Foreign countries routinely discriminate against our farm products. We can do more in high technology, where our telecommunications, computer hardware, and software firms are tremendously competitive. Subsidies and state trading companies in foreign countries distort trade tremendously. And our trade deficit remains unacceptably high. So we need to keep working to fix these things.

NEED FOR NEGOTIATING AUTHORITY

And the administration needs trade negotiating authority to do it. Granting negotiating authority—I do not call it ''fast track,'' because there is nothing fast about it—is a big step for Congress, but it is the right step. The fact is, big trade agreements are like base closing agreements. The best possible trade agreement will ask many different interests to give up a tariff, subsidy or other form of protection in exchange for an agreement that will help the entire country.

So I believe the Senate should approve a trade negotiating authority bill. And the one proposed yesterday by the administration is, I believe, a good start. It sets five general trade policy objectives: increasing market access; reducing barriers to trade; strengthening international trade rules; fostering economic growth and full employment; and addressing labor, environmental and other areas directly related to trade.

More specifically, the draft sets the following priorities: reducing tariff and non-tariff barriers; opening markets to services; protecting intellectual property; ensuring more transparency in international dispute settlement, which is extremely important to me; winning fairer investment rules, so countries no longer can force technology transfer or impose export requirements; and opening markets in agriculture. I am especially pleased by the inclusion of a specific negotiating objective of opening foreign markets to American farm products. The bill devotes appropriate attention to the problems we have with state trading enterprises like the boards which control grain trade in many of our trade competitors.

Finally, promoting internationally recognized labor standards and environmentally sustainable development.

LABOR AND THE ENVIRONMENT

Let me talk briefly about this last issue. This has become a source of controversy for reasons that I don't quite understand.

Since 1947 we have concluded five rounds of GATT. More recently, we have passed three so-called free trade agreements, the Information Technology Agreement, the Agreement on Basic Telecommunications and hundreds of other sectoral and bilateral agreements on trade issues. As a result, tariffs are lower, quotas have shrunk in number and scope, and other formal trade barriers have diminished.

As these agreements go into effect, we quite logically find that other policies—intellectual property enforcement, antitrust policy, subsidies, rule of law, transparency, technical standards, Government procurement, labor regulations, and environmental law enforcement all have some impact on trade.

Our trade policy should deal with these issues, and it does. Intellectual property is a top priority, as well it should be. Government procurement and subsidies are as well. To rule out labor and environmental standards is simply to make an arbitrary, ideological judgment that these are almost the only forms of policy whose trade effects we will refuse to recognize.

That does not mean treating them the same in all trade agreements. The trade agreement with Mexico, for example, was a unique case. There we negotiated an agreement with a developing country, with which we shared a long border and in which we had existing experience with a free trade arrangement—the maquiladora program—which had created very obvious and serious labor and environmental problems. So in my opinion, that agreement required pretty strict labor and environmental side agreements.

That is not necessarily true in all other agreements. We should look them over case by case. Some very important agreements authorized by this negotiating authority bill—for example, agreements on services, intellectual property and state trading companies in agriculture—probably don't require labor and environmental provisions at all. But it is simply wrong and unfair to American workers and companies to say that we should never consider these issues. And I believe that on the whole, the administration proposal strikes a reasonable balance by calling for negotiations on labor and environmental issues directly related to trade.

IMPROVING EXISTING AGREEMENTS

In one area, however, I think the proposal needs some additions.

That is, I consider it at least as important to enforce and improve existing trade agreements as to negotiate new ones. We now have a wide and complex web of agreements. Some work well. Others do not. Still others are bad agreements that ought to be improved or redone.

Let me offer an example. Ambassador Barshefsky recently scored a major success by opening Canada's market to our barley. That is a very good thing; but it also shows that NAFTA and the United States-Canada Free Trade Agreement are not perfect. They can be improved, and they should be. Likewise, the Uruguay round should have eliminated Japan's tariffs on wood products, but did not.

Thus I think we should also include language that reflects the importance of enforcing existing agreements and improving the ones we already have. And I hope to work with the administration to include such language.

NEGOTIATING AUTHORITY VERSUS AGREEMENTS

Finally, we should not confuse negotiating authority with actual agreements. By passing trade negotiating authority, we do not sign blank checks. I expect that the Congress and the public will be fully consulted as we decide which agreements to pursue,; and then as we negotiate those agreements. And we have the right to disapprove trade agreements that do not meet the standards they should. So by endorsing new negotiating authority, I do not promise support for any particular agreement.

To sum up, the country needs a tough and aggressive trade policy in the years to come. And the President needs negotiating authority for that policy. I support the effort and I hope the Senate will do so as well.

AMENDMENT NO. 1221

● Mr. MCCAIN. Mr. President, I join with Senator INOUYE in expressing strong opposition to the amendment. Just a few months ago, Senator INOUYE and I introduced a bill to amend the Indian Gaming Regulatory Act of 1987. The Indian Affairs Committee, which has jurisdiction over matters involving native Americans, has scheduled the first hearing on this bill on October 8, 1997. This hearing has been on the schedule for over a month. This is the normal and proper procedure for making policy with respect to native American issues.

If I had been able to be on the floor, I would have fought against and voted against this amendment. In its modified form, as it was finally adopted by voice vote, the amendment does not affect any process or procedure that currently exists into law or in regulation. However, it does represent an unwarranted interference into the development of reasonable and appropriate approaches to the authorization and regulation of Indian gaming that have not been considered or approved by the Indian Affairs Committee, the administration, or, more importantly, the tribes.

The amendment, even as modified, represents an ill-advised action of the Congress to influence the future of Indian gaming. The mere fact of offering this type of amendment, which seeks to micromanage the regulation of Indian gaming, will have the effect of prejudicing the outcome of the Indian Affairs' Committee hearings on IGRA amendment.

The proponents of this amendment are seeking to override a carefully balanced procedure in the Congress. They are seeking to throw up new obstacles to prevent tribes from engaging in gaming and to disrupt ongoing negotiations between States and tribes who are cooperating in developing Indian gaming compacts.

The IGRA was carefully crafted to take into account the differences among the several States. IGRA is not perfect, and that is why Senator INOUYE and I introduced amendments to the bill. The Enzi amendment is premature. The Senate Committee on Indian Affairs hearing is the proper

forum to discuss these issues and for opponents of Indian gaming to express their concerns.

Mr. President, I join with my colleagues on the Indian Affairs Committee in urging the conferees on the Interior appropriations bill to eliminate this provision from the final conference agreement. ●

IN HONOR OF JUDGE LAWRENCE H. COOKE

● Mr. MOYNIHAN. Mr. President, this weekend a glorious and important event will take place in Monticello, NY. On Sunday, September 20, 1997, the Courthouse in Sullivan County will be renamed the Lawrence H. Cooke Sullivan County Courthouse. Judge Cooke, a native of Monticello, is one of our State's more distinguished jurists. His legal career spans almost 60 years and is highlighted by his tenure from 1979 through 1984 as the chief judge of the New York State Court of Appeals, our State's highest court.

While Judge Cooke may be best known for his time on the court of appeals and his many years as a judge, practicing attorney, and town supervisor in Sullivan County, he also served as a member of my Judicial Screening Committee from 1985 through 1993. During his 8 years on the committee he provided wise counsel in helping me select candidates for Federal judgeships to be nominated by the President. While not necessarily the most glamorous part of being a Senator, selecting individuals for nomination to a Federal judgeship is one of our most important responsibilities. Long after a Senator has left the body, the judges whom he/she helped select may remain on the bench for many more years to come with life tenure. Judge Cooke provided invaluable assistance to me in this endeavor and I am pleased to say that he is now lending his talents to New York Governor George Pataki by serving on the Governor's judicial screening committee for State judgeships.

When I travel around New York State, one of the things I like to do if I have a couple of free minutes is to visit the local county courthouse. In most places, the courthouse is a grand and beautiful old building, and the courthouse in Sullivan County is no exception. Sullivan County was founded in 1809 and the current courthouse is actually the third it has had. The original burned down in 1844 and the second was replaced by the current structure in 1909. The newly named Cooke Courthouse is an Ohio sandstone building which was designed by William Beardsley of Poughkeepsie and built by the Kingston firm of Campbell and Dempsey for $143,000. In 1979 the building underwent a major renovation. It is a beautiful and historic building well befitting of Judge Cooke's name.

Mr. President, 1997 marks the sesquicentennial of the New York State Court of Appeals. With the exception of the U.S. Supreme Court, this court is perhaps the most important court in our Nation's legal history. One of the greatest jurists of the 20th century, Benjamin Cardozo, was a chief judge of this court before being nominated by President Franklin Roosevelt to the Supreme Court. Even today, every law student must read several of Judge Cardozo's opinions as part of a legal education and his opinion in Palsgraff versus Long Island Railroad is still the seminal case on proximate cause in torts. The current chief judge, Judith Kaye, is nationally recognized as a leader in judicial reform, especially in the area of jury selection. It is a proud and important tradition with which Judge Cooke is associated, and he certainly is an important part of that tradition.

On this special day on which we honor Judge Cooke, I want to wish the Judge and his wife Alice the best and thank him for his many years of service to me, to Sullivan County, to New York State, and to our justice system.●

NORTH ATLANTIC FISHERIES RESOURCE CONSERVATION ACT

● Ms. SNOWE. Mr. President, yesterday Senator KERRY and I introduced the North Atlantic Fisheries Resource Conservation Act. Unfortunately, we neglected to specifically ask that the text of the bill be printed in the RECORD. In order to ensure that the public has easy access to the bill's language, I now ask that the text of this bill be printed in the RECORD.

The text of the bill is as follows:

S. 1192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Atlantic Fisheries Resource Conservation Act''.

SEC. 2. HARVEST OF ATLANTIC MACKEREL AND HERRING BY LARGE FISHING VESSELS.

(a) PERMIT REQUIRED.—Nothwithstanding any other provision of law to the contrary, the Secretary of Commerce may not authorize or permit any fishing vessel (as defined in section 3(17) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(17) that—

(1) is 165 feet in length or longer; or

(2) has an engine or engines capable of producing a total of more than 3000 horsepower,

to harvest Atlantic mackerel or Atlantic herring in a fishery unless the participation of such a vessel is specifically allowed under a fishery management plan developed and implemented for that fishery under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) EXISTING PERMIT TO BE REVOKED.—Within 5 days after the date of enactment of this Act, the Secretary shall revoke any permit issued by the Secretary before that date to a vessel described in subsection (a) under which the vessel would be permitted to harvest Atlantic mackerel or Atlantic herring in such a fishery.

(c) FISHERY MANAGEMENT PLAN.—

(1) IMPLEMENTATION OF PLAN.—The New England Fishery Management Council shall prepare and submit a fishery management plan for Atlantic herring no later than June 30, 1998. The Secretary of Commerce shall implement the plan no later than September 30, 1998.

(2) AMENDMENT OF PLAN TO PERMIT LARGER VESSELS TO HARVEST.—The Mid-Atlantic Fishery Management Council, in consultation with the New England Fishery Management Council, shall prepare and submit, no later than June 30, 1998, an amendment to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries which specifically addresses the participation of vessels described in subsection (a) in the harvesting of Atlantic mackerel. The Secretary of Commerce shall implement the amendment no later than September 30, 1998.

(3) VESSEL LENGTH AND POWER CRITERIA.—The Council and the Secretary may include vessel length or vessel power limitations, or both, in any fishery management plan or amendment under paragraph (1) or (2). The limitations may be greater or smaller than the vessel length and vessel power of a vessel described in subsection (a).●

NATIONAL POW/MIA RECOGNITION DAY

● Mr. SMITH of New Hampshire. Mr. President, Friday, September 19, 1997, has been designated this year by President Clinton and numerous State Governors as National POW/MIA Recognition Day. This is a special day for paying tribute to our missing service members and civilians involved with our Nation's past military conflicts. It is a day for reaffirming throughout the United States our national commitment to obtaining the fullest possible accounting for America's POW's and MIA's.

It has been an honor and privilege for me, since my election to the Congress in 1984, to assist the POW/MIA families, our veterans, and their friends and supporters, with the many efforts that have been undertaken to try to achieve a proper accounting for so many of our Nation's bravest heroes still listed as missing. It has been a difficult and emotional task, complicated by on and off-again cooperation by foreign governments.

As many of my colleagues know, I served as vice-chairman of the Senate Select Committee on POW/MIA Affairs in 1992, and I currently serve as the U.S. chairman of the Vietnam War Working Group of the Joint United States-Russian Commission on POW's and MIA's. This past summer, I, along with Congressman SAM JOHNSON of Texas, himself a returned POW from North Vietnam, traveled to Russia, Poland, and the Czech Republic in our continuing efforts to open archives and interview people knowledgeable about the fate of American POW's. We both feel, as a result of our trip, that we have enhanced our Government's ability to further investigate POW/MIA leads. I have also continued my own efforts here in the Senate to ensure that U.S. Government records on this issue are declassified and made available to the public. I am pleased to report that I am making additional progress in that regard, specifically with respect to information from the Nixon administration that I hope will shed more