

The strength of Barlett and Steele's piece is epitomized by the vicious attacks that have been leveled at this prize-winning team. Barlett and Steele have drawn fire from the same crowd who have for decades produced the same mindless, conventional wisdom that equates unilateral free trade with economic growth. These are the same people, whose wild assertions about NAFTA and GATT, were utterly false.

During the NAFTA debate the purveyors of conventional wisdom anointed Carlos Salinas as the man of the decade, valiantly reforming the political system and transforming Mexico into a first world economy. NAFTA was supposed to usher in a golden era for U.S. exports to Mexico creating thousands of new high wage jobs. Two years later we have recorded \$23.2 billion worth of trade deficits with Mexico. The Mexican economy collapsed into a depression and the man of the year, Carlos Salinas, is living in forced exile while the extent of his administration's corruption is documented in the pages of the New York Times and the Wall Street Journal. NAFTA was supposed to create a North American Free Trade Block to compete against Europe and Asia. Instead, Asian investment has poured into Mexico. A recent article in the Nikkei Weekly, specifically cites Mexico's low wages and NAFTA's duty-free access as the reason why Asian investors are flocking to Mexico.

Mr. President, the same group that attacks Barlett and Steele's objectivity, never once, during the debate on the GATT, questioned blatantly false assertions made about the efficacy of section 301, or the GATT Rounds' impact on the U.S. economy.

While we were assured that the United States maintained its rights to use section 301, Japan's Minister of Trade and Industry boldly proclaimed that, "the era of bilateralism is over, all disputes will be settled by the WTO."

In the year since the GATT/WTO has taken effect, our trade deficit has continued to soar at a record pace. Trade has become a net drag on the economy, robbing the United States of close to 1 percent of growth as imports consistently out-pace exports. Most pernicious were the claims made by the members of the Alliance for GATT Now. Claims of export booms that would lead to increases in employment. The reality is that 250 companies are responsible for 85 percent of U.S. exports. These same companies have been among the largest downsizers in the American economy. Pink slips rained down on workers at AT&T, IBM, and General Electric. According to an executive vice president at General Electric, "We did a lot of violence to the expectations of the American worker."

How can those who have consistently been wrong about trade now turn around and question Barlett and Steele?

Mr. President, this provocative series in the Philadelphia Inquirer has under-

mined many of the dubious assertions about trade. Assertions that for decades have been unquestionably accepted.

I urge my colleagues to read this series, and I hope it will stimulate a much needed debate on the most serious issue facing this Nation.

#### GLOBAL CLIMATE CHANGE

Mr. HELMS. Mr. President, Senator Sam J. Ervin, Jr., the distinguished former Senator from North Carolina, often said that the United States had never lost a war nor won a treaty. Well, during the summer, the Clinton administration quietly set the wheels in motion in Geneva for yet another disastrous treaty for the United States.

During July meetings, Tim Wirth, Undersecretary of State for Global Affairs, committed the United States to the negotiation of a binding legal instrument with the stated goal of reducing global greenhouse gas emissions.

Many experts agree that the premise for this new treaty, which excludes developing countries from enforcing the commitments to reduce emissions, makes its goal simply unachievable. Developing nations such as China will be the largest source of new greenhouse gas emissions in the post 2000 period, yet will be exempt from any new restrictions.

The United States currently is party to the U.N. Convention on Global Climate Change, signed at Rio in 1992 and ratified by the Senate in 1993. Under that treaty the member countries are divided into industrialized countries, termed "Annex I countries," and developing countries, termed "non-Annex I countries," for purposes of determining treaty commitments. The treaty tasks Annex I Parties to reduce greenhouse gas emissions to 1990 levels by the year 2000.

In March of 1995, the parties to the U.N. Convention laid the framework for the current negotiations when they met in Berlin, Germany, and agreed to the so-called Berlin mandate. The Berlin mandate states that the parties to the Convention would address this global problem post 2000 without binding any of the non-Annex I parties to new commitments. By agreeing to this disastrous concession—after making assurances to Congress that they would not do so, I might add—the means for addressing the issue as a global problem were removed from the table.

Mr. President, as things often happen, the flawed Berlin mandate became the building block for the latest round of concessions made by Tim Wirth in Geneva. There, parties approved a Ministerial Declaration which—in "U.N. speak"—directs Annex I parties to "instruct their representatives to accelerate negotiations on the text of a legally-binding protocol of another legal instrument." The Declaration directs that the commitments of Annex I parties will include "quantified legally-binding objectives for emission limita-

tions and significant overall reductions within specified timeframes, such as 2005, 2010, 2020."

In plain English this means that any new treaty commitments regarding greenhouse gas emissions will set forth legally binding emission levels that must be met by industrialized countries only. The U.S. position turns basic principles of sound economic policy on its head since it directs industrialized countries to subsidize developing countries by polluting less while incurring higher costs so that developing countries can pollute more without incurring costs.

Some of our allies recognize the serious flaws in the current negotiations. According to the findings of an Australian Government study entitled "Global Climate Change: Economic Dimensions of a Cooperative International Policy Response Beyond 2000," the treaty will not even achieve the desired environmental effect. The study finds that stabilizing carbon dioxide emissions of developed countries only at 1990 levels during the period from the years 2000 to 2020 "would lead to minimal reductions in global emissions and would have higher costs for most countries than alternative abatement strategies." According to the Australian study, despite the additional costs, there will be no substantial reduction in the growth of global emissions because of the continued growth in the rest of world emissions.

Mr. President, even the elements that would provide some leveling of the playing field are nonexistent in the Ministerial Declaration that was approved by the parties in Geneva. For example, the document makes no reference to Joint Implementation [JI], a practice by which a country's emissions abatement costs can be spread across national borders. Under JI, a nation with relatively high marginal abatement costs can offset costs through involvement with projects in countries with relatively low emissions reduction costs. If countries were truly serious about decreasing the level of global emissions this plan would provide a global solution to the problem and bring economic benefits to the lower cost country in the form of foreign investment. These are clearly not the goals of the parties advancing this doomed policy.

According to a study by the General Accounting Office that I requested, during the period from 1993 to 1995, Federal agencies of the United States have spent almost \$700 million on global climate change related spending. This is more than 70 percent of the total spending by the United States to advance major international environmental treaties. Despite the heavy resources being pumped into this Convention by the Clinton administration, Congress has yet to be provided a full economic analysis of the costs of the proposed protocol to the original treaty. Nor has the administration been forthcoming in its own proposals for

the new Protocol. Instead, a shell game is being played out in which the substance of the new protocol will be laid out on the table in December, after U.S. elections.

During hearings last week in the Senate Energy Committee, the able Senator from Alaska, FRANK MURKOWSKI, raised serious questions about the administration's support of the current negotiations underway at the United Nations, particularly the possibility of a carbon tax. I can assure you that for so long as I am chairman of the Foreign Relations Committee any international legal instrument agreed to by this administration must not and should not put the U.S. economy at a competitive disadvantage to other countries. Most importantly, the treaty should actually achieve the purpose for which it is negotiated. Any treaty that comes before the Senate for ratification must ensure that U.S. businesses will remain competitive and U.S. jobs will be protected.

#### HONORING THE PETERS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Jack and Irene Peters of Joplin, MO, who on October 12, 1996, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Jack and Irene's commitment to the principles and values of their marriage deserves to be saluted and recognized.

#### ASYLUM AND SUMMARY EXCLUSION PROVISIONS

Mr. HATCH. Mr. President, I would like to comment briefly on the asylum-related provisions of H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The agreements we reached with the House in the conference report involved a number of compromises on provisions involving the asylum system. I worked very hard in conference to modify the House provisions, and I think we arrived at workable compromises that will be fair in practice.

The conference report's provisions on summary exclusion, also referred to as expedited exclusion, significantly revise the summary exclusion provisions of the Terrorism Act, which apply to those excludable based on document fraud or the absence of documents. The

provisions of the Terrorism Act would not have provided adequate protection to asylum claimants, who may arrive in the United States with no documents or with false documents that were needed to exit a country of persecution.

Under the revised provisions, aliens coming into the United States without proper documentation who claim asylum would undergo a screening process to determine if they have a credible fear of persecution. If they do, they will be referred to the usual asylum process. While I supported the Leahy-DeWine amendment that was included in the Senate bill and that passed the Senate 51 to 49, the conference report represents a compromise.

The conference report provisions apply to incoming aliens and to those who entered without inspection, so-called EWI's but have not been present in this country for 2 years. Although the Senate provisions applied only in extraordinary migration situations, House Members felt very strongly about applying these procedures across the board. I think that, with adequate safeguards, the screening procedures can be applied more broadly. If any problems with these provisions arise in their implementation, however, and they do not seem to offer adequate protections, I am willing to consider changes to them.

The credible fear standard applied at the screening stage would be whether, taking into account the alien's credibility, there is a significant possibility that the alien would be eligible for asylum. The Senate bill had provided for a determination of whether the asylum claim was "manifestly unfounded," while the House bill applied a "significant possibility" standard coupled with an inquiry into whether there was a substantial likelihood that the alien's statements were true. The conference report struck a compromise by rejecting the higher standard of credibility included in the House bill. The standard adopted in the conference report is intended to be a low screening standard for admission into the usual full asylum process.

Under the conference report, screening would be done by fully-trained asylum officers supervised by officers who have not only had comparable training but have also had substantial experience adjudicating asylum applications. This should prevent the potential that was in the terrorism bill provisions for erroneous decisions by lower level immigration officials at points of entry. I feel very strongly that the appropriate, fully trained asylum officers conduct the screening in the summary exclusion process.

Under the new procedures, there would be a review of adverse decisions within 7 days by a telephonic, video or in-person hearing before an immigration judge. I believe the immigration judges will provide independent review that will serve as an important though expedited check on the initial decisions of asylum officers.

Finally, under the conference report, there would be judicial review of the process of implementation, which would cover the constitutionality and statutory compliance of regulations and written policy directives and procedures. It was very important to me that there be judicial review of the implementation of these provisions. Although review should be expedited, the INS and the Department of Justice should not be insulated from review.

With respect to the summary exclusion provisions, let me remind my colleagues that I supported the Leahy-DeWine amendment on the Senate floor, which passed by a vote of 51 to 49. The compromise included in the conference report is exactly that: a compromise. I support the compromise because I believe it will provide adequate protections to legitimate asylum claimants who arrive in the United States. If it does not, let me say that I will remain committed to revisiting this issue to ensure that we continue to provide adequate protection to those fleeing persecution.

I would also like to comment briefly on one of the more significant changes to the full asylum process that are contained in the conference report. The Conference Report includes a 1-year time limit, from the time of entering the United States, on filing applications for asylum. There are exceptions for changed circumstances that materially effect an applicant's eligibility for asylum, and for extraordinary circumstances that relate to the delay in filing the application.

Although I supported the Senate provisions, which had established a 1-year time limit only on defensive claims of asylum and with a good-cause exception, I believe that the way in which the time limit was rewritten in the conference report—with the two exceptions specified—will provide adequate protections to those with legitimate claims of asylum.

In fact, most of the circumstances covered by the Senate's good-cause exception will be covered either by the changed circumstances exception or the extraordinary circumstances exception. The first exception is intended to deal with circumstances that changed after the applicant entered the United States and that are relevant to the applicant's eligibility for asylum. For example, the changed circumstances provision will deal with situations like those in which an alien's home government may have stepped up its persecution of people of the applicant's religious faith or political beliefs, where the applicant may have become aware through reports from home or the news media just how dangerous it would be for the alien to return home, and that sort of situation.

As for the second exception, that relates to bona fide reasons excusing the alien's failure to meet the 1-year deadline. Extraordinary circumstances excusing the delay could include, for instance, physical or mental disability,