

On September 11, our Nation's aviation system was transformed into a terrorist weapon. The United States was caught off-guard. Sadly, with aviation security, we should not have been. That is why we needed to pass this legislation.

All four planes hijacked were headed for my State of California. Consequently, many Californians who were simply trying to make their way home lost their lives in these attacks.

That is why I am particularly pleased that this legislation will ensure that all high risk flights will have air marshals aboard them. And, the Secretary of Transportation is to give priority to long-distance flights—such as those targeted on September 11. That is extremely important for Californians.

I am also pleased that this legislation will allow airports to be reimbursed and to use grant funds to pay for security costs. Our airports have been hit hard to meet new Federal security standards. For example, between September 11 and the end of October, Los Angeles International Airport spent \$15.3 million on increased security costs. The funds in this bill will allow our airports to continue to operate our aviation infrastructure while providing the highest levels of security.

This bill also makes a significant improvement in passenger screeners. Federal law enforcement personnel will conduct passenger screening, instead of private low-paid workers. We could not allow the same companies to continue to be in charge of passenger screening.

This bill makes great strides forward in making our skies more secure and ensuring that the events of September 11 never happen again.

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to elaborate upon the air travel security compromise reached yesterday by Congress—particularly the provisions in the bill that incorporate the amendment authored by Senator DURBIN and myself.

Consistent with the recommendations we made, the bill calls for the individual named to the newly established position of Under Secretary of Transportation for Security to, within 6 months, review and determine which immediately available new technologies can be used to more effectively restrict access to sensitive areas of our airports, including the tarmac, maintenance facilities, baggage handling centers and catering facilities. Such technologies may include biometrics, card or keypad-based access systems, and increased monitoring of emergency exit systems. The Under Secretary is directed to outline a strategy for deploying these technologies within 12 months at all major airports.

The bill strengthens our recommendation to ensure that all checked baggage is screened for explosives by requiring that, within 60 days, all bags be either checked or matched to a boarded passenger and that, by the

end of 2002, airports deploy equipment to detect explosives in all checked baggage.

To meet new and unprecedented threats without delay, we must as a nation harness the power of innovation to improve transportation security. That's why I was also pleased to see included in the compromise our recommended authorization of \$50 million in each of the next 5 years for the public and private sectors to accelerate development and testing of new aviation security technologies—including faster, better, and cheaper passenger and baggage screening equipment; systems capable of detecting components of weapons of mass destruction; systems for screening catering and cargo items; advances in training of security personnel; and new methods of “hardening” the aircraft in the event of an in-flight explosion.

As called for by Senator DURBIN and myself, the compromise also includes \$20 million for longer term research into state-of-the-art weapons detection systems, advanced biometrics, secure networking for sharing of threat information, and other groundbreaking technologies to prevent acts of terrorism in aviation.

I am also pleased to see included in the final bill my provision requiring criminal background checks of all currently employed airport security personnel. Given recent breaches of security and growing anxiety about the baggage screening process, Americans deserve every reassurance that screeners will be reliable and trustworthy.

I hope these measures and others begin to make the urgent and immediate improvements necessary to secure our skies for the American traveling public. With the holidays coming and the economy moving toward recession, this legislation could not come at a better time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, we are trying to get the bill over to the House as promptly as we can. I am prepared to yield back our time, if the Senator from Texas as well is willing.

Mrs. HUTCHISON. Madam President, our side yields back all time.

Mr. HOLLINGS. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the staff and the distinguished Chair and wish all a happy Thanksgiving.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate

now proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

The Senator from West Virginia.

FAST TRACK

Mr. BYRD. Mr. President, I stood in this place last Friday to warn Congress that we must not allow the administration to arrogate to itself the full authority to determine the trade policy of the United States, that we must not be asleep at the wheel as the one-sided trade jalopy goes rumbling down the fast track—the fast track. There we go again.

For what this Congress calls fast track, the administration uses the euphemistic term “trade promotion authority.” Trade promotion authority—it certainly has an innocent enough sound. It is a sound that is rather sweet to the ears—trade promotion authority. But lift up the cover of this euphemistic term, lift the cover, just peep a little under it, and you will find the real villain: fast track, fast-track authority.

So last Friday I stood in my place here and said to Congress that we must not allow the administration to arrogate to itself the authority to determine the trade policy of the United States, that we must not be asleep at the wheel “as the one-sided trade jalopy” goes rumbling down the fast track. I was referring, of course, as I say, to the administration’s request, its wolf in sheep’s clothing request for special authority to negotiate trade agreements that would not be subject to normal rules of debate and amendment.

I was also referring to the penchants of Presidents, both Republican and Democrat, in these more recent years to offer our trading partners unilateral concessions in exchange for the mantle of global leadership. As Jackie Gleason used to say, “How sweet it is”—to wear the mantle of global leadership.

The news from Doha, Qatar, confirms my worst fears. According to the Wall Street Journal, our trade negotiator, Ambassador Robert Zoellick, “led the way in making extraordinary concessions to developing countries,” including “agreeing to renegotiate America’s anti-dumping laws.”

I quote a little further from the Wall Street Journal news story.

U.S. Trade Rep. Robert Zoellick faced a stark choice when he arrived in Doha, Qatar, last week: He could win either fast-track negotiating authority from Congress or a new round of trade talks.

To get a World Trade Organization deal, Mr. Zoellick would have to make concessions to poor countries that would so infuriate Congress that lawmakers wouldn’t grant fast-track authority. To get fast track, which would allow President Bush to negotiate trade deals that Congress could approve or reject, but not amend, he would have to

make concessions to liberal Democrats that would so anger poorer countries that they wouldn't open new trade talks.

On Monday, Mr. Zoellick announced his decision to a group of ministers and delegates at the convention center in Doha, where the WTO was meeting. The U.S., he said, would cede to their demands to allow negotiations on America's hated antidumping laws, which punish other countries that "dump" products on the U.S. market at below cost.

Before going to Qatar, Mr. Zoellick said he was fed up with Democrats' demands for more concessions on fast track. He pointed to his decision to allow a big steel trade case to go forward, which could temporarily shutter the U.S. market to some foreign steel. He said his fast-track proposal also addressed labor and environmental concerns of Democrats. "At some point, people are going to have to decide if they can take yes for an answer," Mr. Zoellick said.

Mr. President, I ask unanimous consent that the entire story from the Wall Street Journal of November 16 be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1).

Mr. BYRD. Mr. President, so you see Mr. Zoellick, according to the Wall Street Journal, "led the way in making extraordinary concessions to developing countries," including "agreeing to renegotiate America's anti-dumping laws." Among the big winners, according to the Journal, were foreign steel makers and big multinational manufacturers. The big losers? Guess. I will give you one guess. U.S. steel makers and auto makers are the big losers.

Our trading partners, who often protect their home markets by turning a blind eye to anticompetitive practices by their big manufacturers, hypocritically call our trade laws "protectionist," and they find allies here in the United States among those who claim for themselves the banner of "free trade." Let us be clear: the American people demand that the fruits of their labor be able to compete without fear of foreign predation. They want trade that is both free and fair.

Let us also clear away—once and for all—the cant about "protectionism." Our antidumping law is based on a very simple requirement for foreign manufacturers. What is it? Do not injure producers in our market by selling below cost or charging less here than you charge in your home market. The plain fact is that foreign producers of certain products, such as steel and autos and lumber, dump in America year after year after year, and put all of their efforts into weakening our antidumping laws. Their home governments, whose markets are much less open than ours, work fist-in-glove with these predators.

Our countervailing duty law, which the Administration has also placed on the negotiating table, is no more protectionist than our antidumping law. The law is based on a very simple requirement for foreign governments: Do not seek trade advantages by subsidizing the production of merchandise

that your companies sell in the United States. Hands off. If you do, we will apply an offsetting tax to the unfairly traded goods that come into our country.

Why should we permit our trade laws to be eviscerated by foreign interests? What possible rationale could there be for putting our antidumping and countervailing duty laws on the negotiating table? Is it to further distort competition to the disadvantage of U.S. producers?

Let me give you an example of what passes for a so-called "legitimate" trade dispute in the eyes of many of our trading partners. In many countries, government-owned steel companies have been the beneficiaries of massive subsidization over a period of decades. Without these subsidies, the steel companies would simply not exist in those countries. They would be gone with the wind. After pouring billions of dollars into a government-owned company, the foreign government then sells it off for pennies on the dollar—pennies on the dollar, or pennies from heaven. The newly privatized company, which wants to sell its subsidized overcapacity in the United States, then has the audacity to claim a "privatization exemption" from U.S. countervailing duties. Mind you, there is nothing in any agreement to which we are a party that gives privatized companies such an exemption. Nevertheless, under current international rules, the United States must fight like the dickens to apply countervailing duties in these situations. What will happen after we put our trade laws on the negotiating table?

In short, the United States must not capitulate, Mr. President, to these foreign predators. More to the point, Congress—the body which is closest to the people—must not cede its authority over foreign commerce to the Chief Executive.

The Framers of the Constitution did not cede that authority to the Executive, no. Article I, section 8 of the Constitution grants Congress the exclusive authority over such matters.

Let's take a look at article I, section 8, of the Constitution, which I hold in my hand. What does it say? Section 8:

The Congress shall have Power—

It does not say the executive branch; it does not say the President of the United States; it does not say that vaunted title: The Commander in Chief—

The Constitution says:

The Congress shall have Power . . . To regulate Commerce with foreign Nations—

Aha, there it is. There it is in black and white. Read it and run.

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes. . . .

Well, you say, Congress can delegate certain authority. Well, that is true. But can it delegate the authority given to the Congress by the Constitution to

debate and amend? And that is what we do. That is what we do when we support something like fast track.

So, Mr. President, the Constitution is what I have just read.

Let the Constitution, our Nation's shining glory, be our guiding light. Let us demand that our trade negotiators take a strong stand for American jobs and American values. All countries benefit from international trade, and all countries must share in the costs of constructing the framework of that trade.

Now, as I have said many times on this floor—I ought not have to repeat it—I am not suggesting that Congress get involved in the minutiae of international trade agreements. I am not suggesting that we inject ourselves into each little teensy-weensy, itsy-bitsy tariff determination. Our trade laws, however, are not minutiae. They represent the sole hope for companies that are being picked apart by vulnerable foreign trading practices.

Communities across America, all across the land—the East, the West, the North, and the South—are waiting to see whether we are strong enough to stand up for their interests—their interests—the people's interests.

They are waiting to see whether the United States will once more be duped by those whose unabashed—unabashed—motive is to gut the framework of fair trade. If we stand by the Constitution—if we stand by the Constitution—that magnificently balanced instrument of the people, by the people, and for the people, we will not fail our constituents. As well, we will herald a trade policy for the new millennium, a trade policy according to which we do not sacrifice hard-working Americans at the altar, at the altar, at the "Golden Calf," if you please, of nebulous foreign policy objectives, a trade policy that is based on the pursuit of mutual benefit among sovereign nations.

Now, Mr. President, that is not protectionism. If it is, then I am for it. That is not protectionism. It is a policy based on the traditional principles of national sovereignty as well as the absolute respect of each law-abiding nation for every other such nation. It is a policy the American people expect, and it is one that we—the elected representatives of the people—have a constitutional duty to uphold.

May God bless America. But in doing so, may God bless the Constitution of this Republic. Thank God for that Constitution. I hope the administration will read it over the Thanksgiving holiday. It might be well if we ourselves all read it again.

Mr. President, I yield the floor.

EXHIBIT I

[From the Wall Street Journal, Nov. 16, 2001]
POLITICS & POLICY

ZOELLICK'S TRADE CONCESSION WINS WTO TALKS BUT COULD COST BUSH FAST-TRACK AUTHORITY

(By Helene Cooper and Shailagh Murray)
WASHINGTON.—U.S. Trade Rep. Robert Zoellick faced a stark choice when he arrived in Doha, Qatar, last week: He could win

either fast-track negotiating authority from Congress or a new round of trade talks.

To get a world Trade Organization deal, Mr. Zoellick, would have to make concessions to poor countries that would so infuriate Congress that lawmakers would't grant fast-track authority. To get fast track, which would allow President Bush to negotiate trade deals that Congress could approve or reject, but not amend, he would have to make concessions to liberal Democrats that would so anger poorer countries that they wouldn't open new trade talks.

On Monday, Mr. Zoellick announced his decision to a group of ministers and delegates at the convention center in Doha, where the WTO was meeting. The U.S., he said, would cede to their demands to allow negotiations on America's hated antidumping laws, which punish other countries that "dump" products on the U.S. market at below cost.

Bill Klinefelter, the United Steelworkers of America representative who sent to Doha to keep Mr. Zoellick from negotiating on U.S. antidumping laws, was furious. Mr. Zoellick, he said, could "kiss fast track goodbye. He's never getting it now."

The irony is that without fast track, Mr. Zoellick won't be able to conclude the trade talks launched at the WTO meeting. Trade envoys hope to wrap us the talks in three years, though few really believe they will finish that early.

Thursday, lawmakers were still digesting the details of the Doha agreement. Republicans praised it and said they still plan to try to get fast track. House Speaker Dennis Hastert (R., Ill.) said he still hopes to bring fast-track authority to a vote the week after Thanksgiving. But there is little chance of passage without some support from moderate Democrats—and few were cheering.

Mr. Zoellick's fast-track proposal "was not tenable before Doha, and it's even less tenable after Doha," said Rep. Sander Levin, (D., Mich.) the only lawmaker who attended the WTO meeting.

House Minority Leader Richard Gephardt (D., Mo.) told reporters Mr. Zoellick's concessions were "negative in terms of getting agreement on" fast track. "They put on the table for negotiation our antidumping laws," he said. "We are in the middle of a steel crisis now in terms of losing sales and losing capacity in our steel system."

The U.S. steel industry is one of the biggest beneficiaries of antidumping laws, so lawmakers from steel states don't want to see those laws weakened. Mr. Zoellick's decision "is a stunning betrayal of America's workers," said Rep. Peter Visclosky (D., Ind.) vice chairman of the Congressional Steel Caucus. "Putting our trade laws on the table flies in the face of fair trade and totally disregards the expressed will of Congress that our trade laws not be negotiated away."

Before going to Qatar, Mr. Zoellick said he was fed up with Democrats' demands for more concessions on fast track. He pointed to his decision to allow a big steel trade case to go forward, which could temporarily shutter the U.S. market to some foreign steel. He said his fast-track proposal also addressed labor and environmental concerns of Democrats. "At some point, people are going to have to decide if they can take yes for an answer," Mr. Zoellick said.

Some moderate Democrats defended Mr. Zoellick's concessions on steel and said they still hope to salvage fast track. "The challenge is making sure everyone understands the provisions," said Rep. Calvin Dooley (D., Calif.).

In Doha, Mr. Zoellick steadfastly protected America's textile industry. He repeatedly turned down demands from India and Pakistan that the U.S. import more clothing.

That decision was looking almost fortuitous, but it clearly won't be enough to bring about converts on fast track: Burlington Industries Inc., Greensboro, N.C., filed for Chapter 11 bankruptcy protection and blamed it on cheap imports. Burlington Chief Executive George W. Henderson specifically cited the U.S. government as a culprit, saying it used the textile industry as a bargaining chip in international relations.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AVIATION SECURITY ACT CONFERENCE REPORT

Mr. BYRD. Mr. President, the Senate earlier today approved a conference report that will increase security substantially at our Nation's airports. And this is a good step—a good step—toward restoring the American people's confidence in their own safety. And it is a good step forward in rejuvenating our economy.

This is very fine legislation. But I wish to remind ourselves that a few days ago we had a golden opportunity to enact other very fine legislation that would go far in rejuvenating the hope, the faith, and the confidence in the minds of the American people that the Government was looking out for their security, for their welfare. And I refer to that amendment which Senator HARRY REID, the distinguished Democratic whip in this body, and the distinguished majority leader, Mr. DASCHLE, and Senator HOLLINGS, and other Senators and I offered, to guarantee, to a much greater extent than I have to explain today, the defense of our homeland, homeland defense.

That legislation was rejected by the minority in this body. So while we congratulate ourselves—and rightly so—on enacting legislation dealing with safety at our airports, safety to the travelers on airplanes, that does not bring an end to the threat of bioterrorism.

The legislation we passed today will not provide for smallpox vaccines and anthrax antibiotics. My amendment a few days ago, the homeland defense amendment to the so-called stimulus bill, would provide for smallpox vaccine, would provide money, \$4 billion, to end the threat of bioterrorism.

Our Republican friends rejected it. I hear that some of the House conferees don't want to have any conferences over there in which the majority leader, Senator DASCHLE, or Senator ROBERT BYRD are in attendance. They don't want to hold any conferences, I hear. I read that in the paper, that certain Members of the other body have said: We don't want Senator DASCHLE and Senator ROBERT BYRD to be in the room when we are talking about homeland defense.

Will this legislation provide for smallpox vaccine and anthrax antibiotics? No. But our legislation which we offered the other day would have. It was turned down. The Republicans said: No, no, no.

The bill we passed today doesn't improve the training of our doctors and nurses, but that \$15 billion homeland defense amendment would have improved the training of our doctors and nurses, would have expanded the capacity of local hospitals and medical labs.

The legislation we passed today is good legislation, but it leaves much work to be done. Of course, nobody ever told us that that legislation was the alpha and the omega, the beginning and the end, of homeland security legislation. I am not making that charge. But I am talking about some other homeland security provisions that were in the amendment which I offered at the time Mr. MAX BAUCUS, the Senator from Montana, was offering his tax legislation.

Does the legislation we passed today provide counterterrorism training for our local police and fire departments? Does it give them access to new resources and equipment so that they are prepared to respond to possible future terrorist attacks? Does it tighten security at our borders and at our shipping ports? Does it provide for better protection of our food supply against possible biological attack? Sadly, the answer to these questions is a resounding no, no, no.

We in Congress have a responsibility to provide for the common defense. That is what the preamble to the Constitution mentions, among other things: Provide for the common defense. We have a responsibility to provide resources to prevent future potential terrorist attacks and to ensure rapid response should another attack, God forbid, occur. We have a job to do.

While we are at home on Thanksgiving Day, we should give thanks for our many blessings, but we should also be thinking about the job that is still left undone. We have work to do.

To date we have been unable to do that job because of partisan gridlock. What a sad commentary on the Senate. What a sad commentary on the Congress. When we return from the Thanksgiving break, we will refocus. We will be back, Lord willing. We will be back. We will refocus on homeland security, homeland defense. I hope we can make the same kind of rapid bipartisan progress to improve our defenses here at home as we have achieved today in airport security.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.