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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 4, 1997, at 10:30 a.m.

Senate

MONDAY, NOVEMBER 3, 1997

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer.

Gracious God, thank You for this moment of prayer in which we can affirm Your call to seek unity in the midst of differences in parties and politics. So often we focus on what separates us rather than the bond of unity that binds us together. We are one in our calling to serve You and our Nation and in the belief that You are the ultimate and only Sovereign. You are the magnetic and majestic Lord of all who draws us out of pride and self-serving attitudes to work together for You. We find each other as we join our hearts in gratitude for the privilege of leading our Nation. Keep us so close to You and so open to one another that we will have a week of great progress. Help us to work expeditiously and with excellence for Your glory and our Nation's good. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Minnesota, is recognized.

SCHEDULE

Mr. GRAMS. Mr. President, on behalf of the majority leader, to outline to-

day's activities, today the Senate will be in a period of morning business until 2:45 p.m., with Senators permitted to speak therein for up to 10 minutes each.

At 2:45, the Senate will proceed to executive session to consider the nomination of Charles Rossotti to be Commissioner of the Internal Revenue Service. Under a previous order, there will be 3 hours of debate on that nomination, with a vote occurring at the expiration of that time. Therefore, Members can anticipate the first rollcall vote at approximately 5:45 p.m.

The Senate may also consider and complete action on any or all of the following items: D.C. appropriations bill, FDA reform conference report, the intelligence authorization conference report, and any additional legislative or executive items that can be cleared for action. Therefore, there may be additional votes following the 5:45 p.m. vote.

As a reminder to all Members, on Friday, cloture was filed on both H.R. 2646, the A-plus education savings account bill, and the motion to proceed to S. 1269, the fast-track legislation. Those cloture votes will occur on Tuesday morning at a time to be announced later today. Therefore, all first-degree amendments to H.R. 2646 must be filed by 1 p.m. today. Needless to say, all Senators should expect rollcall votes during every day of the session this week as we attempt to complete action on the very important issues before the Senate.

Mr. President, I see no other Senators on the floor, so I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. GRAMS assumed the chair.)

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

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

Mr. BYRD. Mr. President, I may take just a few minutes longer than 10. I ask unanimous consent that I may be recognized for such time as I may require.

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

Mr. BYRD. I thank the Chair.

FAIRY TALES OF FAST TRACK: THE MYTH OF TRADE NEGOTIATIONS PARALYSIS

Mr. BYRD. Mr. President, I wish to speak this morning on the subject: the "fairy tales of fast track: the myth of trade negotiations paralysis."

It has been said that if one wants a lie to stick, just keep repeating it, keep shouting it, until it just seems to become a reality. On the matter of fast-track procedures for congressional handling of trade agreements, we have a whopper being shouted from the housetops in congressional testimony and on the op-ed pages of our leading newspapers by people who surely ought to know better. An example of what I am talking about appears in the Washington Post today, authored by our esteemed former colleague and former Senate Republican leader, Mr. Bob Dole, who engages in vacuous, vapid

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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vaporings in insisting that other nations will not play ball with us on trade if they think Congress is going to take a close look at what is negotiated, and, Heaven forbid, even have an opportunity to consider amendments to trade agreements negotiated by the administration.

Here is what Mr. Dole says, in part:

The fate of fast-track legislation this fall may determine whether the President ever will negotiate another trade agreement.

Let us take a look again at that profound statement by Mr. Dole:

The fate of fast-track legislation this fall may determine whether the President ever will negotiate another trade agreement.

Now, there is an assertion. One might get the idea that fast-track consideration of trade agreements is normal practice, and that it is the normal practice in considering trade agreements, Mr. President. But, fast-track consideration of trade agreements is as rare as hen's teeth. It has been done all of only five times since the first very limited fast-track authority was granted by the Congress in 1974. So, in nearly a quarter of a century, we have used fast-track consideration all of five times on this floor.

Can anyone guess how many trade agreements have been negotiated in that quarter of a century? The answer is, of course, hundreds—hundreds. We have had fast track on this Senate floor five times in a little over 23 years, but in the meantime, hundreds of trade agreements have been negotiated. And the Clinton administration, as a matter of fact, is quite fond of boasting of its record of entering into some 200 trade agreements, none of them subject to fast track except the GATT and NAFTA trade pacts.

The other clarion call that we hear repeatedly from the administration, repeated by Mr. Dole again this morning, is the issue of American leadership. The United States must lead in the global economy and if Congress wants to review and possibly amend trade agreements, that's the end of that.

Here is what Mr. Dole says:

Global trade is inevitable, and Presidential fast-track authority is indispensable if America is to lead the community of nations into the next century.

Another quite profound statement; and mind-boggling, indeed. I would suspect that we are going to be talking about American leadership a lot this week, as the Senate reviews the need for fast-track authority that has been requested by the administration.

If a trade agreement is soundly negotiated and if it would be clearly beneficial to America, I think it is a pretty fair guess that the Senate will approve it without any amendment; without even the threat of an amendment. But the threat of amendments should prove valuable as additional leverage for administration negotiators on trade matters. Some of these negotiations are pretty tough, and I should think that the Senate's careful role in reviewing the product can be used to advantage.

I do not think it hurts American leadership for our trading partners—some of whom are trading adversaries when they do not implement in good faith the agreements they sign with us and continue to restrict access to their markets for American goods—to know that the U.S. Senate is looking over their shoulders. It could be useful bargaining leverage, and if I were negotiating an agreement I certainly think it would be advantageous to have the weight of future Senate scrutiny to dangle over the head of a tough bargainer on the other side of the table.

The third point that our good friend Mr. Dole makes is that somehow our trade negotiators are cooling their heels and waiting for the Senate to give assured protection to their products before beginning their negotiations. Mr. Dole says:

Some may ask why it matters whether other countries beat us in securing trade pacts with developing nations. What are we waiting for?

Now, there is a profound question: What are we waiting for? Mr. Dole suggests that the Senate is holding up negotiations. And nothing could be further from the truth. The administration already has authority given to it in law to negotiate trade pacts. This negotiating authority was most recently provided by the Congress in the 1994 GATT agreement, or Uruguay round, and it is good into the next century.

I do not notice any crippling of the administration's negotiating authority or of its ability to successfully conclude trade agreements without the use of fast track. At the moment, the United States has been negotiating a so-called multilateral agreement on investment, MAI, for 2 years, which is now 90 percent or more complete, with strong American leadership and without the assurance of fast-track legislation. It is unclear whether the administration intends to try to get this agreement approved by the Congress under new fast-track approval legislation. Nevertheless, this immensely complicated and very important multilateral agreement has been negotiated without the benefit—without the benefit of a promise of the Senate's pulling a black bag of no amendment guarantees over its head.

I think we need an analysis of all the trade agreements concluded by the administration. Let's take a look at the scorecard. Let's see if Mr. Dole is right that without the Senate's passing the new Export Expansion and Reciprocal Trade Agreement Act of 1997, all is lost—all is lost. Let's try to determine if the Founding Fathers were completely off the mark when they gave to the Congress authority over the regulation of commerce with foreign nations in article I, section 8—article I, section 8, of the Constitution, dealing with the powers of the Congress. The Founding Fathers did not want the President to have this authority, because our Founding Fathers' memories were not

short indeed and the Founding Fathers were not at all enamored with the idea of a President of the United States gathering authority unto himself like they had experienced with King George III of England. So this exclusive power was not centered on the legislative branch by whim or by fancy. There were weighty considerations of a system founded on carefully balanced powers.

Therefore, let's not get stampeded by all the alarm bells, all of the Roman candles, all of the fire crackers of lost American leadership, of preposterous assertions about the behavior of our trading partners if we don't steer our constitutional system further in the direction of executive power. The scare-mongers say that the Sun rises in the west. I don't believe it. I don't believe the Sun rises at the western end of Constitution Avenue. If it does, that's a very recent phenomenon.

If our trading partners truly want to make market arrangements for new flows of goods and services with the United States, we certainly have learned that they will do so, even in the reality of scrutiny of the Congress over those deals. That has not stopped any country or group of countries from negotiating with us to date. So why should it happen now? Let us not short-change ourselves. Don't belittle ourselves. Let's not lose confidence in ourselves. This is America, the engine of world growth; the largest market, the most coveted market in the world! It is embarrassing and it is wrong to say that the role of the Congress is standing in the way of success, damaging to our world leadership, or an obstacle to getting good agreements. And it is absolutely preposterous to maintain that other nations will not negotiate with us if we follow our constitutional system.

If trade agreements are in the national interests of other nations, they will be at the table. They will be at the table, in my judgment, Congress or no Congress. Now, when was the last time that Congress rejected a trade agreement or emasculated it beyond further international consideration? These arguments put forth by the administration, and dutifully repeated—dutifully repeated by our distinguished former Republican leader, are just a pretext for not going through the rigors of defending such agreements, and all parts thereof, before the elected representatives of the people who are going to be subjected to them, certainly affected by them, and who will perhaps pay for them.

I hope that the Senate will have an informed, lengthy, robust debate on trade this week. It is high time that the Senate talked about such agreements; high time that the Senate talked about the trade deficits that we are experiencing.

My distinguished and informed and most learned colleague, BYRON DORGAN, has been talking about this from time to time over the long weeks and

months. I have seen him bring charts into the Chamber. I have heard him discuss the shortsightedness of our negotiators and how we continually let ourselves be taken to the cleaners in trade negotiations.

So I hope that we will have a good debate on trade this week because, as I say, it's high time that the Senate talked about the trade deficits we are experiencing, about the barriers that exist for access to foreign markets and about the real advantages and disadvantages of trade for our economy.

Mr. President, so much for the vacuous, vapid vaporings of those who would have us steer away from the constitutional authority of the Congress and go down that road that we have been traveling on for so long—of taking a beating in trade negotiations.

Mr. President, I ask unanimous consent that the article by former Senator Bob Dole be printed in the RECORD.

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

[From the Washington Post, Nov. 3, 1997]

GET BACK TO THE FAST TRACK ON TRADE

(By Bob Dole)

As Congress rushes to complete its work and adjourn this week, I have found myself in the unusual position of urging my former colleagues to stay—at least until they pass legislation giving fast-track trade negotiating authority to President Clinton.

During my tenure in the Senate, I often made the point that we could do more good by going home and listening to our constituents than by staying in Washington. But the decision to give the president fast-track authority is urgent and must be made now. The initial steps already have been taken in both Houses. Now it is up to the president, his administration and congressional leaders to make the case for passage.

Very simply, passing fast track is the right thing to do. Our nation's future prosperity—the good jobs that will provide a living for our children and grandchildren—will be created through international trade. Members have recognized this reality, on a bipartisan basis, for more than 20 years, giving fast-track authority to every president from Gerald Ford to George Bush.

Today it is more apparent than ever that the debate between advocates of free trade and protectionism is over. Global trade is a fact of life rather than a policy position. That is why we cannot cede leadership in developing markets to our competitors through inaction, thereby endangering America's economic future and abandoning our responsibility to lead as the sole remaining superpower.

During Chinese President Jiang Zemin's visit, it has been instructive to look at China's efforts to expand its export markets and international influence, not just in Asia but in our own back yard. China has targeted Argentina, Brazil, Chile, Mexico and Venezuela as "strategic priorities" to develop bilateral trade. While our elected leaders continue to ponder whether we will be fully engaged in the global economy, China is moving forward to reach free-trade agreements giving Chinese goods and services a significant tariff advantage that will eliminate the U.S. edge in productivity and proximity. The European Union also is working with the Mercosur trading block (Argentina, Brazil, Paraguay, Uruguay and associate members Chile and Bolivia) to create a partnership that will ex-

clude the United States and favor European products.

Latin American countries are negotiating bilateral and multilateral agreements at a rate that will make it unnecessary for them to wait for the United States. In a region that is projected to be the United States' largest market in just a few years, exceeding \$200 billion in trade by 2002, we are allowing competitors to eliminate our natural advantage. If this trend continues without any action on our part, we will soon need Latin America as a trading partner more than it needs us.

Emboldened by our inaction, French President Jacques Chirac recently declared, "Latin America's essential economic interests . . . lie not with the United States but with Europe." His comments are indicative of the growing belief that the United States lacks the political will to seize the lead in trade with developing nations. We must prove Chirac and other of like mind wrong.

Some may ask why it matters whether other countries beat us in securing trade pacts with developing nations. A better question, however, is: What are we waiting for?

Global leadership has enormous benefits—it increases our security and creates a multiplier effect for our exports. When we lead, the world accepts our way of doing business and our industrial standards, which, in turn, increases U.S. sales abroad. If China or the European Union beat us into developing markets, they will set the rules by which trade is conducted and influence the evolution of industry in fast-growing countries to their benefit.

Given that 96 percent of the world's consumers live outside the United States and that the global economy will grow at three times the rate of the U.S. economy, it is a certainty that many of tomorrow's high-paying American jobs will be created through exports. Every \$1 billion in new American exports creates 15,000 to 20,000 American jobs. And, already, more than a quarter of our economic growth and more than 10 million jobs are the direct result of overseas trade.

In order to honestly and thoroughly consider fast track, each member of Congress must recognize that the president still must consult with Congress in negotiating trade deals and that no agreement will go into effect without being passed by a majority in both houses of Congress. Fast track is a vote on process, not on substance. It would be a travesty for the leader of the greatest nation on earth not to be free to negotiate with his counterparts as an equal.

The president also needs to lead on this issue. As the leader of his party, as well as our nation, President Clinton must step up his efforts to persuade fellow Democrats to support this initiative. Fast track will not pass the House with a few dozen votes from the minority: We need an all-out presidential push. The fate of fast track legislation this fall may determine whether the president ever will negotiate another trade agreement.

The private sector—the companies that will create new jobs based on exports—also must make more forcefully the case to the American public and Congress that passing fast-track legislation is vital to America's continued economic growth.

If Congress fails to pass fast-track legislation before adjourning for the year, the danger is that, because of election-year politics in 1998, it will not pass until the 106th Congress in 1999—or even 2001, after the next presidential election. By then, the working people of America will have lost unnecessarily.

Global trade is inevitable, and presidential fast-track authority is indispensable if America is to lead the community of nations into the next century.

Now is the time for the president and Congress to work together and pass fast-track legislation.

(The writer is former Senate majority leader and the Republican nominee for president in 1996.)

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, October 31, 1997, the Federal debt stood at \$5,427,225,185,059.66 (Five trillion, four hundred twenty-seven billion, two hundred twenty-five million, one hundred eighty-five thousand, fifty-nine dollars and sixty-six cents).

One year ago, October 31, 1996, the Federal debt stood at \$5,247,320,000,000 (Five trillion, two hundred forty-seven billion, three hundred twenty million).

Twenty-five years ago, October 31, 1972, the Federal debt stood at \$439,947,000,000 (Four hundred thirty-nine billion, nine hundred forty-seven million) which reflects a debt increase of nearly \$5 trillion—\$4,987,278,185,059.66 (Four trillion, nine hundred eighty-seven billion, two hundred seventy-eight million, one hundred eighty-five thousand, fifty-nine dollars and sixty-six cents) during the past 25 years.

THE TOBACCO SETTLEMENT

Mr. ROBB. Mr. President, farmers face a great deal of uncertainty. The uncontrollable forces of nature or a volatile market can destroy a farmer's livelihood without warning. When the crops are planted, growers worry about whether they'll be enough rain—or too much; whether supply will be too great or demand too small; whether prices will be too low, or production costs too high. For tobacco growers, these unavoidable concerns were compounded when the tobacco industry and the 40 states' attorneys general unveiled their global settlement of tobacco issues on June 20 of this year. The parties did not address how the settlement would affect America's tobacco growers and their communities.

Much has happened since that time. Congressional hearings have been held, legislation has been drafted, and the President has reviewed the global settlement. A common theme runs through these separate actions, and that theme is that tobacco farmers and the families and communities that depend on them should not be punished by comprehensive tobacco legislation. I believe the President said it best when he remarked during his discussion of the tobacco settlement in September that:

We have a responsibility to [tobacco growers]. They haven't done anything wrong. They haven't done anything illegal. They're good, hardworking, tax-paying citizens, and they have not caused this problem. And we cannot let them, their families, or their communities just be crippled and broken by this. And, I don't think of the public health community wants to do that * * * We're trying to change America and make everybody whole. And they deserve a chance to have