cease-fires have lasted only for brief periods. But this one must take on a permanence. The Israelis want the acknowledged right to exist in the region within safe and secure borders. The Palestinians want an independent state. The Bush administration has stated its support for both goals. I commend our President. This must be the basis of any cease-fire.

At the time of the cease-fire, of course, the parties must attempt, in good faith, to reconcile the many differences that exist. That will take time and careful, conscientious negotiations. During that period of negotiation, there must be stability in that region. By stability, I mean stopping the suicide bombings, stopping the incursion of armored vehicles into the areas where the Palestinians live. That must be maintained, for an indefinite period, while the negotiations take place. To guarantee that this cease-fire is effective, it is my hope that there will be a recognition by both the Palestinians and the Israelis of the need to have an outside, independent, objective force—call them peacekeepers—come in and establish a cessation of the conflict, such that conscientious negotiations can take place—establish a cessation of the conflict so one cannot resume the conflict in order to gain some point or points in the course of the negotiations. It must remain absolutely static until the negotiations have run their course—hopefully successfully—with the conclusion that will be accepted by both sides in the form of a peace agreement, or treaty, or whatever the case may be.

Those are the two fundamentals—a cease-fire and a willingness by both sides to recognize that an independent, impartial force must come in for peacekeeping purposes. It must be at the invitation of both sides. You cannot thrust such a military force upon either side. It has to be jointly accepted.

Now, who should undertake that? Others have their views, and I have mine. I feel very strongly—and this is not a well-received thought at the moment, but it should be considered—that the NATO forces are the logical, best force to come in at this time, following the cease-fire and the willingness of both parties to accept outside military forces.

They are the best choice because, No. 1, they are trained and they are ready to go on short notice. They are trained in peacekeeping—Bosnia and Kosovo being examples.

It represents 19 nations, so the coalition is in place. Any other peacekeeping option would require building a political coalition, which would require considerable time. We have to act promptly. We have to move with trained forces, and we have to move with a coalition that has been in place and has the internal structure, command, and control to take on this serious and very difficult mission.

NATO troops, as I said, are ready to roll. NATO is an established coalition, as I mentioned, with a proven record of success.

Then there is the added advantage—and again this is my own thought—there is a perception that the United States has a bias towards only the Israeli perspective in this conflict, and I am not going to try and reconcile that now. Indeed, we value a strong relationship with the State of Israel and we have done so for a very long period of time, and we will continue, in my judgment, to do that.

On the other side, there is a perception that the European nations have a bias in favor of the Palestinian interests. I am not here to debate that.

To me, there is an advantage to bringing the United States and our NATO partners in Europe together to assume responsibility, with their military forces, for the peacekeeping mission. To me, that would lessen some of the debate on which side has a perception that the other side is not looking at this conflict in a manner that truly will resolve it, resolve it such that both parties can accept eventually a peace agreement.

In April of 1999, at its 50th anniversary summit in Washington, DC, NATO adopted a new strategic concept which expanded NATO's responsibilities in overall global security issues. I will read from it. This is found in part 1, paragraph 10 of the strategic concept adopted roughly 23–24 April 1999. I remember it well. I was not entirely in favor and so expressed my concerns about NATO moving beyond what I felt was the parameters of the original charter. The strategic concept identifies the ''fundamental security tasks'' of NATO and includes in those tasks to do the following: '' . . . to stand ready to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations.'' I read directly from the document.

The current situation, in my judgment, demands immediate concern and support for all those who want a civilized, peaceful future in the Middle East. Decisive action is now called upon. This is a concept that should be carefully considered in the course of the days and weeks to come as we work to achieve a cease-fire and then in working for a peaceful solution.

I also will read from two articles that appeared in the press. One on Wednesday, April 17, Wall Street Journal, by Eliot Cohen, ''Keepers of What Peace?'' he states a position contrary to mine:

As an alternative, there is more and more talk of sending American troops, possibly as part of an international operation, to separate the two sides and keep the peace. Such notions have been bruited about before, most notably on the Golan Heights, but never in this context. It is an appallingly bad idea.

Peacekeeping works best under one of two situations: When both sides want the peacekeepers to ratify a cease fire line or boundary that both can live with almost indefinitely as, for example, Cyprus, or once one side has been decisively beaten, as in today's Yugoslavia. Peacekeeping is not like normal military activities.

I ask unanimous consent that the entire article be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 17, 2002]

KEEPERS OF WHAT PEACE?

(By Eliot Cohen)

The viciousness of the Israeli-Palestinian war that erupted a year and a half ago following the collapse of a decade of assiduous mediation by the United States and others has given birth to a number of bad ideas for restoring peace. Most of these involve invocations of the Tenet and Mitchell plans, whose texts few have read, but which are premised upon some degree of Israeli-Palestinian trust. Such confidence does not, and cannot exist in the near-term.

As an alternative, there is more and more talk of sending American troops, possibly as part of an international operation, to separate the two sides and keep the peace. Such notions have been bruited about before (most notably on the Golan Heights), but never in this context. It is an appallingly bad idea.

Peacekeeping works best under one of two situations: When both sides want the peacekeepers to ratify a cease-fire line or boundary that both can live with almost indefinitely (as, for example, in Cyprus), or once one side has been decisively beaten (as in today's Yugoslavia). Peacekeeping is not like normal military activity. Soldiers preparing to fight try to be stealthy, collect intelligence clandestinely, and devise ways to surprise an enemy with sudden and effective violence. Peacekeepers must be visible, have communications that are largely transparent to both sides, and avoid surprise while using minimum violence.

It is, despite what some say, a job for soldiers, but a job for specially trained soldiers and one which often interferes with their preparation for combat. It is a draining effort, as well: the rule of thumb has it that for every peacekeeper, another two soldiers are tied up, either preparing to deploy or recovering from deployment. When one takes into account the various forms of support needed for peacekeepers in the field a more realistic ratio is five to one.

To be sure, what we now call peacekeeping is a necessary military function at some times—it is important today in Afghanistan and Yugoslavia, as it was half a century ago in Germany and Japan. But no one should doubt the level of effort it would require—an increase in military end strength of 100,000 or more troops would not be an unrealistic estimate of what it would take. More importantly, though, Israel and the Palestinian territories are profoundly unripe for such a venture.

Between Israel and the Palestinian Authority there is no trust, no agreed demarcations of a cease-fire line, let alone a boundary. The threat to security comes not, on the Palestinian side, from a regular armed force with which one can have conventional liaison relationships, but from several shadowy organizations, several of which operate independently of the Palestinian Authority.

One conundrum of the current war is Yasser Arafat's degree of control of terror in areas controlled by the Palestinian Authority. If he has control, it is obvious that he has approved and supported the repeated attacks on Israeli civilians over the past year and a half (a view which captured documents and other intelligence seems to confirm). If he does not have control, the peacekeepers would have to establish it themselves.

To do that, if they were serious, would involve doing just what the Israelis are doing now on the West Bank, but with fewer resources, less local knowledge, and infinitely less will-power. The more likely alternative is not to be serious—that is, not to intercept or preempt terrorists.

Thus arises the ultimate problem with any of the solutions floated by the European Union, in particular: what to do if one side simply does not play along. What happens if terrorist attacks on Israel were to continue, which they almost certainly would? Would the external powers expect the Israelis to absorb them? Would they permit retaliation, and, if so, of what kind? Until those who propose such plans can come up with a realistic proposal for what would happen in the face of an aggressive campaign of terror waged despite the presence of an international peacekeeping force, they cannot be taken seriously.

Nor should the technical problems be brushed off. Israel is a small place, about the size of New Jersey, but the intercommunal boundary with Palestine is hundreds of kilometers long. The inability of even the Israeli Defense Forces—a manpower-rich force that draws on universal male and female conscription, plus a sophisticated reserve system—to prevent Palestinian infiltration is sobering. Tens of thousands of troops would be required to make it all work, and even then only by imposing an obtrusive presence that would attract, in the end, its own resentments and hostility from the local population. One should note, of course, that the extreme hostility expressed by most Palestinians towards the United States, and the political interest of groups like Hamas and Islamic Jihad give them every reason to target American peacekeepers for violence.

We have been here once before. The place was called Beirut, the year was 1983, and it took 241 dead Marines to teach us the lesson that peacekeeping in the midst of a shooting war waged by terrorist groups using suicide bombers is folly. We would be better advised to recognize war for what it is, and to understand that, however terrible it may be, there are times when the logic of war has a hold which even the best of intentions cannot break. Indeed, hard as it may be to accept, there are times when well-intentioned measures can only make matters worse.

Mr. WARNER. Another view that was expressed in the New York Times on April 3 by Thomas Friedman states as follows:

President Bush needs to be careful that America does not get sucked into something very dangerous here. Mr. Bush has rightly condemned Palestinian suicide bombing as beyond the pale, but he is not making clear that Israel's war against this terrorism has to be accompanied by a real plan for getting out of the territories. Why? Because President Bush, like all other key players, does not want to face the central dilemma in this conflict, which is that while Israel must get out of the West Bank and Gaza, the Palestinians cannot at this moment be trusted to run those territories on their own, without making them a base of future operations against Israel. That means some outside power has

to come in to secure the borders, and the only trusted powers would be the U.S. or NATO.

Of course, the United States would be a vital complement of NATO.

The only solution is a new U.N. mandate for U.S. and NATO troops to supervise the gradual emergence of a Palestinian state, after a phased Israeli withdrawal, and then to control its borders, says the Middle East expert Stephen P. Cohen.

People say that U.S. troops there would be shot at like U.S. troops in Beirut. I disagree. U.S. troops that are the midwife of a Palestinian state and supervise a return of Muslim sovereignty over the holy mosques in Jerusalem would be the key to solving all the contradictions of U.S. policy in the Middle East, not new targets.

I ask unanimous consent to have the entire article printed in the RECORD.

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

[From the New York Times, Apr. 3, 2002]

THE HARD TRUTH

(By Thomas L. Friedman)

A terrible disaster is in the making in the Middle East. What Osama bin Laden failed to achieve on Sept. 11 is now being unleashed by the Israeli-Palestinian war in the West Bank: a clash of civilizations.

In the wake of repeated suicide bombings, it is no surprise that the Israeli Army has gone on the offensive in the West Bank. Any other nation would have done the same. But Ariel Sharon's operation will succeed only if it is designed to make the Israeli-occupied territories safe for Israel to leave as soon as possible. Israel's goal must be a withdrawal from these areas captured in the 1967 war; otherwise it will never know a day's peace, and it will undermine every legitimate U.S. effort to fight terrorism around the globe.

What I fear, though, is that Mr. Sharon wants to get rid of Mr. Arafat in order to keep Israeli West Bank settlements, not to create the conditions for them to be withdrawn.

President Bush needs to be careful that America doesn't get sucked into something very dangerous here. Mr. Bush has rightly condemned Palestinian suicide bombing as beyond the pale, but he is not making clear that Israel's war against this terrorism has to be accompanied by a real plan for getting out of the territories.

Why? Because President Bush, like all the other key players, doesn't want to face the central dilemma in this conflict—which is that while Israel must get out of the West Bank and Gaza, the Palestinians cannot, at this moment, be trusted to run those territories on their own, without making them a base of future operations against Israel. That means some outside power has to come in to secure the borders, and the only trusted powers would be the U.S. or NATO.

Palestinians who use suicide bombers to blow up Israelis at a Passover meal and then declare ''Just end the occupation and everything will be fine'' are not believable. No Israeli in his right mind would trust Yasir Arafat, who has used suicide bombers when it suited his purposes, not to do the same thing if he got the West Bank back and some of his people started demanding Tel Aviv.

''The only solution is a new U.N. mandate for U.S. and NATO troops to supervise the gradual emergence of a Palestinian State—after a phased Israel withdrawal—and then to control its borders,'' says the Middle East expert Stephen P. Cohen.

People say that U.S. troops there would be shot at like U.S. troops in Beirut. I disagree. U.S. troops that are the midwife of a Palestinian state and supervise a return of Muslim sovereignty over the holy mosques in Jerusalem would be the key to solving all the contradictions of U.S. policy in the Middle East, not new targets.

The Arab leaders don't want to face this hard fact either, because most are illegitimate, unelected autocrats who are afraid of ever speaking the truth in public to the Palestinians. The Arab leaders are as disingenuous as Mr. Sharon; he says ending ''terrorism'' alone will bring peace to the occupied territories, and the Arab leaders say ending ''the occupation'' alone will end all terrorism.

Like Mr. Sharon, the Arab leaders need to face facts—that while the occupation needs to end, they independently need to address issues like suicide terrorism in the name of Islam. As Malaysia's prime minister, Mahathir Mohamad, courageously just declared about suicide bombing: ''Bitter and angry though we may be, we must demonstrate to the world that Muslims are rational people when fighting for our rights, and do not resort to acts of terror.''

If Arab leaders have only the moral courage to draw lines around Israel's behavior, but no moral courage to decry the utterly corrupt and inept Palestinian leadership, or the depravity of suicide bombers in the name of Islam, then we're going nowhere.

The other people who have not wanted to face facts are the feckless American Jewish leaders, fundamentalist Christians and neoconservatives who together have helped make it impossible for anyone in the U.S. administration to talk seriously about halting Israeli settlement-building without being accused of being anti-Israel. Their collaboration has helped prolong a colonial Israeli occupation that now threatens the entire Zionist enterprise.

So there you have it. Either leaders of good will get together and acknowledge that Israel can't stay in the territories but can't just pick up and leave, without a U.S.-NATO force helping Palestinians oversee their state, or Osama wins—and the war of civilizations will be coming to a theater near your.

Mr. WARNER. What I propose today is the idea of one Senator, shared by some and disagreed by others, but I do hope it is worthy of consideration by those who will undertake to resolve this conflict. Again, I thank the sponsors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of this amendment being offered by Senator LIEBERMAN and Senator SMITH of Oregon and so many others on a bipartisan basis. This is an important amendment, and it is a timely amendment, dealing with the Middle East. It is brief, but it gets to the point in a hurry. It says clearly what our principles of conduct should be and establishes standards and values which I believe the vast majority of Americans would agree.

I commend those who authored this very thoughtful and prudent amendment. It is presented to us in words and terms that are not inflammatory. We are doing our best at this level to express our solidarity with Israel, without in any way jeopardizing the efforts of the Bush administration or others to try to find peace in the Middle East.

It is important that our voice be heard, that the Senate pass this amendment, and the people across America and around the world who would take note of it understand why we are doing this.

In the morning hours of September 11, America was awakened to the reality of terrorism. The calm and safety of our great Nation was broken by explosion, bloodshed, and death. Our lives were changed forever on that day by the senseless violence. Our hearts were broken by the deaths of thousands of innocent Americans. You can still see, to this day, the full page of the New York Times every single day, since September 11, with the photographs and biographies of the victims. Our Nation was united, though, by this event. We were united to protect our people and to stop the threat of terrorism.

September 11, 2001, is a day in our history that America will never, ever forget. In Israel, each dawn seems to bring September 11—another horror, another tragedy, to a nation which bears its grief as a lifetime burden.

A city bus in Jerusalem was lifted 2 feet off the street by a powerful bomb, killing and maiming innocent passengers. A bar mitzvah in Tel Aviv, a seder in Netanay, was ripped by explosions, leaving a trail. This last weekend in Adora, 5-year-old Danielle Shefi was gunned down in her home, in her bed, in front of her mother by a Palestinian gunman.

Today we gather as Americans, as Senators, as survivors of September 11 to consider this important amendment, and with it to tell our friends in Israel: You will not grieve alone; you will not stand alone; you will not fight terrorism alone. From the moment Israel became a sovereign nation, the United States of America has stood by its side. And from that same moment, Israel has stood by the side of the United States. We are allies. We are friends. We are brothers and sisters in this battle for peace and an end to terrorism.

Our Nation believes the people of Palestine should have a safe and sovereign land but not at the expense of the safety and sovereignty of Israel. We believe the Palestinians deserve a voice in deciding their destiny, but that voice cannot be the roar of a suicide bomb killing innocent children. We believe the Palestinians deserve real leadership.

Recall for just a moment the brief history leading up to the current state of events when President Clinton, in his closing days in office, brought then-Prime Minister Barak to Camp David, along with Chairman Arafat, in a desperate last-minute effort in his administration to try to finally forge peace in the Middle East. They debated back and forth. They bargained for days at a time. They left and went back to the Middle East, those two leaders, and in Taba had a follow-up meeting to talk about details. When it was all done, when it was finished, 97 percent of the

disputed territory between the Palestinians and the Israelis had been resolved after 50 years of fighting, 50 years of an impasse and that much progress was made.

What happened? Chairman Arafat and the Palestinian Authority rejected that peace offering, rejected that peace agreement. And they didn't answer it with a strong letter. They answered it with violence in the street, the beginning of terrorism against the people of Israel. They rejected the peace agreement propounded by President Clinton and Prime Minister Barak and answered it with violence.

There were doubts in the minds of some as to whether the Israeli people would have even agreed to this, it was so broad, so sweeping, with 97 percent of the territory resolved. Yet Prime Minister Barak had the courage to come forward and say: I am prepared to put my political future on the line and offer it to the Israeli people. And he was rejected by the Palestinian side. And they answered with violence.

The ensuing election is now a matter of history. Mr. Barak lost to Mr. Sharon with the most overwhelming majority in the history of Israel. So if Chairman Arafat and the Palestinian Authority want to point a finger of blame at Ariel Sharon, they should be ready to acknowledge that they brought him to power. They did it with their response to this offering, this overture of peace.

I was in Israel this last January and had an opportunity to meet with many of the leaders before I came to Israel. While I was there, people from our Embassy and intelligence sources told me about the shipment of the *Karine A*. This was a ship intercepted by the Israelis carrying 50 tons of military armaments to the Palestinian Authority, with new rockets that made the whole nation of Israel vulnerable for the first time to rocket attack and 2,000 kilograms of C–4 plastic explosives, the weapon of choice of suicide and homicide bombers.

It was because of that shipment that I made a conscious decision not to meet with Chairman Arafat while I was there. I could not believe that as an American I could stand with President Bush in condemning terrorism and those who harbor terrorists and then turn a blind eye to this armed shipment.

So we stand today with a violent situation in the Middle East, one that needs to be resolved in peace. Let the violence and terrorism come to an end immediately. Let all innocent victims, whether they are Israelis or Palestinians, know that tomorrow is a safer day. Let the United States show the leadership needed to make certain we move toward peace in the Middle East. But never should we turn our back on the fact that poor Israeli citizens have been victimized by the same type of careless terrorism and violence we saw on September 11 in this Nation.

I sincerely hope the leadership will come forward to make this happen. We believe today as we have from the moment the nation of Israel came into existence that the Jewish people have a right to a homeland, that Israel and its people have a right to be safe and secure, that Israel and the United States are bound together in a commitment to democracy, freedom, tolerance, and peace. I hope this amendment and this debate will move toward negotiations and lasting peace.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I have a brief statement. It has to do with part of this amendment that I think is so crucial. I thank my friend for offering it so carefully. It calls on Arab States to condemn the suicide bombing.

Mr. SPECTER. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator can yield for a question.

Mrs. BOXER. I am going to ask a question in about 15 seconds, if my friend allows me to pose it.

I am stunned that we have heard few voices from the Arab States. I ask my friend this, as he voted, as did all my colleagues in the Senate, for a resolution expressing our horror at the women suicide bombers. I wonder if the Senator is struck by this deafening silence and how he felt when Mrs. Arafat said if she had a son, in fact, it would be an honor for that son to die. It is a stunning statement.

Mr. SPECTER. Regular order, Mr. President.

Mrs. BOXER. I wonder if the Senator feels the same?

Mr. DURBIN. I will answer briefly because the Senator from Pennsylvania has been waiting patiently.

I have to say to the Senator from California that I am taken aback by the fact that people have not come forward to condemn the violence and terrorism on both sides.

When I was in Egypt and faced the press, they looked at me incredulously when I described to them that we saw happening in the Middle East as the same kind of violence as September 11. They could not understand the connection. I think Americans understand that connection.

I hope with this amendment we can move toward a peaceful outcome in this sad and bloody chapter of the violence in the Middle East.

I yield the floor.

Mr. SPECTER. I called for regular order for those who might be watching because it is the practice of the Senate to arrive and wait a turn. I conferred with the principal sponsor, Senator LIEBERMAN, and was queued up behind Senator DURBIN.

It is not an uncommon practice for Senators, under the guise of a question, to make speeches. While the Senate permits a question to interrupt a speaker, or when I have sought recognition, the rules of the Senate do not permit speeches. I think we had a speech and that is why I twice asked for regular order in accordance with the decorum of the Senate to take a turn.

Mr. WELLSTONE. Will the Senator yield for a request I want to make to be allowed to follow the Senator?

The PRESIDING OFFICER. Does the Senator yield?

Mr. SPECTER. I am happy to yield for a question.

Mr. WELLSTONE. I ask unanimous consent I be allowed to follow the Senator from Pennsylvania.

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

The Senator from West Virginia.

Mr. BYRD. Reserving the right to object, I do not want to object. I have a committee hearing on homeland security to begin at 2:30, and I believe the Senator from Pennsylvania has the floor; does he not?

Mr. SPECTER. I do, Mr. President.

Mr. BYRD. I had hoped to speak before that hearing. I don't think I will be able to because the Senator from Pennsylvania has the floor and the distinguished Senator from Minnesota wishes to speak. I don't want to be late for my own committee hearing. I have say to the Senate, the Members of the Senate, I want to speak on this Resolution before it passes. So the Senate is on notice of that fact. My speech won't be long, but I have a few things I want to say. I thank the Senator for allowing me to proceed.

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I commend the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Oregon, Mr. SMITH, for bringing forward this amendment because it is important that there be a unified fight against terrorism. The suicide bombers who have threatened Israel are identical to the suicide bombers who struck the United States on September 11, 2001. The only difference is that the suicide bombers on September 11th were a little more sophisticated. They hijacked planes and they flew them into the World Trade Center Towers. One, I think, was headed for the Capitol of the United States, the one which went down in Somerset County, Pennsylvania. One was headed for the White House, the one which struck the Pentagon.

The situation today in Israel is one of abject terror, and I can testify to that personally because I was in Israel in late March. In fact, I was there on March 26, 2002, and visited Chairman Arafat in his compound on the evening of March 26, leaving there close to midnight. The next day there was the suicide bombing at the Passover seder in Netanya.

Being in Israel is a terrifying experience, simply stated. There are suicide bombings in buses, suicide bombings in restaurants, suicide bombings at checkpoints, and suicide bombings on the streets. There is an undeniable right of self-defense under those circumstances. That is the essence of

what the Lieberman-Smith amendment calls for.

People talk about the cycle of violence. I do not think it is a cycle because that suggests there is some sort of mutuality. The suicide bombers provide the violence. The Israeli response is a matter of self-defense.

We face an imminent threat in the United States. We get alerts from time to time. I think President Bush's statement, which is cited in this amendment, is worth repeating. He said, on November 21, 2001:

> We fight the terrorists and we fight all of those who give them aid. America has a message for the nations of the world. If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist and you will be held accountable by the United States and our friends.

What the Senate is saying in this amendment is that we are going to hold the terrorists accountable and we are going to stand with Israel in its fight against terrorism.

I know Senator BYRD wishes to make a presentation in advance of his hearing and Senator WELLSTONE has asked for recognition, so I am going to limit my comments to these 4 minutes and yield the floor.

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

Mr. WELLSTONE. I say to my colleague from Pennsylvania before he leaves, Senator BYRD has now gone to the hearing. If my colleague needs to continue, I will wait. Senator BYRD has actually now gone to committee. I am pleased to speak now but I want my colleague to be clear on the situation.

Mr. SPECTER. Mr. President, I thank the Senator from Minnesota. I thought Senator BYRD was going to speak and therefore, I limited my comments.

I would make one additional observation.

Mr. WELLSTONE. That is fine.

Mr. SPECTER. The additional observation is that the amendment is sanguine in calling for assistance from Saudi Arabia. It is my hope that the Saudis will pursue their initiative in normalizing relations with Israel. That is a real breakthrough. I was pleased to see that Syria followed the Saudi lead.

I had a chance on my trip to the Mideast to talk to Bashar Asad, the new President of Syria. It is very important to set the stage for normalized relations. When there has been agreement on a Palestinian State, which is the principle of Oslo, and when Prime Minister Sharon has agreed on a Palestinian State, it is my hope that the principles of the plans advanced by CIA Director Tenet and former Senator George Mitchell can be carried through and that there can be a discussion of the Palestinian State to provide a framework for hope for the Palestinians.

However, the critical ingredient is normalizing relations. I compliment the President and Crown Prince Abdallah of Saudi Arabia for their meeting—candidly, providing that the Saudis follow through. We should not lose sight of the fact that 15 of the 19 terrorists who struck the United States on September 11th were Saudis, and that Saudi Arabia has also given us Osama bin Laden. The Saudis appear to have been financing some of the terrorists by paying money to their families. In statements on the Sunday news talk shows, representatives of Saudi Arabia did not deny that. In a circuitous way, they said what might be considered to be an admission. So let us hope that the Saudis will provide leadership. Chairman Arafat cannot be relied upon. He writes in disappearing ink.

If there is to be an agreement, it is going to have to be enforced by the moderate Arab States, by Egypt, by Saudi Arabia, by King Hussein of Jordan, and by King Mohamed of Morocco.

This amendment that Senator LIEBERMAN and Senator GORDON SMITH offered is a very important statement. It is tempered and I think it will not adversely affect what President Bush and his administration seek to do. So I, again, commend my colleague Senator LIEBERMAN and my colleague Senator GORDON SMITH, and hope that this will produce a very resounding vote in the affirmative.

I thank my colleague from Minnesota and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am going to speak briefly about this amendment. I will vote for this amendment because I believe Israel has a right to address the concerns of its citizens. As Camus once said:

> Murder is never legitimate.

When men and women are murdered at a seder meal, or there is the deliberate targeting of teenagers at pizza parlors, it is not at all surprising that Israel, the Government of Israel, wants to protect its own citizens and will respond.

I support this amendment because I believe it is about Israel's need and right to protect its citizens against terrorism. The amendment also states that many of the Arab States have been silent in the face of this unacceptable violence. I believe they must unequivocally declare their opposition to all forms of terrorism, particularly the suicide bombing, and work with the Palestinians, in concert with the United States, to stop this violence.

I wish also to say something more personal to my colleague from Connecticut. I am, if you will, a son of Israel. I am a first-generation American. My father, a Jewish immigrant, fled persecution. He was born in Odessa, and his family moved to Russia to stay ahead of the pogroms. I remember, as a little boy, watching my parents watch TV, and they would weep when Israel was at war. I never really understood the strong feeling that they had for Israel. I do now.

While the amendment before us affirms Israel's right and freedom to protect its people against terror, I do not read this amendment as an explicit or implicit endorsement of every action that the Government of Israel and its forces have taken in the occupied territory over the last several weeks.

There is a distinction in my mind between affirming my solidarity with Israel and not equating that with support of every policy of the Sharon administration.

I also want to talk briefly about the role of our government. I believe the real test ahead will be whether or not the Bush administration stays engaged in the Middle East.

Over and over again, I have pointed out that I believe Secretary Powell's efforts have been extremely important—that the administration has finally left the sidelines and is on the playing field of Middle East diplomacy. It must stay in the game. Israeli officials say the conditions could worsen in the days to come. We may see more suicide bombings.

But if the Bush administration, facing such an escalation of violence in the region, withdraws, as it has before, history will judge it harshly.

We have to stay engaged. I believe we must pursue a courageous approach which seeks to meet both the critical needs of the Israeli people to be free from terrorism and violence, and acknowledges the legitimate aspirations of the Palestinian people for their own state, a state which is economically and politically viable.

Even in this horrific time, we should not lose sight of what should be our ultimate goal—Israel and a new Palestinian State living side by side with peace and with secure borders. There is no question in my mind—and I could go on for hours about this—about the need to end the culture of violence and the culture of incitement in Palestinian and Arab media, in the schools, and elsewhere. It has gone on for too long.

But I also think it is terribly important that Israel shows respect for and concern about the human rights and dignity of the Palestinian people who are now and will continue to be their neighbors.

It is critically important—I believe this amendment embraces this, and maybe my colleague from Connecticut would like to respond—to distinguish between the terrorists, who must be confronted, and ordinary, innocent Palestinians who are trying to provide for their families and live an otherwise normal existence.

This is a critical distinction. We don't want to see Palestinians subjected to daily and humiliating reminders that they lack basic freedoms and control over their lives.

I have had certain discussions with people, which have been quite painful. I have had people come into my office who have been very critical of what Israel is doing. I listen to them. They

make the distinction between defending against terrorists, and harming innocent civilians—a distinction I agree with—and say repeatedly, what about the innocent Palestinians? I say it is a Jewish thing for me to be concerned about the loss of all innocent lives. But then I say to them, I want you to also talk to me about the loss of innocent Israeli life. I want you to talk to me about the Jews that were murdered at their seder meal.

These are people who feel strongly, and who condemn Israel's actions. When I meet with them, they don't say anything about the murder of Israelis. My God. I wonder why.

I have also met with other people who never utter a word about the loss of innocent Palestinians. This is not an argument about moral equivalency—I know the difference between innocent civilians who are deliberately targeted and murdered, as is the case with suicide bombings, and when they are not deliberately targeted or not deliberately harmed. But if my mother and father were alive, they would be weeping for the loss of innocent Israelis, and they would also be weeping for the loss of innocent life everywhere. They would say: Paul, we want you as our son to express your solidarity for Israel. We love Israel. You are a son of Israel. But we also, Paul, want you to be clear on the floor of the Senate that supporting this amendment—which I do—does not mean it should be viewed as an endorsement of every single, specific policy or action by the Sharon administration.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Minnesota for his very principled and impassioned statement.

I wish to briefly respond, and in particular say, as a personal statement, that it seems to me it is self-evident and compelling that the only way peace will be established between the Israelis and the Palestinians is when each side recognizes the right of the other to have a homeland there and to live in peace.

That is a personal statement. But it also seems to me that has been at least an implicit, if not an explicit, part of American foreign policy, certainly since the Oslo Declaration of Principles was signed on the White House lawn in September of 1993. It remains to this day a fundamental objective.

As to the claims on both sides and the death on both sides, I think it is so critical, as I believe the Senator was saying, that neither side—this is difficult sometimes in the heat of violence and fear and anger—can be allowed to come to a point where they deny or forget the humanity of everybody on the other side.

There is a famous statement made by Golda Meir, the former Prime Minister of Israel. I will paraphrase it because I don't remember it exactly. She said at one point: We Israelis will someday forgive the Arabs for killing our children. What will be more difficult for us is to forgive the Arabs for forcing our children to kill their children.

That spirit, so eloquently expressed, really should guide our deliberations.

I consider this amendment to be a statement of American principles, a statement of solidarity with our ally, Israel, and a statement that is consistent with the war on terrorism and the doctrine that President Bush has articulated. It is intentionally not in any sense anti-Palestinian. It is antiterrorist. It is intentionally drafted that way with the hope that it will draw the broadest possible support and be an expression of solidarity and an expression of support for Israel's right centrally, fundamentally to defend itself against terrorism.

Mr. WELLSTONE. Mr. President, I thank the Senator for his statement. I think it is a supremely important statement.

As an example of my definition of hope—I had a chance to talk about this at Temple Israel in Minneapolis—is the story of the Israeli man who was one of the Israelis murdered at the bombing of the seder. His organs were donated to save the life of a Palestinian woman. His children said: Our father would be very proud.

I believe this is hope. I say to my colleague from Connecticut and South Carolina, that is the hope. I do not believe I am being naive when I say there are a lot of people—a majority of the people—who understand that we have to get from where we are now to where we all know we need to be. The terrorists will not get us there.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Minnesota. I could not agree with him more. I think what is at issue now is whether we can create a circumstance where the Palestinian leadership will seize the initiative from the suicide bombers, from the terrorists, who have captured it, who have, in that sense, hijacked, as I said earlier in this debate, the legitimate cause of Palestinian statehood. When that happens, I am confident they will meet with an overall majority of the Israeli people who want nothing more than to live in peace and security with their neighbors.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota—South Carolina. Excuse me.

Mr. HOLLINGS. Madam President, I will probably be from South Dakota after I make a few comments because I think the amendment is ill-timed and not in the best interests of the United States and not in the best interests of Israel.

I say not in the best interests of Israel—I agree, with the various items listed in the ''Sense of Congress''—and you can go through (1) through (7)—''(1) stands in solidarity with Israel . . . ''—there is no question about that—''(2) remains committed to Israel's right to self-defense''—and on down the particular seven points.

I do not have to explain it. I have a 35-year voting record for Israel. But as to what the amendment does not say—it is not what it says; it is what is not said that bothers me.

The distinguished colleague from Connecticut talks about the humanity. Well, where is the humanity on the Palestinian side here? That is what we are looking for. Five years from now, 10 years from now, 50 years from now, there is bound to be an Israel. I think there is going to be a Palestine. The task is to get these folks as neighbors living together.

Where is the humanity? This comes at a particularly tenuous time. We just got the President engaged. I say that advisedly. It was an affirmative action plan that we are not going to fool with Israel. All these other Presidents did. Let them do what they are going to do. But we got him engaged.

Now we have Crown Prince Abdullah from Saudi Arabia engaged and visiting. And he is offering, categorically, recognition of the Israeli state. He says Syria and the rest of them—including Egypt and Jordan—will all go along. They all will join in. Some say that is propaganda. Don't give me that propaganda stuff. Let's try it.

We have Secretary Powell making his visits, and then along comes this political amendment. I have been up here a long time, and it would be easier for me to just walk to the desk, vote aye, go home, and not have to answer the phone.

I know because I made a comment in the earlier part of the year that I thought Ariel Sharon was the Bull Conner of Israel. As for Arafat—I think he wants to be a martyr, he wants to be killed, he cannot be trusted.

In any event, I know what it is to be critical. I finally found some solace the other day for saying anything at all.

Here is a column by Richard Cohen, from the day before yesterday in the Washington Post. I ask unanimous consent the article in its entirety be printed in the RECORD.

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

[From the Washington Post, Apr. 30, 2002]

WHO'S ANTI-SEMITIC?

(By Richard Cohen)

If I weren't a Jew, I might be called an anti-Semite. I have occasionally been critical of Israel. I have occasionally taken the Palestinians' side. I have always maintained that the occupation of the West Bank is wrong and while I am, to my marrow, a supporter of Israel, I insist that the Palestinian cause—although sullied by terrorism—is a worthy one.

In Israel itself, these positions would hardly be considered remarkable. People with similar views serve in parliament. They write columns for the newspapers. And while they are sometimes vehemently criticized—

such is the rambunctious nature of Israel's democratic din—they are not called either anti-Semites or self-hating Jews.

I cannot say the same about America. Here, criticism of Israel, particularly anti-Zionism, is equated with anti-Semitism. The Anti-Defamation League, one of the most important American Jewish organizations, comes right out and says so. ''Anti-Zionism is showing its true colors as deep-rooted anti-Semitism,'' the organization says in a full-page ad that I have seen in the New Republic as well as other magazines. ''No longer are the Arab nations camouflaging their hatred of Jews in the guise of attacking Israel.''

I feel compelled to pause here and assert my credentials. Few people have written more often about Arab anti-Semitism than I. I have come at this subject time and time again, so often that I have feared becoming a bore. Arab anti-Semitism not only exists, it is often either state-sponsored or state-condoned, and it is only getting worse. It makes the Arabs look like fools. How can anyone take seriously a person who believes that Jews engage in ritual murder?

But that hardly means that anti-Zionism—hating, opposing, fighting Israel—is the same as anti-Semitism, hating Jews anywhere on account of supposedly inherently characteristics. If I were a Palestinian living in a refugee camp, I might very well hate Israel for my plight—never mind its actual cause—and I even might not like Jews in general.

After all, Israel proclaims itself the Jewish state. It officially celebrates Jewish holidays, including the Sabbath on Saturday. It allows the orthodox rabbinate to control secular matters, such as marriage, and, of course, it offers citizenship to any person who can reasonably claim to be Jewish. This so-called right of return permits such a person to ''return'' to a place where he or she has never been. Palestinians must find this simply astonishing.

To equate anti-Zionists or critics of Israel in general with anti-Semites is to liken them to the Nazis or the rampaging mobs of the pogroms. It says that their hatred is unreasonable, unfathomable, based on some crackpot racial theory or some misguided religious zealotry. It dismisses all criticism, no matter how legitimate, as rooted in prejudice and therefore without any validity.

No doubt there has been an upsurge of anti-Semitic incidents in Europe. But there has also been an upsurge of legitimate criticism of Israel that is not in the least anti-Semitic. When Israel recently jailed and then deported four pro-Palestinian Swedes, two of whom are physicians, under the misguided policy of seeing all the Palestinians' sympathizers as enemies of the state, it was an action that ought to be condemned—and the Swedes who have done so ought not be considered anti-Semites.

When the same thing happens to a Japanese physician, that too ought to be condemned—and it was, as it happens, in the Israeli newspaper Haaretz. A column by Gideon Levy made the point that Israel cannot reject and rebut all criticism by reciting the mantra: ''The whole world is against us.''

The same holds for American Jews. To turn a deaf ear to the demands of Palestinians, to dehumanize them all as bigots, only exacerbates the hatred on both sides. The Palestinians do have a case. Their methods are sometimes—maybe often—execrable, but that does not change the fact that they are a people without a state. As long as that persists so too will their struggle.

The only way out of the current mess is for each side to listen to what the other is saying. To protest living conditions on the West Bank is not anti-Semitism. To condemn the increasing encroachment of Jewish settlements is not anti-Semitism. To protest the cuffing that the Israelis sometimes give the international press is not anti-Semitism either.

To suggest, finally, that Ariel Sharon is a rejectionist who provocatively egged on the Palestinians is not anti-Semitism. It is a criticism no more steeped in bigotry than the assertion that Yasser Arafat is a liar who cannot be trusted. That does not make me anti-Arab—just a realist who is sick and tired of lazy labels.

Mr. HOLLINGS. He says, in concluding:

''The only way out of the current mess is for each side to listen. . . .

Nobody in America believes we are not for Israel. It is perfectly obvious. We have given them all the equipment. We have given them the economic aid. We will give them what is necessary. We admire that little country right in the middle of the Mideast, the progress she is making. Yitzhak Rabin could see it. But his own folks killed him. And Anwar Sadat could see the progress Egypt was making, and his own folks killed him.

We talk about the Palestinian Authority in one breath and in the next breath say: Who has the authority? The Palestinians? No. The Israelis have the authority. This is a very complex issue.

I remember back in World War II, in the occupation, where the French would take out a German soldier on the corner, and then the Germans would retaliate and then just wipe out the block. We all know about that.

Several years ago, I was in Kosovo. And some Albanians would get feeling good, and they would take out a Serb policeman on the corner, and along would come the Serbian army and they would clean out the block. Now along comes Sharon, and he must learn the lessons of the past. He is making more terrorists than he is getting rid of.

He sounds formal—''I am getting rid of the infrastructure''—like there is a structure. There is no structure to this mess. Anybody who thinks Arafat is in charge, to the extent that he is in charge because we have a deal with somebody. He is in charge, but Hamas, Hezbollah, and all, they use him. This is a tricky part of the world.

And we are looking for friends in the war on terrorism. And they have been going along with us. Now we could come along and start losing friends with this kind of leadership and the categorical one-sided endorsement of it.

I was not prepared to talk about this, but I did not know this was going to come up today. But in conscience, I cannot support it.

Let me cite what Richard Cohen says:

The only way out of the current mess is for each side to listen. . . .

Don't you think it would be good for Congress, as the President asked over on the House side—that this is not the right time for us to vote on this resolution. I heard earlier today that the White House is not taking a position, but we know they do not support it. Can't we help the President in this tenuous situation?

Quoting Richard Cohen again:

The only way out of the current mess is for each side to listen to what the other is saying. To protest living conditions on the West Bank is not anti-Semitism. To condemn the increasing encroachment of Jewish settlements is not anti-Semitism. To protest the cuffing that the Israelis sometimes give the international press is not anti-Semitism either.

To suggest, finally, that Ariel Sharon is a rejectionist who provocatively egged on the Palestinians is not anti-Semitism.

It is a criticism no more steeped in bigotry than the assertion that Yasser Arafat is a liar who cannot be trusted. That does not make me anti-Arab—just a realist who is sick and tired of lazy labels.

Let's go in the resolution to the labels and the whereas. How can you live with that? We fight the terrorists and we fight all those who give them aid. America has a message for the nations of the world: If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.

Crown Prince Abdullah just left Crawford, TX. The Saudis are funding terrorism, I can tell you that. Go to the religious schools in Pakistan. As we saw on TV, the Saudis have been funding them for a long time. But we can't say that about the Saudis, we have to get oil. In any event, who is the terrorist here with respect to the situation? Do the Saudis qualify as terrorists under this resolution?

Madam President, the situation in the Middle East is such that you have the creation of more terrorists under this approach. The Arabs, by the way, think we are terrorists. In fact, that is what they call us. In the U.N., they have brought resolutions against the United States in the past. The U.N. passed resolutions to send weapons inspectors into Iraq. We condemned Saddam for not letting them in. Now the U.N. formed a team to investigate the incursion into Jenin. Sharon refuses to let the U.N. investigate, so in a way he's acting like Saddam Hussein.

Max Rodenbeck, in an article on April 17 in the New York Times, wrote:

While other Arabs have always taken the Palestinians' side, the violent images are increasing the sense of personal interest in the conflict. When half a million Moroccans marched in a recent protest against Israel, many carried placards saying: We are all Palestinians.

So according to this amendment, everybody in Morocco is a terrorist. Any Palestinian you see defending his house, as we have been watching on TV—even if he had no connection whatsoever to any of these individuals with the explosives or the suicidal terrorists, or even if he doesn't like Arafat—is a terrorist.

Incidentally, there have been five attempts that someone just told me about on Arafat's life—not by Israelis,

but by Arabs, by Palestinians. So if I am in my home, defending my home, and I see a soldier come shooting his way in, and I shoot him, all of a sudden I am a terrorist. If you don't have uniforms, I guess you are terrorists. If you have uniforms, then you are soldiers.

How do you deal with Arafat if you are going to call him a terrorist in one breath and the Palestinian leader in the next breath? This is too simplistic. We have had enough blood on both sides. Now we are getting to where the administration is taking charge—and I commend them for it. We are making some progress, and they have freed Arafat. But section No. 5 calls on the Palestinian Authority, actually it demands that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas. And the Palestinian Authority—that is what we call an oxymoron. Let's not kid ourselves, this isn't any authority, but it's the best term we have.

Sharon—and I am quoting Andy Rooney, who said the other night on ''60 Minutes'':

Sharon is not our friend and President Bush should stop pussy-footing and say so.

Both sides are coming in and calling names, and that is what this amendment does. It doesn't help anybody but us Washington politicians.

This is the London Economist, of April 20. I ask unanimous consent that this be printed in the RECORD.

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

[From the London Economist, Apr. 20, 2002]

FRIENDLY FIRE

Thanks mainly to his comportment since September 11th, George Bush stands tall in American opinion. America's standing in the world is another matter. As the sympathy that followed the destruction of the twin towers fades, the admiration Mr. Bush earned for victory in Afghanistan is being pushed aside by complaints about the rest of the ''war against terrorism''. In the Muslim world, of course, but also in much of Europe, the uneven battles on the West Bank have encouraged demonstrators to burn the American flag on the streets, alongside the flag of Israel. But even before those battles, European politicians were lining up to denounce Mr. Bush's ''simplistic'' foreign policy and deplore America's preponderance in the world. The loyalty to Mr. Bush shown by Britian's prime minister, Tony Blair, had begun to alienate not only Britian's EU partners but also his own Labour Party.

GUILT BY ASSOCIATION

This rift was visible before Ariel Sharon invaded the West Bank. But Mr. Sharon has made the rift suddenly deeper. America is not responsible for the fighting, still less for its grisly climax in what may turn out to have been a war crime in Jenin (see next leader). But as the provider of Israel's sword and furnisher of its diplomatic shield, America is being held responsible in most of the world, but not America, picture of the bulldozer refugee camp plaster the front pages. To an extent that Americans do not realize being blamed for Israel's actions is ripping up the coalition Mr. Bush took such pains to knit together last September. How can he patch it back together?

From Europe, the answer looks simple. To save his coalition, Mr. Bush needs to put the squeeze on Mr. Sharon. Only thus, it is argued, can Israel be persuaded to make the compromises necessary for peace. And even if squeezing Mr. Sharon does not lead to peace, being seen by the Arab street to squeeze him is the only way to persuade fragile Arab regimes to stay on America's side in the larger war against terrorism. Instead, Mr. Bush appeared, first, to give Israel's invasion of the West Bank a green light; and then not to mean what he said when he called a fortnight ago for Israel to withdraw ''immediately''. At best, Europeans say, this makes America look ineffectual. At worst, it plays into the hands of Osama bin Laden and his associates, who accuse ''the Jews and the Americans'' of waging war against Islam. Europe cannot understand America's failure to see this.

What Europeans fail to see is that, precisely because of his steadfastness in the war against terrorism, Mr. Bush is widely admired in America. When he is criticized there, it is not for arming and shielding Israel but for sending Colin Powell, his secretary of state, to talk to Yasser Arafat, terrorist recidivist, and for suggesting that Israel might curtail its own was against terrorism. This, say the critics, smudges his previous ''moral clarity''. September 11th gave Americans at large—not just Jews, and not just politicians influenced by the Israel lobby—special reason to shudder at the onslaught on Israel by Muslim suicide bombers determined to kill as many civilians as possible. Long before then, Americans learnt to identify more with the beleaguered Israelis than the thwarted Palestinians. Above all, Americans cannot understand why some Europeans dignify terrorism as legitimate ''resistance'' to an occupation which, but for Palestinian intransigence, Israel's previous government would have ended anyway.

You do not have to resolve the merits of these two views of the conflict to see the danger that this cross-Atlantic incomprehension poses to the post-September coalition. European leaders were squeamish enough before Mr. Sharon's war about Mr. Bush's plans to take his campaign on to Iraq and other members of the ''axis of evil''. The accelerated killing gives them every reason to say that this must not happen while the West Bank is on fire, lest it unleashes the pan-Islamic rage Mr. bin Laden was aiming to provoke. America's Arab friends say so too—though they made it clear at the Beirut summit that ended before Mr. Sharon's re-invasion that they were not up for another swipe against Saddam anyways. In a funny way, Palestine gets Mr. Bush's reluctant allies off the hook. While Mr. Sharon is on the rampage, they are less likely to be roped into unwanted American adventures further afield.

How does Mr. Bush proposed to end this rift? Not by selling Israel down the river: Mr. Powell flew home with Israeli tanks still in the West Bank and Mr. Arafat still stewing under siege in Ramallah. Nor, probably, by resuming the aloofness that characterized his initial handling of the Middle East. For all their criticism of American zigzagging, Mr. Bush's European critics need to recognize that this is a president improvising responses to a baffling crisis. It would be wrong to confuse his immediate plan to achieve quiet—by piling pressure on Mr. Arafat to call off the intifada—with his longer-term thinking. Mr. Bush has, after all, spent the past weeks stating more plainly than any predecessor that America wants an independent Palestine and Israel back more or less to its 1967 border.

TIMING THE SQUEEZE

Empty words? At some point, it is true, getting an Israel under a Mr. Sharon to accept such terms will require Mr. Bush to apply that squeeze. With the domestic political capital he has collected since September 11th, he could certainly do so, especially if it seemed that supporting Israel was beginning to damage America's own security. But remember ''moral clarity'': the Europeans should not expect Mr. Bush to pressurize Israel in circumstances that seemed to appease terrorism. In other words, Mr. Arafat must accept—in good faith, this time—the principle underpinning the Oslo accords, which is that negotiating peace is not compatible with a terrorist war.

If they were serious about helping the Palestinians to statehood, Europeans would explain this to the Palestinians morning and night, instead of hailing the intrifada, as many do, as ''resistance''. The intifada it was that helped Mr. Sharon to power, destroyed Israel's peace camp and turned Americans off the Palestinian cause. After September 11th, Americans feel that they too are at risk, and at war. Europeans do not.

Mr. HOLLINGS. It says:

But as the provider of Israel's sword and furnisher of its diplomatic shield, America is being held responsible. In most of the world, but not America, pictures of the bulldozed refugee camps plaster the front pages. To an extent that Americans do not realize, being blamed for Israel's actions is ripping up the coalition Mr. Bush took such pains to knit together last September. How can he patch it back together?

Well, he is trying, and this amendment doesn't help him. It doesn't help him a bit. We know that. Since September 11, times are different. Yes, there is a war on terrorism, and how do we succeed in that war? We cannot do it alone, as the President says. We need the assistance of everyone—particularly in the Mideast which, in a general sense, has the majority, I would say, of terrorism and terrorists. So we have to go about it in a very careful fashion.

For this Senator's interest, I think we can go after Saddam Hussein, but first let's stabilize our friend Israel. You have to have first things first. We found in the artillery in World War II, no matter how well the gun was aimed, if the recoil would kill the gun crew, you don't fire. So before we start firing on countries, let's take care of the countries that are being fired upon. Let's take care of Israel. Let's give solidarity to Israel—solidarity of support.

In my judgment, it was wrong for Ariel Sharon to go to the Temple Mount with in-your-face kind of politics and leadership; to bulldoze the camps; and to extend settlements, all condemned by the United States. Then along comes this one-sided amendment like there is no cognizance or awareness of the complexity of this situation.

Our credibility is at stake and everybody should pay particular attention. Now we are working with Pakistan, who we were formerly against, in the war on terrorism. We got their help. We are going to Jordan and getting their help. We are going to Egypt, but Mubarak is in a tenuous position that he had to cut off contacts with Israel.

So this is a complicated thing. But to come with this simplistic one-sided

amendment is not in the interest of Israel and not in the interest of the United States. We ought to do like Richard Cohen says: Let's listen awhile, set this aside, and move on and continue our 100-percent solidarity with Israel. This doesn't furnish it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, briefly and respectfully, I reply to my friend from South Carolina. Particularly, I want to pick up on the point at the end as to whether this is in the interest of the United States and our credibility.

It seems to me that our credibility depends, in good measure, on our clarity—our moral clarity—and our consistency. That is what this amendment is about. It states that we, after September 11, are in a war against terrorism, effectively declared by the Congress 2 or 3 days after September 11, that our Nation's policy is now guided by a doctrine that President Bush articulated in his address to a joint session of Congress last September, now known as the Bush doctrine: Terrorism is evil; the use of violence to accomplish political ends—including legitimate political ends, such as in this case, as I have said earlier in this debate, Palestinian statehood—is unacceptable; you cannot use terrorism to accomplish legitimate ends.

It is a time of decision: Either you are with us or you are with the terrorists.

This amendment is a carefully drafted affirmative statement of moral clarity for the United States, that we see Israel as now a front-line state in the war against terrorism. Just as this administration has sent American soldiers, in fact, to the Philippines, to Yemen, to the country of Georgia, to assist regimes in their front-line status fighting terrorism, so, too, do we at least respect the right of the Israelis to do the same: to defend their people against terrorism.

It is not, with all respect, a political amendment. It is, in my opinion—and I was involved most deeply with Senator SMITH of Oregon in drafting it—a principled amendment. It goes to the principles articulated in the Bush doctrine and the moral clarity of our war against terrorism, which, with all respect, has been not so consistently applied over the last 2 or 3 weeks by this administration: On one day calling for the Israelis to withdraw, and the next day expressing understanding about why they would take military action against the terrorism.

The truth is, no regime, no democracy could do other than they have done. This is not to defend every particular act of every particular soldier. I do not know what every particular soldier did.

If we put this in American terms, if we think about young people out at night at a cafe getting blown to death by a suicide bomber; working people waiting at a bus stop; people at a religious service; and this past weekend a mother with two children in their home, while the father is off at synagogue on Sabbath morning, a terrorist comes in disguised in an Israeli military uniform and kills a 5-year-old girl, no civilized nation can do anything other than put a stop to that behavior.

That is what this amendment says: We respect and stand in solidarity with Israel as it takes the necessary steps to provide security to its people, and we remain committed to Israel's right to self-defense.

This is not in any sense an anti-Palestinian statement. It was carefully drafted to make sure it was not. It is an antiterrorism statement.

It is in that sense that I hope the great majority of my colleagues will support it today.

I note the presence in the Chamber of the Senator from Tennessee. I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I thank the Chair.

Madam President, I thank Senator LIEBERMAN and Senator GORDON SMITH for this amendment. It is entirely appropriate for the legislative branch of Government to express itself on something that is so important to so many Americans.

The President has stated this country is not going to abandon Israel. I know he means what he says. I do not think there is much doubt in terms of the Congress of the United States, but we need to make sure there is none. Quite frankly, I am surprised at some of the misreadings that our friends in Europe and other places have sometimes of our body and our intentions.

It appears to me that Israel is in a struggle for its very existence. I do not think that is an overstatement. We read about skirmishes, and we hear of the historical difficulties we have had in that region. We tend to, in my mind, sometimes downplay the significance of what is going on there, but it is more significant probably than most people realize.

No. 1, it is quite apparent that the Israelis believe they are in a struggle for their existence. It is clear to them, as it is to me, that the driving force among the Palestinians—not all Palestinians—is intent to drive the Israelis out of their country.

If we look at Arafat's map, we will see that it does not have Israel on it. When those people talk about a Palestinian homeland, they are talking about Tel Aviv, they are not talking about the West Bank.

When the Israelis see that and they are subjected to organized, orchestrated, systematic terrorist activity where their children are being murdered, they take that very seriously. They are doing right now what is necessary to protect themselves.

I am afraid their enemies in this region are not interested in just a Palestinian state, which I think the entire international community now is saying has to be a part of any long-term resolution of this problem. They certainly are not interested in a peace process, not at this stage of the game anyway.

Mr. Arafat was offered what in most people's minds was the best deal that had ever been placed on the table during the prior Israeli administration. The Crown Prince of Saudi Arabia has put a proposition on the table that the Palestinians have shown no indication they want to accept.

Is there any doubt that if the violence stopped, the Israelis would be willing to sit down at the table? Of course not. Is there any doubt, on the other hand, that if the Israelis pull out of Jenin and the other places in the West Bank, the Palestinians will be willing to sit down at the table? The answer to that is no.

Why is this the case? I am afraid it is the case because they still think they are winning the battle, they are winning the struggle. How can that be when they undergo tremendous losses? I think it is because the Palestinians believe they are winning the battle in the international community.

It has been absolutely amazing to me to watch this occur. It is Orwellian to see person after person—young people—being strapped up with dynamite—with the encouragement of their families who are being paid off in many cases by Saddam Hussein and others—to kill innocent men, women, and children in public places in Israel, and to see the massacre and carnage of people who are not military people, who are not government leaders, but just kids out having a good time, and then to have this situation twist and turn a few times and come out as outrage against the Israelis in the world community.

Somehow this brutal activity against civilians is equated with military operations the Israelis conduct against Palestinian militant leaders. I do not understand how that can come about. I am sure it boggles the minds of the Israelis, and I am sure it encourages the Palestinian leadership that wishes to drive Israel into the sea. That is the reason they still believe they have a chance, because our European friends are more critical of Israel as they defend themselves from these massacres than they are of the Palestinians. They believe that because our moderate Arab friends feel the same way about it. They believe that because the United Nations itself is more intent on investigating a war zone where people get killed, where the Israelis, instead of dropping bombs the way the United States often does, went house to house to save innocent lives and get the guilty and get the people who are responsible for so much of this destruction, losing people—they conduct this house-to-house kind of activity and bulldoze some buildings. This is the activity that the leadership of the United Nations wants to investigate.

Of course, as it turns out, there was not anything to investigate. All of the

charges against the Israelis proved false before they even got there. At the same time, the blood is hardly dry in downtown Tel Aviv from innocent children who were murdered by the leadership of the PLO and other radicals among that group. As the Senator said, 5-year-old children are being shot and killed in their bed, but it is a war zone that the United Nations wants to investigate. So that is why I think the PLO and Mr. Arafat and his kind believe they may be winning. They are willing to sacrifice any number of their people in order to have the political victory.

I think the toughest thing in the world for political leaders to do is to acknowledge sometimes that there is nothing that can be done in short order. It does not matter in the end what the Europeans, the United Nations, the Americans, or the moderate Arabs think. Until these two parties are willing to sit down and work out a peace arrangement, we are not going to have peace. There is nothing in the world that any of us can do to force them to do that.

In my opinion, nothing is going to force them to do that until they are both either exhausted or they both believe it is in their best interest to sit down. As I said, I am afraid Mr. Arafat and the PLO do not see that in their best interest right now.

I suggest to our friends around the world to reassess what they are doing. I think they are contributing to the problem. They are keeping hope alive among these people who would drive Israel out of existence and into the sea. That is not going to happen. They are endangering the entire region because Israel is not going to let that happen. We all know Israel has the capability to keep that from happening. No one wants a conflagration in that part of the world, but that will happen before Israel allows itself to once again be exterminated.

By encouraging the kind of activity that has driven Israel to that point, we are prolonging the conflict and making the world a more dangerous place. I say to our moderate Arab friends, including our friends the Saudis, with whom we do have an important relationship—they are important to us. We are important to them. It is not one-sided. We have worked with each other for a long time. Hopefully, we can work with each other again. But it is no testimonial to friendship to not be honest.

Part of what our friends there need to remember is, it is their country who furnished most of the terrorists on September 11 who did so much damage to us. It was their diplomat ambassador to Great Britain who was quoted as praising these suicide bombers and terrorists. It is their country and some of their own people who are raising money or allowing money to be raised in that country that finds its way to terrorists all over the world. It is their people, in many instances, who are raising money for the families who send these children in to blow themselves up and kill innocent Israelis. And it is their leaders, many times in their controlled press, who call the United States, along with the Israelis, terrorists. These are the folks we should be worried about, oil or no oil.

The United States will not continue to be the United States that we all know and love and grew up in if we let these people dictate our policies contrary to our own interests and to the interests of our only democratic ally in that part of the world. I know that is not going to happen, and our friends, the Saudis, need to understand that is not going to happen.

The United Nations, over the years, has had every kind of conceivable condemning resolution against the Israelis, while atrocity after atrocity has occurred against the Israelis. The United Nations, instead of investigating and looking into these places in the world where people are getting butchered by the tens of thousands, are more interested in the supposed human rights violations that the Israelis are conducting than anything else. These are supposed to be the objective analyzers of the situation in Jenin and other places.

I urge that perhaps they take a look at their own behavior and their own attitudes. Our European friends, I hope, would reassess their attitudes and their public statements of their leaders at a time when anti-Semitism is breaking out once again in key European countries.

As we watch the elections, as we watch the synagogues being burned, we are getting condemning lectures from them because we are supporting the only democracy in the Middle East. What in the world are they thinking? What kind of reaction do they think that is going to engender on our part?

I think it is very important that we send a strong, clear message, as I think the President has done, and that we in this body send a clear message we will not bow to such wrong-headed public opinion, no matter how universal it is at the present time. We should be the leaders and we should point out the error of their ways. They should change their opinions because we are not about to turn our backs on an ally who has been our ally for so many years; that is a democracy, is not aggressively pursuing anyone except in self-defense, and who is now being subjected to a new kind of warfare that is, I believe, designed to wipe them off the face of the Earth in the end. Otherwise, we would have had at least a peace process that meant something instead of one that is in name only and is violated as soon as the ink is dry on the paper.

So I again commend my friends from Connecticut and Oregon for giving us an opportunity to vote on this and to add our voices to those who are so wishful for a resolution in this troubled part of the world, who understand that it is in the interest of the United States to have a resolution in this part of the world. It is the right thing to do. It is the humane thing to do, to engage in that kind of process. It serves our interest with regard to our war and fight on terrorism in other countries in that region, but at the same time, realizing that it cannot happen, we cannot force it to happen until the parties are there, and one of the parties is not going to be there as long as the entire world is encouraging them to conduct continued terrorist activities that, up until this point, would have been universally condemned but for some reason is not being now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I want to thank my friend and colleague from Tennessee for a superb statement. I thank him not only for his support of the amendment that Senator SMITH of Oregon and I have put before the Senate today, but for the principled and compelling logic of the additional statements that he made.

I was just about to use a term to describe the remarks of the Senator from Tennessee, which I was going to say is normally associated with a colleague who sits near him, and that colleague walked into the Chamber. I was going to say his remarks were definitely straight talk, and I appreciate them very much.

Does the Senator from Arizona wish to speak?

Mr. MCCAIN. If I could.

Mr. LIEBERMAN. Yes. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Oregon, Mr. SMITH. There has been discussion whether it is appropriate at this time, and whether this would be viewed by some as undercutting the position or weakening the position of the President and the Secretary of State in their efforts to obtain peace in the Middle East. Those concerns are legitimate. The Senator from Connecticut and the Senator from Oregon considered seriously those concerns.

We are not entirely totally comfortable moving forward with this amendment. We ought to return to our constitutional responsibilities as a coequal branch of government. No one denies that there is a crisis in the Middle East today, that there is the possibility of a wider conflict. There is no doubt that you can draw many scenarios in which the national security interests of the United States are threatened. If we accept those premises I articulated, then there does come a time when the Congress of the United States, as a coequal branch of government, exercising particularly in the Senate our responsibilities of advise and consent, should speak out.

I know there are very strong feelings about what has happened to the State

of Israel in the last several months. I hold those strong views. If you look at the strong views we hold compared to the language in this amendment, one would interpret that as rather mild language.

As I read the amendment—and the Senator from Oregon and the Senator from Connecticut can correct me if I am wrong—there is no criticism of the Palestinians in this amendment, there is no criticism of the Saudis, who continue to fund the madrasahs which teach not only the destruction of Israel but the destruction of the West and everything in which we believe. There is no criticism of the Saudis who are still paying money to the families of those who are ''martyrs.'' There is no criticism of the Saudi Ambassador who wrote an ode to the martyrs. There is no criticism of other ''moderate states in the region'' that have failed—utterly, miserably failed—to renounce these suicide bombers not as martyrs but as an offense to Islam and an impediment to any possibility of peace. The language of this amendment is measured. It is thoughtful. I know each word was carefully examined before it was put into this amendment.

I say to our Arab friends—and there are many Arab friends in the region—if there is not a condemnation of the kinds of attacks that are being orchestrated, encouraged, applauded, and in some cases even compensated for, we may see a stronger amendment from the Senate. I don't believe the overwhelming membership of this body is ''pro-israel,'' but I do believe there is a deep and profound recognition that the State of Israel is the only democratically elected government in the region. The 22 members of the Arab League are all dictators.

There is a basic and fundamental principle of a nation's right to exist which is at play. Israel recognizes the right of other nations to exist in the region. The Israeli Government and people right now are fighting for the simple fundamental right to exist, and not only the right to exist but the ability to exist.

I thank the Senator from Connecticut and the Senator from Oregon. We support the President of the United States and his efforts to bring about peace in the region. We support Colin Powell, our distinguished and respected Secretary of State. We support Condoleezza Rice and all other efforts to bring about peace and all the members of the administration who are working so hard. We applaud their efforts.

We also believe we, as a body, the Senate, should go on record as to our position and our desire to see this little country survive and our commitment to seeing what we can do to ensure its survival.

I thank my colleague from Connecticut, and I yield the floor.

Mr. LIEBERMAN. Madam President, I thank my friend from Arizona for his strong and principled statement. I could not agree with him more. I pick up for a moment on what the Senator from Arizona and the Senator from Tennessee suggested earlier: This amendment might affect the conduct of foreign policy by the President and this administration.

I strongly believe adoption of this amendment will be supportive of the policy of this administration and will strengthen the hand of the President and the Secretary of State, particularly as they proceed in their diplomacy in the Middle East, and more particularly in the Israel-Palestinian conflict.

Why do I say that? Because America is always at its strongest when we are true to our principles. The President articulated those principles post-September 11 in the Bush doctrine. They say we will stand with those who fight terrorism as we are fighting terrorism ourselves; all the more so when it comes to a fellow democracy, a longtime ally, such as the State of Israel.

A nation gains strength by being true to its principles but also by being true to its allies and not compromising longstanding relationships as a result of the pressures of the moment, no matter how compelling those pressures.

We are a great nation. We are the mightiest nation in the history of the world. If any nation has the strength to stand by its principles, it is, thank God, the United States of America. That is what in simple, direct terms this amendment says.

We made a stand after September 11 against terrorism. The Israelis are fighting the same enemy as we are now. They are not fighting the Palestinians; they are fighting terrorism. In that battle, no matter what the economic or political or strategic or diplomatic pressures that some may attempt to put upon the United States, we will be true to principle and we will be true to our alliances. That is what my colleagues have spoken eloquently on. For that, I thank my colleagues.

When this Senate adopts this amendment overwhelmingly, it will send a message to those who may be equivocating, who may be remaining silent. Remember that line from Dante: The hottest places in hell are reserved for those who in time of moral crisis maintain their neutrality. Great powers in the world are doing that right now.

We say as the representatives of the people of the United States in this amendment, for the United States, we are not going to remain silent. We are going to stand by our principles and by our friends. That will strengthen us in our relationship with our friends and with our enemies.

I am pleased to note the presence in the Chamber of the Senator from Utah. I yield to him.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I compliment both my colleagues to whom I have been listening, Senator MCCAIN from Arizona, a leader on this floor and of course a friend for whom I have tremendous respect, and his Democratic counterpart, Senator LIEBERMAN, a dear, dear friend, someone with whom I have passed legislation where he has made a great deal of difference and who has spoken eloquently and reasonably and in a way that should advance the cause of peace in this world.

I also rise to address this amendment. I am joined with a large number of colleagues as cosponsors to do so.

This amendment is a reiteration of what Congress has overwhelmingly stated through the years, that this body stands in solidarity with Israel.

Israel is a front-line state against terrorism. What they do is very important with regard to the battle against terrorism because it takes necessary steps—to provide and bring about security to its people from these suicide bombers by dismantling the terrorist infrastructure in the Palestinian areas.

We have all watched with growing alarm the explosion of suicidal violence that wracked Israel in the last couple of months. I am greatly relieved that, for the time being, those suicide attacks have ceased.

But what has happened in the interim to lead to this cessation of suicide bombings?

Was it a newfound political will in the offices of the Palestinian Authority that declared unambiguously that terrorism would no longer be promoted or tolerated from the territories over which the PA holds power?

Was it a statement by Chairman Arafat, in Arabic, denouncing suicidal murderers as nihilistic and counter productive to any cause of peace?

Was it a deployment of Yasser Arafat's multiple security services to disrupt, capture and imprison the perpetrators of terrorism against Israeli citizens?

No, we all know that the cessation of suicide bombings, at least for the time being, was not the result of political will on the part of the leaders of the Palestinian Authority. It was the result of a military deployment by the government Israel, a deployment by the Israeli Defense Forces that was costly, controversial, and . . . for the moment . . . successful.

What nation do we believe could exempt itself from the right of self-defense? Isn't such an exemption fundamentally against the natural state of nationhood? Have we ever expected any nation let alone a long-standing friend and ally to exempt itself from its right of self-defense? Of course not.

Yet Israel has faced a great deal of criticism for its action in the last month. Certainly Israel is not above criticism—any more than it is exempt from the right of self-defense. But I, for one, cannot criticize its right to self-defense, its need to act in its self-defense, and its responsibility to use its professional military to destroy the terrorist infrastructure that is still

dedicated to the military defeat of the only country in the Middle East that fully shares our western values. You're never going to see criticism of that type coming from this Senator.

I recognize that there are long-standing, unresolved political issues between Israel and the Palestinians. I recognize that many Palestinians now have generations of being uprooted, frustrated and impoverished from which to feed a legitimate sense of injustice.

I also recognize, Mr. President, that there have been many Israelis, in their government, in their elites, but, more important, throughout their society, who have desired, sought and worked for a peaceful solution between the two peoples.

I was amazed myself with the offer Prime Minister Barak made to Yasser Arafat and the Palestinians. It went way beyond anything most people I talked with thought that Israel should do. It should have been snapped up by Yasser Arafat, and certainly it should become at least a basis for trying to resolve the conflict between the Palestinians and the Israelis.

I have my doubts if Yasser Arafat can be a partner for peace. His duplicity is well-known; he talks peace in English on the White House lawn and before some aid agencies. He speaks jihad in Arabic before young Palestinian crowds and in the courts of Arab leaders. The man who, nearly 20 years ago, could not address the United Nations, a body dedicated to the resolution of conflicts without violence, without the symbol of a pistol holster on his hip, clearly today continues to believe that there is a legitimate role for terrorism.

The reason there have been no suicide bombings in Israel in the last few days is not because Yasser Arafat has preached the renunciation of terror. It is because the IDF went after the terrorists that Arafat's Palestinian Authority harbors. It is an old lesson that we dare forget at our own peril: Tolerate terrorism and it will grow and multiply, feeding every angry and hateful cause. Negotiate with terrorism and you will legitimize it, creating incentives for more terrorism and the promoting the deadly illusion that terrorism is some form of legitimate political expression.

We all recognize that the IDF actions of the past month do not guarantee that suicide bombings will cease, and I say this with a sense of reality and deep regret. I even recognize that those absolutely dedicated to terrorism have most likely not been dissuaded from their nihilistic path. I also know that perhaps some of those living in despair in the Palestinian territories may have been made more desperate, and that their desperation may be used by the cynical manipulators behind the suicide attacks.

I long for the day when all the peoples of the Middle East are freed from regimes that harbor hatred rather than promote growth, that plan for war rather than development, that delude their peoples while denying them a future of prosperity.

I strongly support the Administration's efforts to help find a just political solution to this conflict, and to begin talking, at this early stage but generations too late, about economic development that will give the Palestinians outlets to channel their work toward building secure and prosperous futures for their families and future generations. I empathize with the Palestinians who have unemployment rates well in excess of 50 percent. No wonder there is unrest and discord over there. I support, even, calls for immediate reconstruction assistance to the Palestinian territories, to be channeled, I would hasten to add, by legitimate non-governmental organizations, and not by the Palestinian Authority.

I encourage the Administration's efforts to bring the so-called moderate Arab nations into this effort. Those nations will not only have to dedicate their diplomatic efforts toward encouraging the leaders of the Palestinian Authority to accepting a political solution. Those countries will not only have to dedicate substantial funds for promoting economic development that channels the energies of the Palestinians into productive and peaceful endeavors. But if those countries are to succeed in their diplomacy and with their assistance, they will have to stop encouraging anti-Semitic and anti-American hatred in their own societies. I certainly wish the Administration the best of luck in this very difficult endeavor.

We will need to see a political solution before we seen economic development, Mr. President. But to have a political solution, there must be political will, on both sides, to reach an settlement. A political solution cannot be begun under a wave of terrorist attacks. I don't see how anybody can criticize Israel under the circumstances. Terrorism requires a military response. We are finding that is so true.

While I have always believed this country should support Israel in its effort to seek peace, I strongly believe that we must remain equally dedicated to Israel's right to self-defense. For this reason, I am proud to cosponsor this amendment, and I urge the unanimous support of my colleagues with a vote for it.

Madam President, I have been talking about Israel and terrorism and what we have to do about it. But now I want to shift for a minute and talk about the extreme dissatisfaction registered by Senator GRASSLEY, the ranking Republican member of the Finance Committee, Senator PHIL GRAMM, and others on our side of the aisle in regard to the trade promotion authority and trade adjustment assistance—the Andean Trade Preferences Act and trade promotion authority.

Trade creates jobs both at home and abroad.

Trade can also help promote political stability in many regions of the world.

It is in our national interest to foster free trade.

Let us look at the facts.

Ninety-six percent of the world's consumers live outside our borders.

Based on that fact alone, the United States would be foolish not to pursue a vigorous trade agenda. But let me go on.

Exports accounted for about 30 percent of U.S. economic growth over the last decade, representing one of the fastest growing sectors in our economy.

Almost 97 percent of exporters are small or medium-sized companies and, as my colleagues are aware, small businessmen are the engines of job growth.

In fact, almost 10 percent of all U.S. jobs—an estimated 12 million workers—now depend on America's ability to export to the rest of the world. Export-related jobs typically pay 13 percent to 18 percent more than the average U.S. wage.

And there are many reasons to believe that the best is yet to come in this dynamic sector.

Economists predict that there could be a 33 percent reduction in worldwide tariffs on agricultural and industrial products in the next WTO trade round. This action alone could inject an additional $177.3 billion into the American economy in the next 10 years. That is a lot of money.

I strongly support Congressional passage of Trade Promotion Authority legislation this year. I was the one who made the motion and got it passed out of the Senate Finance Committee upon which I sit.

TPA will provide a measure of certainty to our trading partners that any agreement reached with USTR will receive timely Congressional consideration and will not die a slow death by amendment.

Look, the Finance Committee passed the trade promotion authority legislation by a wide, bipartisan 18 to 3 vote back in December.

I agree with Senator GRAMM that if we had an up/down vote of this bi-partisan bill permitted by the Majority Leader, it would probably pass with over 70 votes.

I believe it would pass by an over whelming majority of 70 or more votes.

The majority leader knows this. We all know this.

Instead, the bill that was laid down last night was a thumb in the eye of bipartisanship.

It is bad for America.

It should not and will not be adopted by the Senate this week, next week, this month, next month, this year, or next year.

Members of the Finance Committee know that all last year, I took the position that Congress must pass both trade promotion authority legislation and trade adjustment assistance legislation.

If both bills do not pass, neither will pass. That is the truth of the matter.

That is the political reality.

It is also true that there is little we can do in Congress to help the prosperity of American families—and help the prosperity of nations around the world—other than TPA.

We need trade promotion authority to open up new markets for American goods.

We also need trade adjustment assistance to provide retraining and other benefits to workers who lose their jobs due to the effects of international trade.

Let me acknowledge that there are some in my caucus who are leery of TAA because they are justifiably concerned about expanding yet another federal entitlement program.

In my state of Utah, we have felt the effects of the dumping of imported steel by the closing of the Geneva Steel production facilities, and the loss of almost 2,000 jobs.

I commend the action the President took on steel.

I support TAA to help displaced workers, but it must have reasonable limits.

The TAA bill that was before the Finance Committee last fall was already too big.

I was going to say, the TAA bill that was reported by the Finance Committee, but I am not sure that is an accurate statement.

Anyone present that day will tell you that the vote on the bill appeared to take place in violation of Senate rules—specifically, the rule against conducting Committee meetings for more than two hours after the full Senate was in session was invoked.

The gavel went down after time had expired.

Let us face it. Unlike the bipartisan trade promotion authority legislation, this TAA bill has had a strange partisan bent to it from start to finish.

Last night a bad TAA bill got worse.

While I remain hopeful that we can do what we should do, and pass both TPA and TAA.

I want my colleagues on the other side of the aisle to know that there is little sentiment on our side for passing TPA at any cost.

That is what Senator GRASSLEY and Senator GRAMM said earlier today, and I agree with them.

Let us get this process back on track.

I think if we can do that we will find that a strong consensus can develop on trade issues—both on TPA and TAA.

I am mindful that there will be those on both sides of the aisle that will remain inalterably opposed to either trade promotion authority or trade adjustment assistance.

For the good of the American people, we cannot afford to let that occur.

I have a lot of faith in Senator GRASSLEY. He is a good man. He is a hard worker. I have trust in the fact that Senator BAUCUS wants to do the right thing. He is a good man. He works hard on the Finance Committee. I hope they get the chance to help bring us together.

My fear is that the bill that was laid down last night may put the Senate on a glide path to disaster.

Just as there appeared to be a narrowing of the issues of the health care aspects of the TAA bill, a host of new issues were suddenly put on the table for the first time.

As I read it, the Majority Leader's bill includes measures that were not included in any of the bills that were reported by the Finance Committee.

It is my understanding that never in any of the negotiating meetings has the issue of wage insurance been raised—but it then suddenly appears in the majority leader's bill.

I do not want to see these important talks over this legislation stall, but my colleagues on the other side must be willing to come to the table with reasonable proposals.

I believe that there is a way that my Republicans and Democratic Colleagues can come together and pass both TPA and TAA.

Frankly the measures that we are discussing today were all reported by the Committee separately as free-standing bills.

Let me be clear. I would like to see the Senate take up and pass the Andean Trade Preference Act, Trade Promotion Authority, and Trade Adjustment Assistance this year.

Perhaps we would be better off by taking them up one at a time.

As I recall, we didn't approve an omnibus trade bill in the Finance Committee.

It appears to many that the bill laid down last night was hastily-crafted with apparently a partisan purpose in mind.

Just let me give you one example. I ask my colleagues to turn to page 23 of the bill distributed last night. This section is entitled ''Action by the Secretary'' and deals with appeals of the TAA certification process.

Now turn to page 41 of the bill. You will see this entire section repeated verbatim.

One of the reasons for careful consideration of legislation by the Committees of jurisdiction is to avoid these types of embarrassing drafting errors that occur when complex laws are rewritten in the dead of night outside the regular order.

As the ranking Republican member on the International Trade Subcommittee and as a member of the Intelligence Committee, I can tell the Senate that international trade has long been one of the most important foreign policy tools of the United States.

The Bush administration—led by Commerce Secretary Don Evans and our United States Trade Representative Bob Zoellick—has helped launch a new round of international trade talks. We all have an interest in making the next World Trade Organization ministerial succeed.

In order to make the next ministerial a success, it is important that the United States signal to the world that we will continue to make trade a very high priority. We can do this best by passing TPA.

I will say again that I recognize, in all likelihood, the Senate will need to act on Trade Adjustment Assistance legislation if there is a chance of passing the TPA bill.

So be it.

I am for both TPA and TAA.

But let me be clear, I am not for a loaded up TAA bill with unrealistic health care provisions.

On a related issue, I am deeply disappointed by the health care provisions of the Daschle substitute.

As someone who has worked very much in a bipartisan way during my 26 years in the Senate on all health care issues, this has become a partisan issue. It shouldn't be.

I am a strong advocate of getting Trade Promotion Authority for the President—but Senator DASCHLE's amendment includes health care provisions that are just unacceptable to me and other members of the Senate Finance Committee.

Let me take a minute to highlight some of the more egregious health provisions in the Daschle substitute.

The Daschle amendment has a 73 percent advanceable, refundable tax credit that may be used for COBRA coverage or other pooled insurance coverage.

S. 1209, the Trade Adjustment Assistance Act that was rammed through the Finance Committee required the Treasury Secretary to create a program that would pay 75 percent of the COBRA subsidies. These subsidies could only be used for COBRA benefits.

What Senator DASCHLE is promoting is only a slight improvement over what was included in S. 1209—hardly a compromise, in my opinion. Subsidizing health insurance by 73 percent is just too high.

It is my understanding that the discussion between Senators GRASSLEY and BAUCUS were much more constructive on this issue and now the majority leader's substitute goes in the direction away from a reasonable compromise.

The Daschle substitute also allocates $200 million for National Emergency Grants to States in order to provide assistance and support services to eligible workers. This grant money could be used to pay for health care coverage; however, States may also use this money to provide benefits through the Medicaid program or my CHIP program we passed a few years ago.

Both the Medicaid and Child Health Insurance programs are programs for the low-income; however, the way I understand the Daschle substitute, anyone would be eligible to participate in these programs no matter how wealthy.

While this is an improvement over the TAA legislation approved by the Finance Committee, which essentially gave States the option to offer Medicaid coverage to uninsured workers, it is still unacceptable.

In fact, during the Finance Committee's consideration of S. 1209, I expressed my strong opposition to the Medicaid expansions included in S. 1209.

Those of us who are familiar with the history of the Medicaid program know that State options usually end up becoming permanent fixtures of the Medicare program.

While the Daschle substitute doesn't include the blatant Medicaid expansions of S. 1209, I believe it is a backdoor way of expanding both the Medicaid and CHIP programs.

And if I had to make a prediction, chances are that these ''temporary'' provisions—I will put ''temporary'' in quotes—will end up becoming permanent. It is as if we are not even listening to our State Governors.

They keep telling us that the States' budgets are in financial disarray. My State can't even afford to cover children eligible for the CHIP program—3,000 more children than the 27,000 who are currently covered.

I believe that the Daschle provisions on Medicaid and CHIP could have very serious financial impacts on both the State and Federal budgets, especially when both are experiencing budget shortfalls.

What is most troubling to me is that the Daschle substitute provides the uninsured far more generous health benefits than those who have existing health coverage.

I don't understand why any Member of the U.S. Congress would want to promote a provision that actually acts to encourage individuals to remain unemployed because they can get better health coverage.

By offering such generous health benefits, this bill encourages people to remain unemployed.

Is this the American way?

Is this the way to fulfill the American dream?

Is this what we in the Congress want—more uninsured Americans?

I hope not. In my opinion, this bill contains an unintended incentive that promotes joblessness.

And even more disturbing, the drafting of this partisan bill may send a very clear message—take it or leave it.

Is there room for bipartisan discussions here?

Can we work together?

These are the areas we ought to work together on to bring a consensus about.

Can we work out our differences?

Can we find a fair compromise?

I sure hope so. But, I have my doubts about it because of the way that this debate has started. And that is just not acceptable for the American people.

Senator GRASSLEY does have the right idea—there are health care provisions that can be included in TAA in order to get trade promotion authority approved by the Senate.

I, for one, would be willing to support tax credits for the purchase of COBRA, pooled insurance, or individual insurance, so long as the individual has a choice of coverage, not a take-it-or-leave it requirement set right here in Washington.

In addition, I believe it makes sense to provide funds to States in order to create and operate insurance pooling arrangements.

I also support providing funds for National Emergency Grants so States can subsidize health insurance for TAA eligibles.

In my view, we are not that far apart that we cannot come together.

I think we can if we just have some good-faith effort here on the floor and behind the scenes.

I only hope that we do not let this opportunity to pass both trade promotion authority and provide reasonable health insurance subsidies to uninsured Americans slip away.

I am committed to working with my Senate colleagues, for as long as it takes, to get this job done. So, I urge my colleagues: let's quit the partisan bickering, let's roll up our sleeves, and let's get the job done.

In closing, I urge passage of both the trade promotion authority legislation and the trade adjustment assistance bill. But let's make sure these bills are bills we can live with, bills that are bipartisan in nature, bills where we have worked out the kinks and the difficulties, bills that are not a partisan benefit to one side or the other, bills that will do the best for our individual citizens in this country who need this help.

I hope we can get this job done before Memorial Day.

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

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I note the presence of the two main sponsors of the amendment in the Chamber. We have had a number of speakers. I wonder if it would be Senator LIEBERMAN's intention to have a vote on this amendment fairly soon.

I ask unanimous consent to yield to Senator LIEBERMAN for purposes of a colloquy.

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

Mr. LIEBERMAN. I thank the Chair.

Mr. President, responding to my good friend from Arizona, it certainly is our intention to have a vote on this amendment this afternoon. I think it is important to do so. And it is my understanding that that is also the intention of the leadership of the Senate. I gather some conversations may be going on with the senior Senator from West Virginia, who was in the Chamber earlier, before going to a hearing, who said he had a statement to make of limited duration. I believe there is an attempt to have him come to the floor as soon as possible. I do not know of any other Senators at this time who wish to speak on this amendment.

I thank my friend.

Mr. MCCAIN. I thank my friend.

Mr. President, I had hoped we could encourage any Senators who want to speak to come to the floor, but I am not sure there is any really compelling reason to continue to hold up the business of the Senate, particularly since we have other pending issues to address. So I hope we can do that fairly soon. Maybe around 4, in the next 15 or 20 minutes, if possible.

Mr. President, I want to talk, just for a minute, about this imbroglio in which we find ourselves over the Trade Preference Act, the Andean Trade Promotion and Drug Eradication Act, the trade promotion authority and trade adjustment assistance, and the Generalized System of Preferences. I do not intend to take a lot of time, except to note that this is a very serious issue. It is unfortunate that we seem to be diverging rather than converging in our efforts to reach some kind of agreement.

I would like to say a few words about the Andean Trade Promotion and Drug Eradication Act. All of these issues we are trying to address are very important. But I point out, there is an extreme time sensitivity associated with what I will refer to from now on as ATPA, the Andean Trade Preference Act.

I remind my colleagues that as of the 16th of this month—in 2 weeks—if we do not act, then this legislation will expire, customs that are retroactive will be levied on goods that have been brought into the country. And I want to emphasize the serious impact this would have on these four struggling democracies in our hemisphere: Bolivia, Colombia, Ecuador, and Peru.

I remind my colleagues that this ATPA grew out of a commitment that the former President Bush made at the February 1990 Cartegena Drug Summit to provide economic benefits to these four Andean countries. The reason for it was, it was an effort to reduce illegal drug production and trafficking in these countries by promoting legitimate economic activity in these countries. Well, that was in 1990. The legislation was passed in 1991.

We have now had 11 years of ATPA. What happened in these four countries? First, the good news is that Bolivia's coca production has been reduced to practically zero. The bad news is that Colombia is in a very serious situation. As we know, the FARC leaders—who have just been indicted by the United States of America and controlled a large tract of the country—have continued to engage in narcotrafficking, and the overall supply of cocaine into the United States has not been reduced. That is actually in spite of the valiant efforts of the Government and the people of Colombia, with the assistance and help of the United States of America, and other countries, to try to

bring about a peaceful resolution to this very serious insurgency situation in Colombia.

Have no doubt, the funding for the FARC, to a large degree, has been made possible because of the trafficking in drugs. Peru has gone through a very difficult time, as we know. The former President was overthrown. There was a scandal the likes of which only bad novels are made from, where the former chief of intelligence was videotaped while providing bribes to Members of their Congress and judges. And a former President is now residing in Japan. There is a new President of Peru, whom I had the opportunity to meet. I think he is doing his very best.

Let me say, finally, that in Ecuador they have been dramatically affected by the whole situation in Colombia. In summary, because I see the majority leader on the floor, I will just say that the situation, as far as ATPA is concerned, is serious. We should consider carving that out from the other trade provisions and perhaps moving that piece of legislation on its own. It is time sensitive and critical. We made a commitment a long time ago to these countries. I see no reason to renege on that commitment now to four struggling nations in our own hemisphere.

I yield the floor.

Mr. HUTCHINSON. Mr. President, I rise in support of amendment No. 3389 offered by Senator LIEBERMAN and Senator GORDON SMITH. This amendment is an important expression of our Nation's solidarity with the Israeli people during these attacks against their people. Civilized peoples must come together to fight and defeat terrorism wherever it occurs.

There can be no negotiations with terrorists. On September 11, the American people experienced the depravity of international terrorism. The Israeli people have been subjected to a barrage of terrorist attacks that have been specifically targeted at civilians. It is incumbent on the United States to send the message throughout the world that these acts will not tolerated.

It has been made evident that the Palestinian leadership uses suicide bombings as a means to accomplish political goals. This is simply unacceptable, and must not be tolerated. We must continue to ensure that Israel has all the necessary resources in order to defend itself. We must make it clear to all nations in the region that there will be consequences for support of terrorism. But most of all, we must send a message to the world that the United States stands in unity with Israel.

Mr. FEINGOLD. Mr. President, I am proud to cosponsor today's amendment expressing solidarity with Israel. Like many Americans, I have a very personal connection to the Israeli people and to the State of Israel. And it is with a heavy heart that I join my colleagues today in mourning the innocent lives lost in the recent terrorist violence in Israel.

The U.S.-Israeli relationship is one of the strongest and most important of all of our bilateral relationships. Within that context, it is my sincere hope that this amendment will send a clear signal by expressing the overwhelming sense of the Senate that America is now and always will be firmly committed to a future in which the state of Israel can live in security and peace with all of its neighbors. It is my greatest hope that our ongoing commitment to these principles, and through them to peace in the region, will demonstrate our country's respect for the dignity and future of the Israeli people, while establishing the basis for a political settlement to the conflict.

I also want to state clearly, and for the record, that I supported President Bush's decision last month to send Secretary Powell to the Middle East to help bring the current crisis to a close and to bring Israelis and Palestinians back to the negotiating table. Intense U.S. engagement remains an essential ingredient in the resolution of the crisis, although nothing will be accomplished without the added leadership and foresight of the Israeli and Palestinian people. I also believe that the President was right to call on both the Palestinians and the Arab states in the region to take responsibility for ending terror and the culture of hatred that threatens peace in the region. And he has also been justified in calling on Israel to take a number of concrete and compassionate steps to ease the pressure on Palestinian civilians. In the end, only through continued efforts at the highest level will the United States be in a position to assist our strongest ally in the region and give the Israeli people an opportunity to seize a secure future.

Mr. KERRY. Mr. President, I am proud to be a cosponsor of the amendment submitted by Senators LIEBERMAN and SMITH demonstrating our continued solidarity with our ally, Israel, in its efforts to defend itself against terrorism. Suicide bombings and the taking of lives of innocent civilians are terrorist acts by anyone's definition. No moral or political justification exists for the bombing of civilians on buses or in restaurants or at religious celebrations. This resolution makes it clear that we oppose these acts of terrorism and that we recognize and support Israel's right to defend itself against them.

Now that Yasser Arafat is no longer confined to his headquarters in Ramallah, it is imperative that he make every effort possible to stem the tide of Palestinian terrorism and to break up whatever elements remain of the terrorist networks. And it is equally important that those Arab states who say they want to work with us in the war on terrorism do all that they can to help bring about an end to all forms of terrorism. They must make it clear that like us, they too oppose suicide bombings and that they expect the leadership of the Palestinian authority to live up to its responsibility to bring them to a halt.

Israel exercised its legitimate right to self-defense when it used force to root out and break up the terrorist networks threatening its own civilians. But force alone cannot ensure the security of the Israel and its people over the long term. I am convinced that the only way to truly enhance Israel's security is to replace the dynamic of violence with hope and political settlement.

This amendment acknowledges that reality. It calls upon all parties in the region to pursue vigorously efforts to establish a just and lasting comprehensive peace. When I was in the region in January, I met with all the key players. At that time I came away convinced that we must find a way to get back to a peace process. That need is even more urgent now.

Ultimately the Israelis and Palestinians are going to have to live with each other as neighbors, not enemies. Passions are so high at this point that it is difficult if not impossible for either side to imagine that future. It is our responsibility, as the one country with the greatest influence over both sides, to help them see beyond the current impasse and to move them toward the prospect of reopening political discussions particularly now that some semblance of calm has been established. Now that the Administration has finally gotten engaged it must stay engaged. Our role as broker is vital and we must be willing to undertake it if we are serious about Israel's long-term security, peace in the Middle East and combating terrorism.

Mr. GRAHAM. Mr. President, as we debate this amendment expressing our Nation's support for Israel, we must recognize the unique relationship that exists between our two nations.

Israel has been the starting point of United States foreign policy in the Middle East since 1948, when the United States under President Harry S Truman became the first country to formally recognize the state of Israel.

Good relations with Israel are of vital importance to the United States' interests in the Middle East. It is the only democracy in the region and a reliable ally of America.

This bond is even deeper. Israel is a nation that we mirror—in our culture and in our historical values. It is essential that we continue to work with Israel on advancement of these commonalities.

Our relationship with Israel is reminiscent of the American role in the French Revolution, which at the time many considered a foolish position. Although America was a new and small nation on the other side of the Atlantic, we empathized with the French aspirations for liberty and equality. To understand our motivation, we should look at the words of Thomas Jefferson. ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights'' he wrote, enshrining in the Declaration of

Independence the concept of all men being created equal. To Jefferson and all the signers of the Constitution, the quest for equality at that time was to be pursued not just within America, but throughout the world.

America's role in the French Revolution was an extension of the liberty and freedom that we stood for, exercised through our foreign policy. Today, this same concept applies to our foreign policy and contributes to our special relationship with Israel.

As an ally and friend of the state of Israel, America provides the Jewish state $3 billion a year in military and economic support—the largest amount of direct aid provided to any nation by the United States. Israel is also the beneficiary of a preferential trade relationship with the United States.

The ability of the people of Israel and the region to lead normal lives has been shattered by acts of violence and terrorism. It is impossible to observe the tragic situation that has been dragging on over the past 18 months without recognizing that no one—Israelis, Palestinians, or any of their neighbors—is interested in continuing to live their lives this way.

There is no doubt after September 11 that our Nation has a new understanding of the plight of our friends in Israel. There can be no question that the Middle East harbors a significant percentage of the world's terrorists, including many individuals who share the philosophy of those who attacked America.

This is why we must support this amendment and stand in solidarity with our brothers and sisters in Israel.

Mr. LEAHY. Mr. President, I will vote for this amendment because I agree with its general purpose—to reaffirm unequivocally U.S. support for Israel's right to defend itself against acts of terrorism or other forms of aggression. Israel is a friend and ally, and it has faced threats to its survival for over half a century. Since its birth in 1947, we have provided Israel over $50 billion in aid. There is no doubt about our support.

While I will vote for this amendment I am uneasy that we are considering this matter at just the time when we are finally seeing real progress in defusing the recent crisis. While some wish it reflected a more balanced approach, this is the only amendment to be considered.

The amendment expresses support for Israel ''as it takes necessary steps to provide security for its people.'' I fully support that. But as so many have said, some of the steps taken by Israel in the past weeks and months have been both unnecessary and counterproductive. I fear that, in the long run, these steps may have weakened the security of the Israeli people because of the bitterness and the desire for vengeance that they caused among Palestinian civilians—many of whom had previously shunned violence. And there appears to be far more support for Yasser Arafat today among average Palestinians than there was just a few months ago.

The amendment demands that the Palestinian Authority ''dismantle the terrorist infrastructure.'' I fully agree that this needs to happen. I also know, as Secretary of State Powell has said, that Yasser Arafat, whose security apparatus has been largely destroyed by the Israelis, cannot do everything himself even if he wanted to, but he can and must do more. I also know there are people in the West Bank and Gaza who will do anything to sabotage progress toward peace.

The amendment singles out Egypt and Saudi Arabia to ''act in concert with the United States to stop the violence.'' They should do that, and condemn more forcefully the suicide bombings. These governments have many problems, and certainly the Saudi Government, with all its wealth, has not always played the constructive role it could. But it is important to recognize the positive things they have done, which this resolution fails to do. The Saudi Government has put forward the only viable peace proposal in the past 18 months. Not even the U.S. administration has done that. Egypt, according to Secretary Powell, has been supportive of U.S. policies in the region.

Mr. President, this amendment, which addresses a number of issues, is silent on others that need to be addressed. Given the vastly conflicting reports of what happened at Jenin, an impartial investigation should be done. The use of U.S. weapons also needs to be looked at, particularly since the State Department reports of ''numerous serious human rights abuses perpetrated by Israeli security forces during the year.''

And most important, there needs to be a recognition of the role of the Israeli settlements in the recent explosion of violence. For this amendment to not even mention the role that the settlements play strikes me as a serious omission because until that issue is resolved, I am afraid the bloodshed will continue.

It has been widely recognized for years that the United States is the only country that can play the role of intermediary in the Middle East. The situation has become so polarized, and steeped in hatred, that our task is now infinitely harder.

It is time for a more forceful strategy for peace because it is clear that normal diplomatic efforts have failed. Both sides say they want to live in peace, but whatever they have gained or suffered in the past few weeks has, I believe, only made peace more elusive.

A two-state solution is the only solution, and that means a Palestinian State that is viable, that is worth living for, not a state in name only.

And for Israelis, it means being able to live free of terror and fear. Suicide bombings or other deliberate attacks against civilians are acts of terrorism that can never, ever be justified. These bombings should be condemned by everyone, including countries in the Middle East that have either expressly condoned them or tacitly approved them by their silence.

The strategy of the Palestinian leadership has been a disaster for Israelis, for Palestinians, for the entire region. Mr. Arafat has repeatedly deceived his own people. Palestinians are an industrious, compassionate, proud people. They deserve far better. Mr. Arafat has survived this latest storm, but he needs to act immediately to prove that he wants peace and can be trusted.

As long as either side deprives the other of the freedom, the dignity, and the security to which all people are entitled, the bloodshed will continue. The President was right when he said there has been a lack of leadership on both sides. That is why, more than ever, stronger U.S. leadership is needed—leadership that receives the support of both sides.

I hope this amendment encourages that leadership.

Mr. REID. Mr. President, I am proud to rise today and join my colleagues in expressing solidarity with Israel.

The Senate includes members of different faiths, ethnic backgrounds, and political ideologies. But despite our differences, we have shown our ability to come together at important moments and unite around common principles.

We rallied together, Democrats and Republicans, to support the war on terrorism after our country was attacked.

And we have worked together in a bipartisan manner not only to meet America's national security and homeland security needs, but also on issues such as education reform.

I am pleased that so many of my colleagues—Democrats and Republicans—are joining me to express solidarity with Israel.

We stand with Israel because Israel has been a friend and partner of the United States.

We stand with Israel because Israel is a democracy and shares our values.

We stand with Israel because we have an obligation to secure the continuance of a Jewish state. We have seen—and must not forget—the horrors of the Holocaust when too many people, leaders and governments failed to intervene.

''Never Again'' will the world fail to see, or hear, or speak, or act when the Jewish people are being persecuted and murdered.

It is important for the people of Israel to know that we continue to stand with them, and it is important for Israel's enemies to know that America will not abandon her. Furthermore, our continued support of Israel sends a powerful and unequivocal message to terrorists everywhere that the United States will not retreat in our war against terror.

This is a critical moment for Israel and for the prospects of peace in the Middle East.

For far too long, that region has been plagued by war and bloodshed.

Israelis have suffered violent attacks against them since the state of Israel was born more than 50 years ago. Israel is a small country, and really a small community where it seems everyone knows each other, so when tragedy strikes, the loss is felt intensely by all.

Israelis have somehow learned to endure attack after attack, and almost to view terrorism as a normal part of life. Certainly, deadly attacks have occurred frequently, but for them to be seen as normal is itself a tragedy.

We stand with Israel because we too mourn the loss of innocent lives.

In the past 18 months, the violence has escalated to an unprecedented and completely unacceptable level.

During the Jewish festival of Passover, 28 Israelis who gathered for a Seder were butchered; 28 innocent victims including children, mothers, fathers, grandparents.

This past week, on the Jewish Sabbath, more innocent Israeli civilians—including a 5-year-old girl inside her home, and a husband and wife lying in bed—were killed in cold blood by Palestinian terrorists.

We recall other incidents like the joyous Bat Mitzvah celebration that suddenly became a killing field, and we think of Israelis participating in typical activities like stopping for a nosh at the pizzeria, riding a bus to school or work, enjoying a night at the disco—not realizing that they would instead be killed. But these are the conditions Israelis face.

While we admire Israel's bravery and perseverance in the face of constant threats, we must not accept a world in which terrorism is so commonplace.

Americans do not want to be victims of terror again, nor can we expect Israel to stand idle while her citizens are being slaughtered. Once we identified those responsible for the attacks on the World Trade Center and the Pentagon, we sent our troops to Afghanistan to bring the terrorists to justice and end their ability to strike again. We vowed to stamp out evil and to continue our fight as long as necessary.

How then can we—or anyone—reasonably ask Israel to allow the terrorists responsible for murdering innocent Israelis to remain free and continue to plan more attacks? We cannot.

So we reaffirm our commitment to Israel's security and right to self-defense.

We stand with Israel because Israel's enemy—terrorism—is also our enemy, and the U.S. has no better ally than Israel in our war on terrorism.

We stand with the people of Israel who want a safe, peaceful and prosperous future not only for themselves but also for their neighbors.

We all pray and hope for peace so that all the people in the region can live free from danger and without fear.

I have in the past called on the administration to be more actively engaged in brokering peace between the Israelis and Palestinians.

I believe the President neglected the region and the issue for too long, and as a consequence hostilities increased and more innocent lives were lost.

But now the administration has become more engaged, recognizing that the United States has important reasons for promoting peace and fighting terrorism there as elsewhere around the globe.

And we have a unique position of leadership that also comes with a responsibility to be actively involved in efforts to bring about lasting peace.

So the United States should do all it can to support peace, and reach out to Israelis, Palestinians, neighboring Arab states, and all other interested parties willing to work towards a solution.

But in doing so, we must be clear in expressing our solidarity with the people of Israel.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I thank the Senator from Arizona for being accommodating to me and other Senators.

I strongly support the Lieberman amendment reaffirming this Nation's solidarity with Israel. It is a timely resolution, and I am proud to be a cosponsor.

I have said many times that the terrorist attacks on our country on September 11 brought us closer to Israel. Every American now better understands the terrifying reality that Israelis have lived with day in and day out since Israel was founded 54 years ago.

Today we send a message to the people of Israel: We stand with you in this time of great challenge.

Each of us recalls the hundreds of letters and resolutions that poured into our offices from foreign capitals around the world in the aftermath of September 11. Their message was clear: The world will not allow terrorism to triumph. We are right to send that same message to our friends in Israel today.

This amendment rightly calls on Chairman Arafat to fulfill his commitment to dismantle the terrorist infrastructure in the territories. Without a clear and demonstrable commitment to battle terrorists, the world will remain skeptical of his intentions and his goals.

As Arafat acts, so must the rest of us. We all have a role to play, and this amendment calls on ''all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace.''

This land is home to three of the world's greatest faiths. And what happens there affects our common future.

That means we all have responsibilities.

The Arab States, particularly our key allies, Egypt and Saudi Arabia, must provide the same kind of leadership in the battle against Palestinian terrorism that they have demonstrated in our common efforts against extremism in Afghanistan.

Israel, too, must act. At Oslo, at Wye, and again at Camp David, Israel has taken risks for peace. It must be—and I believe it is—ready to do so again.

We must all recognize Israel's right to defend itself against attack. That is a basic right of every nation and this amendment affirms it clearly.

At the same time, we call on Israel to distinguish between those who seek only to provide for their families, and the agents of terror who seek Israel's destruction.

Lastly, the United States must remain engaged in this vital region. We must remain actively involved in negotiations. More than any other country in the world, we can help to bring the parties together. We must continue to do so.

The President's initiative to deepen United States involvement in the region is right for America, and it is right for Israel.

The United States is—and will remain—Israel's best friend. We must—and will—honor our commitment to preserve Israel's military superiority. And we must continue to make clear—as this resolution does—that our bonds with Israel are unshakeable.

We must also recognize that part of the war on terrorism must be to build productive societies. Right now, in Afghanistan, we are rebuilding that country and showing Afghanistan, and the world, that our war is with the Taliban and al Qaeda, and not the Afghan people.

We must do the same in the territories—held rebuild the West Bank and repair the infrastructure of Palestinian society.

In doing so, we will send a message to the Palestinian people and the world: Terrorists destroy, democracies build. And we will build.

The names and the details in this resolution are different than those messages we received from around the world in those dark days last September. But the fundamental principle is the same: In the battle against terrorism, the world must be united. We are right to send that same message today to our friends in Israel, and to all of the people in the region who long for peace.

I urge my colleagues to support the Lieberman amendment.

Mr. President, there comes a time when, as leader, one has to make decisions about schedule that are not always in keeping with every Senator's wishes. But if anybody has looked out the window, they know that the storm which is forecast is virtually upon us. There are Senators who wish to catch airplanes prior to the time the airport is shut down. I have had numerous requests all afternoon for a vote on the Lieberman amendment to accommodate those Senators who need to leave.

So while I fully appreciate the fact that there are some Senators who have yet to speak, given the circumstances we face weather-wise and the need for Senators to accommodate their schedules, I have made the decision that we will have a vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, I ask for the yeas and nays on the Lieberman amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. BUNNING), and the Senator from Utah (Mr. BENNETT), are necessarily absent.

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

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

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—94

Akaka	Edwards	McConnell
Allard	Ensign	Mikulski
Allen	Enzi	Miller
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Burns	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carnahan	Hutchinson	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Cleland	Inouye	Smith (NH)
Clinton	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kohl	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
Daschle	Leahy	Thurmond
Dayton	Levin	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	
Durbin	McCain	

NAYS—2

Byrd	Hollings

NOT VOTING—4

Bennett	Helms
Bunning	Torricelli

The amendment (No. 3389) was agreed to.

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

Mr. BYRD. Madam President, first let me say, I cannot understand the rush to act on this amendment. This is a resolution. It was called up today as an amendment to the pending legislation. I had hoped to speak before the vote, not that my speech would have made any difference insofar as other votes are concerned, but I wanted to speak before the vote. I sent word to the leadership that I wanted to speak before the vote.

For several days I have had hearings scheduled in the Appropriations Committee, hearings on homeland security, hearings on the supplemental appropriations bill. Those are important hearings. A couple of weeks ago, the Appropriations Committee conducted hearings on the supplemental and the homeland security request, and we heard from people at the local level, the local responders: The firefighters, the policemen, the health personnel. We had a good hearing.

On the day before yesterday, the committee continued its hearings and we had administration witnesses. We again had administration witnesses today. The distinguished Senator from Washington, who is now presiding over this Senate, was there today at those hearings. The hearings were set. They were announced in advance. We had important witnesses today—Secretary of HHS, Tommy Thompson; we had the Attorney General; we had the head of FEMA. And there was good attendance in the committee. Several Senators on both sides of the aisle were there to ask questions.

All of a sudden, here comes, right out of the blue, this resolution expressing solidarity with Israel in its fight against terrorism. I had wanted to speak on that resolution before it passed. I am under no illusions as to whether or not my remarks would have made any difference. They would not have. I know that. I know that. The die is cast.

On this subject, the American people should understand that when this subject is before the Senate, the vote can be predicted—any matter of this nature, where Israel is involved.

I am as much a supporter of Israel as any Senator in this body. I have spent my years, in considerable measure, studying about the history and the creation of that great people, God's chosen people. I have read it in the Book of Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, First and Second Samuel, First and Second Kings, First and Second Chronicles, Ezra, Nehemiah, Esther, Job—and so on. I am a student of the history of this people.

If the Bible were as small as the Constitution, I would carry it also in my shirt pocket; the Old and the New Testament. So the people of Israel have no greater defender of their national integrity than this Senator from the State of West Virginia.

But I think it was a mistake to bring this resolution up before this Senate at this time. I do not think it is very helpful to the efforts that are being made to bring the two sides together.

As the chairman of the Appropriations Committee, I know what this Senate every year votes by way of appropriations in support of Israel. I know that each year, almost without any questions asked, we appropriate roughly $3 billion—$3 billion—to the State of Israel. We appropriate roughly $2 billion to the Government of Egypt. Those two countries count on these moneys as if they were entitlements. They count on receiving those moneys. Three-billion dollars. That is what the American taxpayers give them.

I am not sure the American people are fully aware that this Government, this Congress, appropriates $3 billion every year—every year, as sure as the calendar rolls around—$3 billion for Israel, and $2 billion for Egypt.

Despite the progress made over the past few days to ease tensions on the West bank and end the standoff over Yasser Arafat's headquarters in Ramallah, the Middle East remains a tinderbox. It is a tinderbox. Even the slightest spark could ignite another conflagration.

Why do we have to come here with this resolution today? Why all the rush?

I informed the leadership—I will say it again—that I wanted to speak on this resolution before the vote. I will not make too much of that. In the annals of history, that won't even merit an asterisk. But, as a Senator who has been a Member of this body and in my 44th year in this body, as a senior Democrat, as the President pro tempore of the Senate, as one who has served as majority leader, as minority leader, as one who has served as chairman and as ranking member of the Senate Committee on Appropriations, I was denied what I asked for. I asked to speak on the resolution before the vote. That is fairly easy to interpret. That is not difficult language to understand. I was denied that.

What is the hurry? Oh, the airport was going to be closed. So what? There is a storm. Senators need to go. OK. Senators have a right to go when they want to go. I was conducting a hearing. It was my duty as chairman to proceed with that hearing. I was told that the need was great. I sent word that I wanted to speak. Finally, realizing that the vote might occur anyway, I asked Senator LEAHY to take the gavel in the Committee. And he had to go. I asked Senator STEVENS, my Republican counterpart, my colleague, to take the gavel, and continue so I could come to the floor and speak. When I got to my office, they were already into the vote 5, 6, or 7 minutes—I don't know. So I

found that the vote was already taking place. Well, that was unfortunate.

This is not a time for chest-thumping rhetoric. This is a time for quiet diplomacy, measured speech, and clear direction. This is not the moment for Congress to stir the Mideast pot. Unfortunately, that is just what the resolution before us does.

I am sure it is a well-intentioned resolution. I know there are many Members of this body who feel passionately about the devastating suicide bombers who have caused so much chaos and heartbreak in Israel. I recognize that there are many Senators who are aching to express in some tangible way their support for Israel. I understand their anguish, and I sympathize with their frustration. But this is not the time to express that frustration. It is not the time.

According to the news reports I have read, the White House has strongly urged Congress not to inflame passions by staging a vote on Israel. The fear is that even a symbolic vote by Congress in favor of Israel would jeopardize the already precarious role of the United States in the Middle East peace negotiations and could even backfire by aggravating tensions and possibly provoking more violence in the Middle East.

Does anyone actually believe—does anyone, anyone, anywhere actually believe—that the U.S. Senate needs to manufacture a vote to demonstrate its support of Israel? Do we not have an unblemished record of support stretching back to the founding of the State of Israel in 1948?

According to the Congressional Research Service, since 1976 Israel has been the largest—the largest—annual recipient of United States foreign assistance and is the largest cumulative recipient since World War II. Since 1985, we have provided about $3 billion a year to Israel in foreign assistance. If Israel does not know by now the depth of United States support and solidarity, it never will.

I object not only to the timing of this resolution—and I believe the timing is fraught with peril—I also object to the slant of the resolution.

Yes. The United States Senate supports the State of Israel and abhors the violence that has been perpetrated against its citizens by Palestinian suicide bombers. The United States Senate also supports peace in the Middle East. And peace in the Middle East is a two-way street. Nowhere in this resolution—nowhere in this resolution—is Israel called upon to fulfill its role in working for peace in the Middle East.

Why was this resolution written so hurriedly? Why was it incumbent upon this Senate to vote today?

This resolution condemns Palestinian suicide bombing, demands that the Palestinian Authority dismantle the terrorist infrastructure in Palestinian areas, and urges all Arab States to act in concert with the United States to stop the violence.

Where are the demands that Israel withdraw from Palestinian lands and cooperate in establishment of a Palestinian State? Where is the denunciation of the destruction of homes and water lines and roads and basic infrastructure in Jenin and Nablus and elsewhere in the West Bank? Where is the expression of support for humanitarian and reconstruction aid to the innocent Palestinian victims of Israel's incursions into the West Bank? Where?

If the Senate is serious about promoting peace in the Middle East—and I believe to the depths of my soul that the Senate is serious—then we should leave the grandstanding to others. We should support the real work of peacekeeping. For better or worse, the United States has been cast in the role of honest broker in the Middle East. But resolutions like this one do not enhance our ability to perform that role. The Middle East today is balanced on the head of a pin. This is not the time for the U.S. Senate to wade into the fray, waving an ill-timed, ill-advised, and one-sided resolution.

I voted against it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold his suggestion?

Mr. BYRD. Yes, I withhold my suggestion.

The PRESIDING OFFICER (Mr. REED). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the Senate just voted on an amendment expressing solidarity with Israel in its fight against terrorism. I voted for the amendment. But I also thought it necessary to explain my views so my vote and my position on this current Middle East situation is fully understood.

I strongly agree with the main thrust of the amendment as I understand it; that is, the United States has a historically unique relationship with Israel; that we condemn violence; that we condemn terrorist attacks; that we condemn the loss of innocent lives of Israeli citizens; and we vigorously support efforts to achieve peace in the Middle East.

I have a couple of concerns that I want to raise, concerns with the language of the amendment. The first concern is that the language implies—or can be read to imply—a blanket support for any and all actions that Israel may choose to take in this fight against terrorism.

In my view, our President was right when he called upon Ariel Sharon to immediately withdraw troops and Israeli forces from Palestinian territories. He first made that demand on April 4 of this year. He repeated the demand that Israeli forces be withdrawn on the 6th of April. Our Secretary of State, Colin Powell, reiterated that position on behalf of our Government when he visited the Middle East on April 8.

In my opinion, this recent occupation of Palestinian territories by Israeli troops is an obstacle—the continued occupation is an obstacle—to renewed negotiations for peace between Israel and the Palestinians. It is very much in the interest of everyone involved that Israel withdraw those troops.

While I understand fully that Israel views the current situation as a struggle for its very survival, a viable peace process requires temperance and compromise on both sides. A blanket statement of support for any U.S. ally causes me concern because there are times—and this is one of those times—when the United States needs to disagree with the actions of an ally, whether they are military actions or otherwise. In my view, when we believe our statements will serve the cause of peace, we should not be reluctant to state that disagreement.

Long term, the only vision of peace that holds out hope for the Israelis and the Palestinians both is for Israel to live in a secure Israel that is not threatened by its neighbors and for the Palestinians to live in a secure Palestine. In the short term, the suicide bombings and violence against civilians in Israel must stop, and Palestinians must be allowed to rebuild their communities and return to some semblance of normalcy in their lives. The current violence and military reaction to that violence has led to a dangerous downward spiral that prevents any serious consideration of a negotiated settlement.

I also point out one other shortcoming of the amendment that we have adopted; that is, that it says nothing about the need to assist the Palestinian people to live lives marked by peace and a reasonable standard of living. It is essential that the entire Palestinian people not be allowed to lose hope that some reconciliation between themselves and the Israelis can be achieved.

While the United States has a unique relationship with Israel, as the amendment states, as a superpower, we also have a unique responsibility to bring the two sides together. We will lose that opportunity if we fail to acknowledge our concern and responsibility for the well-being of the Palestinian people.

I hope very much that in the appropriations process which is still unfolding this year in Congress, aid will be provided both to Israel and to help with the rebuilding of communities in the Palestinian territories. Such aid, hopefully, will assist not only in establishing a reliable security regime for Israel and for the Palestinian people but also help both societies to rebuild their social and physical infrastructure to provide hope for their children and for future generations.

Mr. President, I would also like to speak briefly about trade adjustment assistance, which is the subject we have been discussing most of this week, prior to consideration of this amendment related to Israel.

I rise today in strong support of the trade adjustment assistance legislation

offered in the Daschle trade amendment. I am extremely pleased that it has come to the floor and I look forward to the debate over the next few weeks. From my perspective, this is legislation that takes a very significant, positive, and long overdue step forward for American workers, firms, and communities.

In 1962, when the Trade Expansion Act was being considered in Congress, the Kennedy administration established a basic rule concerning international trade and American workers. When someone loses their job as a result of trade agreements entered into by the U.S. Government, we have an obligation to assist these Americans in finding new employment.

I think this is a very simple proposition really, one that recognizes that if the U.S. Government supports an open trading system, it is ultimately responsible for the negative impacts this policy has on its people. It suggests that if the U.S. Government believes that an open trading system provides long-term advantages for the United States, the short-terms costs must be addressed if the policy is to continue and the United States is to remain competitive. It suggests that if there is a collective interest that must be pursued by the United States in the international trading system, our individual and community interests must be simultaneously protected for the greater good of our country.

In my view, the proposition makes even more sense now, as we are, unfortunately, facing a very different economic climate than we were just a few years ago. The way it is now, most people who lose their jobs cannot simply go across the street and get the same kind of work. Their old jobs are gone, and they need something different to make a decent living. These are people who have been dedicated to their companies and have played by the rules over the years. They deserve a program that creates skills, that quickly moves them into better jobs, that provides opportunities for the future, that keeps families and communities intact. They deserve something more than an apology that this is just the way the market works. They deserve the recognition that they are important, that they matter, and that we need them to make our country strong. There are people who are being hurt by trade in every State, and they need our support.

My interest in this legislation was reinforced in 1997 in Roswell, New Mexico, when the Levi-Strauss plant closed and I saw first hand how trade adjustment assistance worked. Unfortunately, the importance of the program has only increased over the years. In Las Cruces, in Albuquerque, in Questa, in Alamogordo, in my own hometown of Silver City—time and again we have seen the negative impacts of trade in my State. Since 1994, we have had over 10,000 people in New Mexico certified for trade adjustment assistance. The number would be closer to 20,000 if we added secondary workers and contract workers.

I know many of my colleagues on both sides of the aisle have similar stories from their States. Many are worse than my own. Department of Labor statistics show that since 1994 over a million Americans have been certified to receive trade adjustment assistance. And these are the people who are actually eligible for trade adjustment assistance and have applied. There are literally hundreds of thousands of others who deserve these benefits but are not eligible, or who are eligible but don't know it. They have suffered—they continue to suffer—because of the shortcomings of existing law, and we need to change that.

To reach our goal of strengthening existing law, we talked to the people in my State and other States who had been laid off and had a story to tell. We talked to the community leaders who had to rebuild their towns after economic disaster had struck. We talked to the local organizations that had to work with their people to get their lives back on track. We listened to where the program worked, and where it hadn't worked, and where it needed to be improved. We asked the GAO to write several reports on the program, so we had an objective analysis to use as a guideline for reform. Then, and only then, did we begin to write new legislation.

What we have here today is the outcome of several years of work. This trade adjustment assistance legislation was not created in a vacuum. It is not trade policy in the abstract. Every step along the way we connected real people to specific language in the legislation. Every provision has a story behind it. Every line in this legislation will help someone make his or her life better in communities in New Mexico and across the United States.

Trade adjustment assistance is a program that is absolutely essential—that much is clear from the comments I have heard from my colleagues on both sides of the aisle—but it needs to be changed in a way that it works more efficiently and effectively. I am convinced the Trade Adjustment Assistance Program should be both solidified and expanded at this time, and we need a stronger and more consistent safety net for American workers and communities. Let me quickly explain how we have improved the program and why we feel it is necessary.

Our first objective was to combine existing trade adjustment assistance programs and harmonize their various requirements so they would provide more effective and efficient results for individuals who need help. Currently there are substantial differences in coverage between the Trade Adjustment Assistance Program and the NAFTA Trade Adjustment Assistance Program, and we make sure those differences are eliminated in the bill. We have taken the NAFTA Trade Adjustment Assistance program as a model and expanded available allowances from 52 to 78 weeks. This allows individuals to enroll in the specific kind of program they need to get a new job.

We have also expanded coverage to secondary workers and workers impacted by shifts in production to any country. Currently these categories of workers are only covered under the NAFTA Trade Adjustment Assistance Program, not the Trade Adjustment Assistance Program, and we feel this distinction is both artificial and arbitrary. In an international economy, there is simply no logical reason that coverage should be limited to individuals dislocated by trade with Mexico and Canada alone. Basic fairness and common sense dictates that anyone hurt by trade deserves the same treatment as that which is currently available under NAFTA trade adjustment assistance.

Our second objective was to address the issue of health care in a way that makes a substantial difference in people's lives. Currently individuals certified for trade adjustment assistance only receive in the range of $250 a week. Then they must make a choice between paying for the range of expenses—health care, rents and mortgages, childcare, education, transportation, and so on—that they face in their daily lives. This is especially difficult when they are enrolled in the training they need to get a new job. Realistically, they must sacrifice something, and frequently the first thing they sacrifice is their health care.

This can't continue. We have addressed this problem by providing a 73 percent advanceable, refundable tax credit towards COBRA coverage, the purchase of State-based insurance coverage, or, for those currently purchasing individual insurance, coverage through the individual market.

Our third objective was to encourage greater cooperation between Federal, regional, and local agencies that handle individuals receiving trade adjustment assistance. Currently, individuals who are receiving trade adjustment assistance obtain counseling from Workforce Investment Act one-stop shops in their region, but typically receive no information other than that related to their allowances and training. No information is given concerning assistance and funds available through other Federal Departments and agencies. This means most people have no real idea of what options are available to them.

To increase coordination between Federal and State agencies and increase the availability of information for trade adjustment assistance recipients, we have created an inter-agency working group on trade adjustment assistance and established stronger links between the Trade Adjustment Assistance Program and the Workforce Investment Act one-stop shops. This way the state-based delivery system remains intact but response times to

trade adjustment assistance applications will be quicker and more effective.

Our fourth objective was to recognize the direct correlation between job dislocation, job training, and economic development, especially in communities that have been hit hard by trade. Currently, trade adjustment assistance focuses specifically on individual retraining, but does not address the possibility that unemployment might be so high in a community that jobs are not available once an individual has completed a training program.

To fix this problem, we created a community Trade Adjustment Assistance Program, based at the Department of Commerce, specifically designed to provide strategic planning assistance and economic development funding to communities that have suffered substantially from a trade-related economic downturn. Significantly, this is a bottom-up approach, as we emphasized the responsibility of local agencies and organizations to create a community-based recovery plan that fits the economic needs of their region.

Our fifth objective was to help family farmers and ranchers. At present, trade adjustment assistance is available for employees of agricultural firms, but only when they become unemployed. This doesn't help family farmers and ranchers since they can't lose their job, there is no way for them to become eligible for trade adjustment assistance.

We fix this problem by offering trade adjustment assistance allowances to family farmers and ranchers but allow them to opt out of the training program. This allows them to keep their land and get through the hard times that come as a result of international trade.

The administration has focused their efforts on obtaining fast-track authority, stating that it is necessary for the United States to continue its leadership role in the international system. I do not disagree with the view that new, more comprehensive trade agreements will help U.S. corporations become more competitive in the international market. I am prepared to vote for an acceptable fast-track bill, as I think it is a valuable tool in opening the markets of other countries. But I will vote for fast-track only if a strong Trade Adjustment Assistance Program is part of the package. I think it is unacceptable to move forward on new trade agreements if we do not address the problems that American workers and communities face at this time.

I look forward to working with my colleagues and the administration to get a meaningful trade package through the Senate and to the President for signature.

I yield the floor and 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, I heard the senior Senator from Utah speak this afternoon. I wanted to respond to what he said, but I didn't have that opportunity because of the intervening events. The Senator from Utah and I are good friends. I think the world of Senator HATCH. But I think on this issue regarding trade he is absolutely wrong. I say that because the trade bill has been laid down. There are a number of important issues in it. In fact, one of the few things I really support is what is being done to try to protect the steelworkers.

First of all, what is in this bill is very modest. It covers 1 year of retirement for steelworkers. When these people worked in the steel mills, they were promised they would have retirement benefits. Those retirement benefits are now gone. I bet those bosses who worked at the steel companies have pensions.

The people who oppose this legislation, and have a filibuster going on it now, should do what they have to do. If they don't like that part of the bill, move to strike it. Let's debate it on the floor and find out who has the most votes. Don't filibuster the bill. This is a bill the President says is a most important bill. I don't necessarily agree with his priorities, but that is what he said.

So it seems somewhat unusual to me that members of his own party are holding up this legislation. The first amendment is up and we cannot vote on it; there is a filibuster. We have all been through the energy bill, and we know how long that was held up. We were finally able to pass that. We want to bring up hate crimes; they will not let us do that.

Terrorism insurance, I have spoken on this floor several times about the importance of that terrorism insurance. Realtors, developers, bankers, and people in the financial markets say that is extremely important.

The Secretary of the Treasury for the United States testified this week that if that is not passed, it will have at least a 1-percent effect on the gross domestic product of this country. Now, my friend, the Presiding Officer, Senator REED, is chairman of the Joint Economic Committee, which renders reports to the Senate on a frequent basis about the state of the economy of this country. Whether the Secretary is right or not, I think it is something we should take into consideration.

We on the Democratic side have agreed to have this legislation go forward. We have tried everything we can to bring it to the floor. We have even agreed to have four amendments. So I hope everybody understands that we want this legislation to go forward. There isn't a single Democrat holding up this legislation.

I hope the President and the people who work with him will send a message to the Republican Senators that this terrorism insurance should be passed. I hope we can get that done as quickly as possible. People are awaiting construction projects, some are even talking about stopping some of it. We have a large shopping center in Las Vegas, one of the largest construction projects; it is in a mall. There are a lot of stores there. They are talking about stopping in the middle of construction because they can't get a continuation of their insurance.

So I hope the President will do that during the break we have. We don't need to be involved in a filibuster on the trade legislation. We need to move forward with hate crimes, terrorism insurance, and so many other items. I hope we can do that as soon as possible.

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

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

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, momentarily we will take up a unanimous consent request that will accommodate a debate on the farm bill conference report. As I understand it, the distinguished Republican leader is on his way to the Chamber. Let me comment briefly on a couple of scheduling matters.

I know the assistant Democratic leader has talked on several occasions and has offered unanimous consent agreements on terrorism insurance. We would be prepared, once again, to offer a unanimous consent agreement on terrorism insurance, but I hear our Republican colleagues continue to object. We have said on many occasions we are prepared to go to the floor procedurally, have a debate on any one of a number of questions relating directly or indirectly to terrorism insurance, but for whatever reason, our Republican colleagues continue to refuse to allow that debate and that consideration. This has been an ongoing effort.

We have made many attempts to satisfy those certain Senators on the other side who proclaim interest and support for terrorism insurance, but we have been unable to satisfy their obstruction—I use that word with full appreciation of its definition—their obstruction when it comes to an important matter such as this. We will continue to try to talk with our colleagues in an effort to come to some conclusion procedurally, but I must say there is growing frustration on our part that we have not been able to proceed.

The same could be said for the conference report on the farm bill. I have