

None of these categories are numerically limited under the agreement. Once enacted, Congress may not subsequently impose caps on these categories for nationals entering pursuant to this agreement.

The trade agreement expressly prohibits the imposition of labor certification tests or other similar conditions on temporary workers entering from Chile and Singapore. I am amazed the Governments of Chile and Singapore want this. I am amazed they want their people to come in and face exploitation in the United States.

While Congress could certainly correct some aspects of the law implementing the trade agreements, it would be limited in what it could do by the underlying trade agreement itself. For example, if Congress decided to better protect U.S. businesses and workers by amending the laws governing the L-1 visa category to require a labor certification or a numerical limit before a foreign worker from Chile or Singapore could enter the United States, it would not be able to do so. Both are plausible options for dealing with perceived abuses in the visa category. However, both trade agreements provide "neither party may, A, as a condition for temporary entry under paragraph 1, require labor certifications or other procedures of similar effect; or, B, impose or maintain any numerical restriction relating to temporary entry under paragraph 1."

Again, there is something a little insidious in this, in the formulation of a new program with these specific specifications in view of the fact of the more than 50,000 Chilean and Singaporean workers coming in in our other business visitor visa categories. So the significance of this is creating a new program and making it permanent and taking out any meaningful labor certification. I figure every one of these people can replace an American worker for less money. Otherwise, why do this?

These provisions significantly limit congressional authority, A, to establish labor protections when warranted and, B, to limit the number of visas that could be issued to nationals in Chile and Singapore, should we deem it is in the national interest.

I don't think we should relinquish this constitutional authority. It is really for this reason, on behalf of the millions of Americans who are unemployed and underemployed and particularly in these exact categories, I cannot tell you the workers trained with graduate degrees being replaced, with families. And they can't find jobs. And we fall right into the trap and produce an agreement that is going to say: Labor Department, the only thing you can check is the accuracy of an application for name, address, and phone number, and whether it is all filled in, and then you must certify it within 7 days. And John Smith, who has worked in the company for 10 years, has a graduate degree, gets to train this

worker, who is paid \$30,000 less—and I gave you actual cases where this is happening—and the worker goes home to a mortgage on a home and a car and three kids in school.

Is this what we are elected to do? I am not going to do it. If I could filibuster, I would filibuster it. I am really angry about it because it is sleight of hand. There was no meaningful consultation. Mr. Zoellick never picked up the phone and called me—or his No. 2, 3, 4, or 5—and said: This is what we are thinking of doing. I know you in California have the highest unemployment in 10 years and there has been a high-tech bubble burst. I know a lot of your professionals are out on the street. What do you think of this? I would say: No way, Jose.

So I am mad and I hope every working man and woman in this country is mad, too. I am mad because—Mr. President, you know, as you were in committee—we asked to send it back. We were refused. And there is no delay. Bingo, it is out on the floor. It is going to be ramrodded through this body.

Well, one thing I have learned is that the working men and women of this country are not stupid. Of all these visitor visas, we have 5 million granted in just a year. People are going to catch on. The word is going to get around. I very much regret that the administration won't eliminate the immigration section. This would be a perfectly good treaty without them. Five million people came in last year under the H-1B visas—5 million. Plenty of room. We don't need to create a new permanent program, tighten the housing supply, tighten the school supply, bring in all these families, and not be able to take care of our own.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

A CRISIS IN EDUCATION

Mr. JEFFORDS. First, I commend my good friend from California for her excellent statement and revealing to the Nation the seriousness we have in the ability to provide jobs with qualified workers. Just this past decade, we brought 4 million workers into this country to take the high-skilled jobs of our Nation because we could not provide them from our own school systems. Yet we have thousands and thousands of unemployed and unskilled workers who have managed to get through our school systems without the necessary skills.

We have a crisis in this Nation, and we have had it for years, and that is in education. This administration is totally ignoring the fact that where we should be putting the funds is in preventing this necessity of having to bring in workers from foreign nations, whether it be from Europe or elsewhere. Most of them come from Asia now. Millions and millions are coming in. Yet our own young people in this country do not have the skills because

their school systems are failing. And we are cutting back and back on the funding for education in this Nation.

This administration recognizes we have a problem and realizes our children need help; we have the Leave No Child Behind Program. But we have no funding to prevent the terrible situation that was just outlined by the Senator from California. I praise her for that. But let's wake up and do something about it rather than bringing in millions and millions of workers from Asia to take the jobs that our young people ought to have the skills to take.

MERCURY POLLUTION

Mr. JEFFORDS. Mr. President, I will spend a few minutes expressing my concerns about a serious public health crisis that this country faces due to mercury pollution.

Perhaps some of you have heard of the small fishing community of Minamata Bay in Japan. If you know this village, you know also that it was nearly devastated by mercury pollution.

Over 70 years ago, a chemical plant began dumping mercury waste into that bay. For the next 30 years, local citizens who depended heavily on the bay for commerce and daily sustenance saw strange and debilitating health problems emerge.

At first, those eating fish out of the bay began experiencing headaches, numbness, tremors, blurred vision, hearing loss, speech problems, spasms, and loss of consciousness. As fish consumption continued, more people became sick.

Plus, pets started becoming violent and birds fell from the sky. Naturally, the public's panic grew.

Then, a generation of children was born with shriveled limbs and severe physical deformities. The woman in this photograph is one of the survivors of what was called Minamata Disease.

In all, over nine hundred people died and thousands more were crippled by the poisoning. The Japanese government, which discovered the cause of these illnesses as early as 1956, hid the truth from the ailing public and refused to halt the industrial pollution. The dumping eventually stopped in 1968.

In other words, knowing this mercury pollution was deadly, the Japanese government allowed it to continue for another 12 years.

Surely such abandonment of the public's well-being would not happen today in our great country.

Surely our government would never delay protections from mercury pollution for a decade, while allowing industry to neglect its responsibilities.

Sadly, I am afraid this is exactly what is happening in our country today—over half a century after the lessons of Minamata Bay.

Fortunately, we are not faced with the same concentration of mercury pollution as that Japanese fishing village