

Wamp	Weldon (PA)	Wolf
Watkins (OK)	Weller	Young (AK)
Watts (OK)	Wicker	
Weldon (FL)	Wilson (NM)	

NAYS—200

Abercrombie	Gutierrez	Neal
Ackerman	Hall (OH)	Norwood
Allen	Harman	Oberstar
Andrews	Hastings (FL)	Obey
Baca	Hill	Olver
Baldacci	Hilliard	Ortiz
Baldwin	Hinchev	Owens
Barcia	Hoeffel	Pallone
Barrett	Holden	Pascrell
Becerra	Holt	Pastor
Berkley	Honda	Payne
Berman	Hookey	Pelosi
Berry	Hoyer	Peterson (MN)
Bishop	Inslee	Phelps
Blagojevich	Israel	Pomeroy
Blumenauer	Jackson (IL)	Price (NC)
Bonior	Jackson-Lee	Rahall
Borski	(TX)	Rangel
Boswell	Jefferson	Reyes
Boucher	Johnson, E. B.	Rivers
Boyd	Jones (NC)	Rodriguez
Brady (PA)	Jones (OH)	Roemer
Brown (FL)	Kanjorski	Ross
Brown (OH)	Kaptur	Rothman
Capps	Kennedy (RI)	Royal-Allard
Capuano	Kildee	Rush
Cardin	Kilpatrick	Sabo
Carson (IN)	Kind (WI)	Sanchez
Clay	Klecicka	Sanders
Clayton	Kucinich	Sandlin
Clement	LaFalce	Sawyer
Clyburn	Lampson	Schakowsky
Coble	Langevin	Schiff
Condit	Lantos	Scott
Conyers	Larsen (WA)	Serrano
Costello	Larson (CT)	Sherman
Coyne	Lee	Shows
Cramer	Levin	Skeen
Crowley	Lewis (GA)	Slaughter
Cummings	Lofgren	Snyder
Davis (CA)	Lowey	Solis
Davis (FL)	Luther	Spratt
Davis (IL)	Lynch	Strickland
DeFazio	Maloney (CT)	Stupak
DeGette	Maloney (NY)	Taylor (MS)
Delahunt	Markey	Thompson (CA)
DeLauro	Mascara	Thompson (MS)
Deutsch	Matsui	Thurman
Dingell	McCarthy (MO)	Tierney
Doggett	McCarthy (NY)	Towns
Doyle	McCollum	Turner
Edwards	McDermott	Udall (CO)
Engel	McGovern	Udall (NM)
Eshoo	McIntyre	Velazquez
Etheridge	McKinney	Visclosky
Evans	McNulty	Waters
Farr	Meek (FL)	Watson (CA)
Fattah	Meeks (NY)	Watt (NC)
Filner	Menendez	Waxman
Ford	Millender-	Weiner
Frank	McDonald	Wexler
Frost	Miller, George	Wilson (SC)
Gephardt	Mink	Woolsey
Gonzalez	Mollohan	Wu
Goode	Moore	Wynn
Gordon	Murtha	Young (FL)
Graham	Nadler	
Green (TX)	Napolitano	

NOT VOTING—14

Baird	Hinojosa	Roukema
Blunt	Lewis (CA)	Stark
Combest	Lipinski	Stump
Gillmor	Meehan	Whitfield
Hefley	Ney	

□ 0151

Mr. HILL and Mr. WYNN changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 3210, TERRORISM RISK PROTECTION ACT

The SPEAKER pro tempore (Mr. SIMPSON). Without objection and pursuant to clause 11, rule I, the Chair removes the gentleman from North Carolina (Mr. COBLE) as a conferee on H.R. 3210, Terrorism Risk Protection Act, and appoints the gentleman from Virginia (Mr. GOODLATTE) to fill the vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

CONFERENCE REPORT ON H.R. 3009, TRADE ACT OF 2002

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 509, I call up the conference report on the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 509, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank all the Members of the House and especially those 18 members on this conference committee of six different committees on House side and the five Senators from the Finance Committee for allowing all of us to be placed in a time period which is extremely unusual to resolve a conference committee. It was done in a manner and an attitude that produced a product that I think the institution, the House of Representatives and the Senate, should be pleased, notwithstanding the fact the President has not had the power to negotiate since 1994 when finally the Senate acted and the House was able to go to conference with the Senate. We have relatively quickly resolved the differences between the two Houses.

Notwithstanding the fact that we have fallen behind in terms of bilateral and multilateral trade relationships around the world because the Presidents have not had this power, the House and the Senate in this particular historic agreement have understood in a far more sophisticated way completely the consequences of trade.

Clearly when we engage in trade, it means change. The positive change is, of course, better-paying jobs, and it

provides cheaper goods to consumers. The downside of course is that that change means some jobs are traded for other jobs. And what has not been fully recognized is that we get the benefits of the upside, but a full understanding of trade means we need the protections on the downside because if you can take care of those who, through no fault of their own, have lost their job through trade, you create an atmosphere and a desire to engage in even more trade.

And that is what this conference report reflects. An understanding the President needs the negotiating power but that also included is a structure to make sure that through no fault of those who lose their job, they are taken care of, not just in terms of employment or retraining, but in terms of providing, for example, health insurance, to the extent that it is entirely possible that under these provisions, someone, who was not able to get health insurance when they were employed during the retraining program, would get health insurance. That is how enlightened this particular measure is.

I am extremely pleased to say that four of the five Senators, two of the three Democratic Senators, have agreed with this conference report, and I would like to say that the chairman of the Finance Committee, Senator MAX BAUCUS of Montana, deserves an enormous amount of credit in terms of his willingness to sit very long hours discussing issues that sometimes are very difficult to resolve but nevertheless having the will and the fortitude to come out the other side to produce this document.

And then just let me say that we would not be here tonight if it were not for three very brave, I was going to say colleagues. I will say friends of mine on the other side of the aisle, ironically someone represents a district that is directly next to mine. We share a portion of the San Joaquin Valley, the gentleman from California (Mr. DOOLEY); the gentleman from Tennessee (Mr. TANNER); and the gentleman from Louisiana (Mr. JEFFERSON).

If they did not have the courage and the conviction to sit down and say it has been too long, let us try to work out a document, because as has been the case most frequently, this House led. It led in a bipartisan way. And we are here tonight largely because of their courage and conviction. And I want to thank them very much.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I did not know how many other Democrats the distinguished chairman was going to laud here, but I see they all fled the floor.

Mr. Speaker, on this historic occasion at two o'clock in the morning, the chairman would like for everyone to believe that we are embarking on a

trade agreement that is going to cause the free world to thank us for the great work that we have done. Of course when one would ask how many people in this august body has had the opportunity to read the 304 pages of this bill we are referred to the Web site and e-mail to find out what is here.

□ 0200

So I guess basically what the chairman is saying is, do not vote for the bill because we can assume that the Members do not know exactly what is in these 304 pages. What he is suggesting is that Members trust him.

So maybe we can staple him to whatever newsletter we are going to send out to tell people what we have done for the free world and how this is going to help the workers. But I doubt very seriously whether we can wave the flag and be so proud of the fact that, when we are talking about international trade, he had to find two Democrats that made it possible, when Democrats in the House are almost half of the House.

What we should be doing when we deal with foreign policy and when we deal with trade is to be able to say when that American flag goes up that it was a bipartisan effort that we made; and that deals were not made in the middle of night or Members not selected one or two, but it means that we come together to find out what is in the best interest of the United States of America and not what is in the best interest of the majority.

In the final analysis, the work that we do in this House is not the work of Democrats, it is not the work of Republicans, it is the work of the people in the House of Representatives that have a responsibility to deal with the commerce provisions of the United States Constitution.

Now, there are some people that may not care what happens in the World Trade Organization. They may say let the executive branch negotiate and we give up these powers. But when the final day is written and it is over and the history is written, it is going to be what did the United States of America do to set standards for the rest of the working people in this world.

A lot of people have suffered and died for the right of unions to be able to come and to give us a decent wage, vacation, and all those things. We do not expect that in developing countries, that they would assume our standards. What we do hope is that they would be able to assume our dreams, our aspirations, and be able to do that. On this side of the aisle, we say that should be incorporated in each and every agreement that we have, no matter how undeveloped a country is.

But, listen, the best time to talk about our best work is when everyone is sleeping. The best time to talk about what we did is when no one knows what we have done. The best time to bring up a historic bill is 1 a.m. in the morning and debate it until 3 a.m. in the morning.

So I guess we are going to find out what happens in this bill at some time, at some place, but this is no way for this Congress to be conducting its business.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 3009.

Mr. Speaker, this bipartisan conference agreement is the culmination of a process that began in the Subcommittee on Trade over a year ago when I introduced H.R. 2149, the Trade Promotion Authority act. Since that time, Republicans and Democrats have trudged miles together in search of this delicate consensus.

Mr. Speaker, trade is fundamental to our relations with other nations. As the President strives to neutralize international threats to our security, Trade Promotion Authority is an essential tool for him to build coalitions around the world that safeguards our freedoms.

This bill is about arming the President with authority that achieves trade agreements written in the best interest of U.S. farmers, companies, and workers. This legislation will ensure that the world knows that Americans speak with one voice on issues vital to our economic security. At the same time, it ensures that the President will negotiate according to clearly defined goals and objectives written by Congress.

TPA simply offers the opportunity for us to negotiate from a position of strength. In no way does TPA constitute the final approval of any trade agreement. Congress and the American people retain full authority to approve or disapprove any trade agreement at the time the President presents it to Congress.

I am also pleased that included in this legislation is my bill, the Andean Trade Promotion and Drug Eradication Act, which renews our commitment to help the Andean countries in the war on drugs. Notably, the Andean provisions include expanded benefits for Andean apparel made of U.S. and regional fabrics, yarn, and for tuna in pouches.

In closing, Mr. Speaker, Americans have never been reluctant to go head to head with our trading partners. We should not dash the best chance we have of creating a better future of dynamic economic growth and success for our workers, businesses, and farmers in the international markets. Restoring this authority will help the U.S. resume its rightful role as the world leader when it comes to trade.

Mr. Speaker, this is an historic moment for the House. Accordingly, I urge an "aye" vote on H.R. 3009.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

We are not the only people in America working at 2 a.m. in morning. In the textile plants, what few are left in the South and other places in the country, there are people working the third shift. And here is what I want to tell them if they have a chance to listen. I am voting on a piece of legislation that affects your jobs, and I have no idea exactly how it works. But I know this: On page 271, 272, page 281, 243, and 244, the amount of duty-free apparel that can come into this country to compete with your job has doubled and tripled, and it is some of the dyeing and finishing protections that we fought so hard for, which I think have been tremendously undermined.

My colleagues are asking me to vote on a bill to give the President the ability to unilaterally negotiate trade agreements, and dozens of pages affect textile policy. And when you double the amount that can come in from foreign countries, where the wage rates are almost nothing, no environmental laws, you are going to put some of my people out of business. And you are making me vote in the middle of the night on something I do not know about, and I resent the hell out of it, and I am going to vote no.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Speaker, I want to first off commend the conferees that put together this conference report, in particular the gentleman from California (Mr. THOMAS), who joined with the majority leader in the Senate, Mr. DASCHLE, and Senator Max Baucus, a member of the Senate Committee on Finance, and really put together what I think is a significant step forward on the Trade Promotion Authority that is complemented with the Trade Adjustment Act.

These individuals, Democrats and Republicans, came together because they understand that the future and the welfare of the American people is going to be best advanced if we move forward with a trade agenda that embodies a policy of economic engagement, and that by building stronger trade relationships we are going to provide greater economic opportunities for the businesses and the workers that they employ.

But these Democrats and Republicans also understood that we also have to be providing assistance to those workers who are dislocated because of increased competition in trade. They built upon some of the good work of Democrats in the House in the Trade Adjustment Act. They ensured that this final package that we are going to be voting on today, for the first time, includes health benefits for

workers who are dislocated because of trade. Sixty-five percent tax credit for their health insurance. This is a new benefit that never has been provided before.

This trade adjustment package also ensures for the first time ever that older workers will have wage insurance that they have not had before. And this Trade Adjustment Act package we are voting on today ensures we have a significant expansion of coverage for secondary workers. That is going to ensure that tens of thousands of workers that were not eligible for trade assistance benefits in the past will be covered today.

This is a comprehensive package that embraces the best of policies in terms of how we can advance our economic opportunities and also expand the values of the United States. Through this increased trade with these countries, we ensure that we can expand democracy and capitalism and human rights, while at the same time providing the legitimate safety net for the workers in this country.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT), a senior member of the Committee on Ways and Means.

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, this has been an amazing night. First, the President gets the Homeland Security bill he wants, and now he has the fast track bill he wants.

As I was listening and watching the first, and now reading the second a little bit, I thought of a quote. "Beware the leader who bangs the drums of war in order to whip the citizenry into a patriotic fervor, for patriotism is indeed a double-edged sword. It both emboldens the blood, just as it narrows the mind. And when the drums of war have reached a fever pitch and the blood boils with hate and the mind has closed, the leader will have no need in seizing the rights of the citizenry. Rather, the citizenry, infused with fear and blinded by patriotism, will offer up all of their rights unto the leader and gladly so. How do I know? For this is what I have done. And I am Caesar."

□ 0210

Now, does that sound familiar to what is going on here tonight? This is an historic bill. When Members return in September, they will give back their voting cards and get a rubber stamp, and they can stamp approve, approve, approve, anything the President wants. The President is going to bring a trade bill here, and Members are going to get a chance to stamp approve; or not approve.

Why do I worry about that? Let me tell Members. Let us look at his record. It is not as though he is an amateur who just wandered on the scene. This man signed a law for \$180 billion worth of farm subsidies, which fly in the face

of our international commitment to reduce trade-distorting subsidies. Those subsidies drive down the price of agricultural goods, and seriously impair the efforts of developing countries to cultivate their own means of food production.

The President has imposed WTO non-compliant steel tariffs, which have exacerbated our problems with Europe. Despite NAFTA and WTO, the President has slapped the Canadian softwood lumber with 30 percent tariffs. The President has withdrawn the United States from the ABM treaty.

This is the man that Members are giving the right to go out and negotiate for them, and all they have is their stamp "approved," or not. That is what Members are going to get. That is the participation of Members. Members are yielding up their rights fully to this man. If Members feel comfortable with that, they can jump up and vote "aye."

This President walked away from the Kyoto treaty. I have several pages of what he has done in the international arena. This is the man who sat on the stage with the President of Brazil and after he made some comments, the Brazilian President said, "We consider him an amateur."

Mr. Speaker, we are giving an amateur the right of the American people to decide what happens to child labor, what happens to our economy. Vote "no."

Mr. THOMAS. Mr. Speaker, I yield myself such time as I consume.

Mr. Speaker, I find it rather ironic that back in December this House examined the trade promotion authority that was sent over to the Senate that created this conference. In that measure was the strongest structure for oversight and control by the Congress in any trade promotion program. The House and the Senate by simply moving a resolution can deny the President the ability to enter into any agreement.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), a Member who has been a stalwart in trade for many years.

(Mr. KOLBE asked and was given permission to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I rise in support of this by conference agreement on trade promotion authority. We have traveled a long and difficult road to arrive at this moment.

For 8 years, American leadership and national interests have been sitting on the sidelines. During this time, American companies and workers have stood by while we have watched our competitors from other countries gain advantages through trade agreements from other countries at our expense because the President of our country did not have the authority to negotiate agreements of our own.

At last we are bringing a positive trade agenda for the American economy for our consumers, workers, fami-

lies, farmers. I want to suggest three reasons why trade promotion authority needs to be promoted and supported.

First, it is an economic growth incentive. During the decade of the 1990s, trade has accounted for more than a quarter of domestic economic growth. Today more than ever, we need the engine of economic growth if we are going to continue.

Second, trade promotion authority is critical to job creation. In manufacturing, one of every five jobs comes from trade. In the services sector, U.S. exported \$295 billion in exports, \$180 billion more than was imported.

This bill will create job opportunities for American workers in all kinds of industries, while at the same time it helps those who might lose their jobs with trade adjustment assistance.

Third, trade promotion authority will improve our standard of living. President Bush's remark that free trade has increased the standard of living for a family of 4 by as much as \$2,000 through the combined effect of higher wages and lower consumer prices.

All of those reasons show how trade promotion is in our national economic interest. But it is also in our foreign policy interests. It is a key tool for encouraging economic growth abroad. The reason we pursue a strong global economy as a key plank of our foreign policy is because successful economic growth abroad helps us achieve our humanitarian and national security policy objectives.

Mr. Speaker, this bill deserves our consideration and support. I urge Members to vote "aye."

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I believe in trade. I believe trade is important for our country. I believe trade is important for the world. I believe that former Secretary of State Cordell Hull had it just about right when he said that when goods and products cross borders, armies do not. I believe that.

But tonight's debate is not about whether we believe in trade or are against trade. Tonight's debate is about what the rules of trade are going to be. The trade negotiations of the 21st century will be less about the reduction of tariffs and quotas and more about the establishment of important standards and what those standards are going to be like, not only in this country but globally. Standards such as worker rights, environmental protection, child labor protections, food safety and the sanctity of our own domestic laws. And the question will be whether or not the harmonization of those standards will move upwards, or whether it will result in a race to the bottom.

I believe Presidents need trade promotion authority, but it is more than just words in a document. A large part of it is based on trust and confidence in the delegation of this extraordinary

power from the Congress to the executive branch.

With all due respect, I wish I had more confidence that the trade policy decisions coming out of this White House was based more on principle rather than politics, because the track record thus far does not inspire that type of confidence. We merely have to look at the steel tariff decision or the textiles deals that are being cut, or the lumber decision; but especially the complete 180 degree reversal on the farm bill that the President initially opposed but ultimately signed at the end of the day.

A farm bill that I still believe holds the single greatest potential of bringing down the next round of trade talks that we are about to enter into.

Mr. Speaker, I was one of the few sounding the alarm about how bad this bill was to our Nation's trade policy. The administration cut my legs and the legs of some of my colleagues out from under us in what they did. Now they ask for our vote of confidence in giving them this authority. I wish I could, but I cannot; and, therefore, I will vote "no" this evening.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

□ 0220

Mr. SMITH of Washington. Mr. Speaker, there are two stats that have always stuck out for me in trade that I first heard from President Bill Clinton. The first is that 96 percent of the people live someplace other than the United States of America, which means that if we wish to grow and expand our markets, we are going to need access to those markets. You cannot do that without fast track trade negotiating authority. Without the ability to negotiate, to reduce tariff barriers to other countries that we have, you cannot move forward. Right now the U.S. is in the unfortunate position of facing much higher tariffs than we have here at home. We need to negotiate to change those.

The second stat is that the U.S., despite being only 4 percent of the world's population, is still responsible for over 20 percent of the world's consumption. So if you are in the developing world that we have heard much about tonight, if you have any hope of growing economically, you need access to our markets as well.

Despite those two facts, we have heard a lot about how, Yes, we support trade, but this isn't the way to do it because of all the challenges we face. But what I think we have to think about is under those terms, what would a trade agreement look like that the opponents support? What can we possibly do in a trade agreement to raise the labor standards throughout the developing world, throughout the world that does not have our standards, to our level? The answer, of course, is that we cannot. We are not going to get there. Fully 70 percent of the world is dramatically below us in labor standards.

Does that mean that we do not trade with them? Does that mean that we simply say we are going to erect a protectionist barrier? Certainly that is a trade agreement that I guess we would all like. You would like to be able to have access to other countries' markets without them having access to yours; but that is not realistic, and it is not good for global stability. I submit that we can move forward, that the world that has been described tonight by those who say that these trade agreements have destroyed us simply is not the one any of us lives in. We can compete. We have competed and succeeded. Under Bill Clinton's leadership, amongst others, we enjoyed the fastest economic expansion ever, and that was across the board. That was not just the wealthiest 10 percent. That was everybody. We can compete and win. We cannot shut out the rest of the world.

I urge a "yes" vote.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, this conference report does far more than just give the President fast track authority. Packed into these 400 pages is something called the Andean Trade Promotion Act, and if you come from textile country, this is no trivial matter. These provisions open up duty-free access for Andean textile imports that is four times current trade.

Also packed into this conference report are major amendments to the Caribbean Basin Trade Partnership Act. These almost triple the amount of apparel that can come in duty-free from the 26 countries in the Caribbean and Central America. As if that were not enough, this conference report goes on to expand the African Growth and Opportunity Act, doubling the amount of apparel that can come in duty-free, unencumbered from 35 countries in sub-Saharan Africa.

Over the last several years, believe me, I come from textile country, hundreds of plants have closed and textile apparel workers by the thousands have lost their jobs. By opening our markets in this report to a flood tide of new imports from the Andes, from Africa and from the Caribbean, from 70 countries in all, this bill can only add to an industry that is already hemorrhaging from a trade deficit that is running right now at \$62 billion.

Let me cut through all the technical detail and give you one example of how gratuitously generous this bill is. Right now Caribbean countries can ship duty-free to this country knit apparel made of regional fabric to the extent of 336 million square meters. This bill would expand that 336 million square meter limit, or cap, to 500 million square meters by October 1, and to 970 million square meters by October 1,

2004. That is unprecedented and totally unnecessary.

It is true that it closes the so-called "printing and dyeing" loophole, but this bill opens up a bigger gap and does no net good on the whole. These concessions are unprecedented, they are unnecessary, they are an unmitigated disaster, and if they indicate the kind of trade agreements that will be brought back for a fast track vote, they are reason enough to vote this conference report down.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I tell the gentleman that I would like to have every T-shirt that everyone sees sold in the mall and every store come from the USA. The fact of the matter is they do not anymore. We can lament the fact that they do not, but the fact is they do not. And the choice is do you want them to come from Sri Lanka, do you want them to come from Pakistan, do you want them to come from areas that find Australian cotton far more available, or do you want to help our friends in the Caribbean when the choice is between someone tens of thousands of miles away or someone 100 or 200 miles away that will be purchasing U.S. cotton and U.S. yarn from the very areas the gentleman comes from and encourage a win at home, a win in the hemisphere?

Because if we are debating whether we are going to have U.S. T-shirts or foreign T-shirts, that debate is over. Are we going to help our friends close to home that buy our product or are we going to make sure that we continue to lose opportunities because we refuse to understand reality?

Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, it is a pleasure to stand and speak on behalf of this bill. It has been a long time in coming. I want to congratulate Chairman THOMAS for successfully negotiating this agreement. America has been falling behind in expanding trade since the expiration of TPA back in 1994. We produce the highest quality services, the most bountiful crops, and the most advanced technologies in the world. Yet the high tariffs we face overseas destroy our competitive edge. While our foreign competitors weave a web of preferential trade opportunities for themselves, American companies, farmers, and workers continue to face higher tariffs and other barriers that hinder access to American products and American services.

In Washington State where one out of three jobs is related to trade, we know that expanding trade opportunities works for America. Today we renew our commitment to engage in trade by passing a TPA bill that will expand access to markets and reduce other trade barriers. TPA will enhance our competitiveness, create jobs, and help bolster our economic recovery.

It is time for Congress to pass TPA.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I just want to make it clear, Mr. Speaker, that I support the trade provisions in this bill. But I also support the protection of workers in the United States, especially those that have been displaced. And I am more than certain that if Republicans and Democrats would have gotten together and members of the Committee on Ways and Means and explained what we were trying to do in trade and at the same time protect our workers here, that we would not have a partisan bill, but we would have a bipartisan bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise tonight to ask you to vote "no." Vote "no" tonight. Maybe next year, maybe the year after that, but right now we do not need to pass this bill.

We call ourselves being here because we want to have trade promotion authority, we say we are here because we want to have fast track, and I keep asking myself, why did that take 300 pages? Why could we not give the President the authority he wants with 10 pages? What is all this other about? I have been trying to figure it out since 7 o'clock tonight. Well, I do not know all the answers, but I know enough to know this. It is the final nail in the coffin of the textile industry in America. This will do it. We will not have to fight about it anymore. We are going to lose the jobs if this passes.

Many of us right here are going to lose wool plants in our district, you know who you are, just because somewhere in this 300 pages there is another three lines or two.

The President has authority right now. He can make trade agreements anytime, anyplace he wants to. We do get to say yes or no, reject or agree, and we actually get to amend. That is what we are trying to take away here, is it not? We want to take away our ability to amend.

Well, ladies and gentlemen, we just ought not to give up our responsibility. Five previous Presidents have had this authority. What has happened to us? Well, we import more and we export less and the trade deficit rises. We talk in this bill about displaced workers. I never could figure out what a displaced worker was. But I am pretty sure they are some of the folks in my district who are losing their jobs.

I wish I had longer, but just vote "no" tonight.

The past five presidents had this authority and what happened? We imported more and exported less. The trade deficit keeps climbing. What does free trade mean to you? Does it mean we open our borders to receive foreign imports or does it mean foreign countries open their borders so we can export? Whatever it means to you, the fact remains we are importing \$2 hammers and exporting jobs and closing our industries.

We talk about displacing workers—what does that mean? It means thousands of peo-

ple losing their jobs in the textile industry, the timber industry, in agribusiness, and the steel industry, without American labor laws—anti-dumping.

We have generous benefits for "displaced workers" and health benefits—even for workers whose factories move overseas to countries that have preferential trade agreements with the U.S. That is tantamount to saying we know our trade agreements will lead to more factories closing and more displaced workers. Why would you ever need this if this bill is about exporting? The Senate said we want a vote if you are going to trade away our anti-dumping laws or weaken trade remedy laws. Why would anyone object to this unless you are going to trade away American trade laws and turn trade over to the WTO, where China has as many votes as we do?

But do not worry Congress, we are not giving our responsibility over to someone else. We can always pass a resolution that we do not agree with a trade deal that is unfair to the U.S. Then what? So what? We can write letters to the trade ambassador saying don't go to Doha and agree to nonreciprocal trade agreements and the ambassador can do what he pleases, as he did at Doha.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

□ 0230

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think that the bill before us today is actually a pretty good bill. I voted for the fast track bill that President Clinton sent up, and I think this bill is better than the bill that President Clinton sent up. I also think that this bill contains some items that this House has not seen until tonight.

There has been a lot of discussion about the displaced worker provisions, the trade adjustment assistance. I have worked on that with others in this body, and I think, quite frankly, we have been arguing over whether the glass is half full or half empty.

But I think, quite frankly, in this bill, if you look at the facts, the glass is at least three-quarters full from where we started in this House. It may not be as much as what was in the other body, but it has, for the first time, refundable health insurance for displaced workers. That is not in current law. It expands coverage for secondary workers and shifts in production where we have trade agreements. That is not in current law. It has wage insurance for older workers. That is not in current law. It now matches the training benefits with the monetary benefits. That is not in current law. And it extends them and it increases the appropriations dramatically. That is not in current law.

I think this is good public policy. And while we have disagreements within this House and I have disagreements within my own party, which are, I think, legitimate disagreements, what we should not disagree upon is the fact

for the first time in 40 years since this program, the TAA program, was created by John Kennedy, this is a landmark revision of this program.

I think we ought to take advantage of it, and I think we ought to pass it, because I think it is good for the country and it is good for workers, and I hope that our colleagues will pass this tonight.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from New York (Mr. LAFALCE), the senior member of the New York delegation, and, at the same time, on behalf of the delegation, thank him for the great service he has provided to his country and to this Congress.

(Mr. LAFALCE asked and was given permission to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, fast track authority, Trade Promotion Authority, is a fraud. It is a hoax. The President has plenary authority to negotiate anything he wants to. What we are purporting to do is forfeit Congressional authority. That is what it is about. We do not grant authority, we purport to forfeit Congressional authority to offer amendments. There is a difficulty. We cannot do it legislatively, because we have that power constitutionally. So this legislation, if it passes unanimously, is constitutionally unenforceable.

Now, I do not think there is a constitutional scholar who would differ with that. But if they did, legislatively it is a hoax, because in every single so-called fast track bill, there has been a provision. There is in this bill, on page 217, lines 15 through 19. Basically what it says, we will give up our authority to amend, unless we change our mind and wish to amend, at which time we come forth with a rule and we offer any amendments we want. It is a hoax, a fraud.

What we really are doing here is purporting to change for the purposes of trade a representative democracy into a parliamentary democracy, where the President is really prime minister, and presidents love that, and the Congress is a parliament, and we are stupid enough to go along with it.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and Workforce.

Prior to that, I would just like to say for folks who have not been able to read this, I sure hear a lot of citations on pages 200, 300, 350, 361. I just do not get it.

Mr. BOEHNER. Mr. Speaker, let me congratulate our colleague from California, the chairman of the Committee on Ways and Means (Mr. THOMAS), for what really was a very successful negotiation with the Senate over putting this Trade Promotion Authority bill together.

We all know that much of the growth in our economy over the last 10-20 years has come from our ability to

trade more with others around the world. As we reduce trade barriers around the world, it will continue to enure to the benefit of our children and theirs in this global economy we find ourselves in.

The most significant part of this package, though, is the fact that, for the first time, we make a significant effort to help those who may lose their jobs as a result of their company ceasing operations here.

I think the help that is in this bill is in fact substantial. We expand the National Emergency Grants to help those workers, whether it is with health care, child care, transportation, training. This bill authorizes some \$510 million to help dislocated workers through these grants.

It is a good bill. It deserves our support.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we have a broad-ranging trade bill before us which purports to deal with antiterrorism, with intellectual property, with transparency, anticorruption, foreign investment, labor and the environment. A prior speaker asked, what would it take to get your support on a trade bill? I will tell you right now, to add one more item to this list; human rights, enforceable human rights.

I know that I might be one lonely voice in the wilderness on this right now, but I think that ultimately we will prevail. And I will tell you, even being alone on this issue, it is a heck of a lot better place to be than those who are in prison or suffering under tyrannical regimes in other places, when we can do something about it, when we can use our trade leverage.

Now, let me underscore, we are dealing with subjects as diverse as intellectual property and foreign investment, labor and the environment. But being a slow reader, Mr. Speaker, I only got to page 174, and I want to point out that it is with respect to labor and the environment that there is a terrific loophole built into this bill, and I want to point this out with specificity so that no one can say they did not know about it.

Page 174: Parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutory, regulatory and compliance matters, and to make decisions regarding the allocation of resources and enforcement with respect to other labor and environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion or results from a bona fide decision regarding the allocation of resources, and, here is the key part, no retaliation may be authorized based on the exercise of these rights or the right to establish domes-

tic labor standards and levels of environmental protection.

To deem this a loophole is to call the hole in the side of the Titanic a small leak. I urge rejection of this bill.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this is landmark legislation that provides solid benefits to workers and communities facing the challenges of globalization. At a time of record trade deficits, this legislation gives the President the authority to conduct negotiations to strengthen U.S. trade policy in a dramatic way, while at the same time opening new markets to American products.

It establishes a new national compact on trade which will guarantee workers who have been laid off better access to health care benefits, and it provides income stabilization for older workers by giving them the difference between the salary they can earn from a lower-paying job as opposed to their earlier job that they lost because of a trade-related displacement.

This legislation incorporates broader trade adjustment assistance for those who need it in the wake of a trade-related layoff; broader by providing secondary worker benefits for upstream workers, as well as for downstream workers, affected by trade shifts to Canada and Mexico. It broadens TAA by providing benefits to workers if a firm shifts production to any country with a free trade agreement with the U.S. or any country eligible under a variety of agreements.

This legislation also gives the administration the power to challenge egregious labor practices in foreign countries, such as child labor, and it promotes greater coordination between the WTO and the ILO.

□ 0240

In short, we will be creating opportunities to link trade, labor rights, and environmental policy to a degree never before achieved.

There are some who will say that this bill will not accomplish enough, Mr. Speaker, and as a group, I marvel even now at their pessimism about the competitiveness of the American worker and the American economy. But how many of them have been moving the goal post as we have been crafting this legislation, and how many of them have associated themselves with the less aggressive trade policy of the last administration?

Vote this trade bill through. It is the beginning of a new day and a stronger trade policy for America.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this measure this evening.

The distinguished chairman of the Committee on Ways and Means professes surprise that Members who disagree with him can read the bill. I find it interesting. I remember the same gentleman told us here with a flourish that this proposal had been posted at 3 p.m. this afternoon. It has been pointed out by several people that the Members were not notified until 6:53. But if the gentleman would use the Web, turn to the bottom of the page of 304, he will find that it was not posted until 5:20 p.m.

If he cannot tell time, it makes one wonder what else has been left out in the consideration of this proposal.

I believe in free trade. I came to this Congress immediately involving myself in trade issues, because it was one of the few areas where we could work together in a bipartisan basis. Mr. Speaker, that has been shattered over the last couple of years, and it is a sad, sad note.

Let me give just one example of a concern that I heard from my constituents back home when they knew that I supported trade promotion authority. They talked about the imbalance under Chapter XI provisions that provided a superior position for foreign investors, and they said, that is wrong to go to an international tribunal and avoid the requirements of U.S. law.

Well, what has happened in the conference committee is they fixed it, they fixed it all right, but they fixed it so that not only can foreign investors avoid the responsibilities of U.S. law, but now American interests can obey our regulatory provisions and be able to avail themselves to a tribunal rather than be involved under the same requirements that we have now. That is not what my people wanted.

I strongly urge a rejection of this ill-advised piece of legislation and the willingness to draw bright, partisan lines and give up issues of textiles, steel, and agriculture. It is not the way to do the business of the House.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Tennessee (Mr. TANNER), a member of the Committee on Ways and Means.

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, I would like to start by thanking the conferees. This trade is a hard issue for all of us, but the conferees worked long and hard. We have a Republican House and a Democratic Senate. This is a conference report. I think that is bipartisan.

We are talking about economics, basically, and it is a fact that in this country, we can grow more food than we can eat and make more stuff than we can buy and sell to each other. Given that fact, it is an economic fact that unless we can get rid of this surplus production through trade, somebody is going to lose their job. That is not a political argument; that is an economic fact of capitalism.

Now, how do we get this surplus production out of here? We do it by economic engagement with the rest of the world through the institutional process of granting to any administration, not this one, but any administration the ability to negotiate to the bottom line with those who would negotiate with us so that we can get rid of this surplus production and keep jobs in this country.

This bill is stronger in every respect than current law. The TAA provisions are really unprecedented, and many others have spoken to that one.

But finally, I would like to convey this thought to my colleagues. Economic engagement is truly a matter of national security. If history teaches us anything, it teaches us that economic partners sooner or later become military allies, and I want to see us having American jets flown by the Brazilian Air Force or having American ships sailed by other countries; not French, not others, not Japanese or whatever.

Mr. THOMAS. Mr. Speaker, the gentleman is making excellent points, he just does not make them as fast as most people; therefore, I yield him an additional minute.

Mr. TANNER. Mr. Speaker, I thank the chairman. It is a curse of where I am from, I guess. But I do want to continue this line.

The economic engagements that I believe this country must engage in is truly a matter of national security. As I said, history teaches us that economic partners become military allies, and we have seen over the course of the last few years over 190 trade agreements and we are not a part of them, and we will not be a part of them because we do not have the institutional ability to engage to the bottom line those who would trade with us and those who would negotiate with us on these trading arrangements.

So for that reason, and because I think the bill is far better than any law that we have ever passed before in TPA, and better than TAA in every respect than current law, it deserves our consideration and our vote.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the former whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, since 1994, 3 million jobs in our country have evaporated as a result of bad trade laws. In my home State of Michigan, we have lost 150,000 workers to these trade laws. They have lost their paychecks, good jobs, jobs that one can sustain a family with; gone to Asia, to Mexico.

Not only have we lost these jobs, we have crippled whole communities. If one drives through parts of Detroit or Flint or Saginaw, and one can see the devastation that these trade laws have caused. There is no tax base left to pay for fire and police and education and health care. They have been absolutely devastated. We are losing our manufac-

turing sector. Does anybody deny that? Look at what has happened to steel, textiles, autos. It is a tragedy. And what is even as much a tragedy for this institution is the surrender of the congressional prerogatives given to this body by the Constitution of the United States.

Mr. Speaker, this night will be recorded as one of the largest surrenders of constitutional authority in the history of our government, giving it to the presidency. And it is not just goods and services we are talking about; we are talking about labor law, environmental law, copyright law, investment, safety law. That is all under the rubric of trade today. One vote is all we are going to get, up or down, that is it, and we know how that works. Historic evening, Mr. Speaker. Vote "no" on this.

□ 0250

Mr. THOMAS. Mr. Speaker, I think we have a very clear recent historical example of what happens when Congress is not wise enough to make sure that they delegate the authority that Congress retains and the responsibility to allow the President to negotiate. We have not had the Presidential ability to negotiate for more than 8 years. We have had no agreements.

Members can covet the power and not use it, or we can sensibly delegate it, with the clear ability to bring it back if necessary, and enter into bilateral, multilateral, and world trade arrangements which clearly benefit all Americans.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a member of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I am not at my best at 10 minutes of 3 in the morning, but I will do what I can in order to put this thing in clear perspective, as far as I am concerned.

This piece of legislation loses no jobs. As a matter of fact, it does not even gain jobs. But we all know that 96 percent of the world's population live outside of the United States. They are our market in the future. We can take a look in terms of the impact of export jobs, and it ranges between 15 and 20 percent extra pay for those people who produce those products.

This is very straight forward. We want more business. In order to get more business, we have to negotiate. In order to negotiate, we have to have the government behind us. This allows the government to get behind us.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means and one who has fought for trade throughout his career.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the basic partisanship which has marked this legislation from the beginning in this

House even blinds the majority as to what has happened these last years.

No trade agreements? Jordan, CBI, Africa, the China PNTR? They were all developed on a bipartisan basis. It is the only way to shape trade policy that is viable.

They started on a partisan foot; and they think because they have a few Democratic hands that that makes it a bipartisan product. It does not. 161 Democrats voted for a fast track bill in this House. They did not reach out for 1 minute to try to meld the two bills into one. As a result, they come here tonight with a partisan product more than a bipartisan product, and trade policy built on partisanship is built on sand and will sink.

True, there is some TAA here; but a half-baked TAA is no substitute for good trade policy, and half-baked it is. If workers are laid off because a company moves to, say, Ecuador, they are covered; to China or Japan or some other place, they are not covered. That is half-baked, at best.

Thirdly, I want to say a word about oversight. There is more facade in this discussion than in any other respect, perhaps. Trade today is not about tariffs; trade today is not about nontariff barriers. It is about health and safety, it is about antitrust, it is about environment, it is about core labor standards; and no one is talking about introducing American standards as the requirement, just so people do not use child labor, and they emasculated the child labor provisions, emasculated. That is what we are talking about. That is what trade is in the 21st century.

They built up this facade that Congress is going to be involved. It is consultation at the whim of the administration. They say there is a sense of Congress, that that can be expressed. It undoes the only protection we now have that something can come through the Committee on Ways and Means or the Committee on Finance. We need, in this Congress, to be a partner, not a second-class citizen. If we remain that way, the citizens of the United States are going to be undermined by the executive of this country.

Vote "no" on this bill.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, gee, I thought when we were talking about trade agreements, it was a structure in which, over time, the trade between those two countries was mutually beneficial and that what we want to do is have a broad-based relationship between people who see benefits going both ways.

The Caribbean Basin Initiative, an outreach to our friends in the Caribbean? I would not exactly say that is a reasonable, equal relationship. Free Trade Agreement with Jordan? A clear reward for the kind of friend we have in a very difficult area of the world, probably far more motivated for geopolitical reasons than really for trade. Southern Africa? We have neglected

that area for years and years, and what we are doing is reaching out, not enough, way too late.

And what we hear are criticisms because we are talking about not 1 percent of someone's amount of trade; we are talking tenths of 1 percent. That is not a long-term mutually beneficial relationship in which the gentleman from Tennessee and the gentleman from New York talked about how we mutually better each other.

Those are important humanitarian outreaches under the structure of trade. But if that is what we get without trade promotion authority, we had better have trade promotion authority.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the chairman for yielding time to me. I want to commend him for coming to a resolution on a very difficult and complex issue, and that is the trade promotion authority and trade adjustment assistance.

This has been a long road, Mr. Speaker. Not since 1994 has this country had the ability to navigate world commerce and to be able to open up barriers to U.S. trade. It is time for America to get back in the game.

Without this authority, countries are not going to deal with us, and others have disputed that tonight, but the proof is in the pudding. There are now 120 trade agreements out there; the United States is party to three. Since 1990, the European Union has negotiated 20 new trade agreements. These are our competitors. These are people who are competing for jobs with our workers. They are currently in negotiations for 15 additional trade agreements.

It is time to get back in the game. It has been long past time. By doing so, we not only open up foreign trade for our goods and our services, we also are able to export our free market economy, which has brought us unprecedented prosperity and has the ability and potential to do that for the rest of the globe, to truly lift all boats.

I am amazed to hear my colleagues on the other side of the aisle, who are free traders, but tonight say that although they supported President Clinton's trade promotion authority, they cannot support this one. They cannot support trade promotion authority, even though, as compared to the Clinton trade promotion authority, we now have more consultation with Congress.

In fact, it is unprecedented consultation with Congress. It has real teeth. It has a real congressional oversight group. It has never had that before. It has much stronger labor and environment provisions, including on child labor, stronger provisions than in the Clinton trade promotion authority. The ability to effectively enforce other countries to enforce their own standards is new. We have not had that before. Members may not think that is

perfect, but that is a lot more than we have had before.

Stronger protection of U.S. trade remedies, including the ability for Members of Congress to help protect our antidumping laws, our countervailing duty laws, our trade remedies here at home by being able to offer a motion on the floor of this House. Any Member would be able to do that. That is more than we ever had in terms of protecting our own trade remedies.

Finally, of course, a dramatic expansion of trade adjustment assistance. I appreciate the fact that there are some on the other side of the aisle who tonight are going to vote for this trade promotion authority primarily because there are unprecedented benefits to workers who have been displaced by trade, both in terms of health care and other benefits.

I want to commend the chairman, because he has gotten the United States, through this new agreement, back in the game. We need to get back in the game for our workers; we need to get back in the game for our jobs here at home.

Vote "yes" on this good bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

□ 0300

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, some call it trade promotion authority. Some call it fast track. I call it a missed opportunity. To be honest, and we should all be honest, we had a chance to meaningfully promote the elimination of abusive child labor practices by our trading partners. We had a chance to protect our domestic laws on the environment and on consumer protection. We had a chance to advance progressive trading practices by eliminating barriers and tariffs to productive trade among our international friends.

But, instead, Mr. Speaker, this conference report favors foreign investors over U.S. citizens and businesses in this country. It extracts the teeth from the enforcement provisions meant to prevent unscrupulous foreign businesses willing to violate their country's laws and our laws, and this conference report sidesteps our responsibility to the displaced workers and impacted communities that we know will result from this legislation.

Mr. Speaker, instead of doing something meaningful, we have punted. Instead of doing something right, we have walked through the back door to trade. Instead of doing what America believes we should, we dared not to lead. At a time when we find abuse by predators of children in this country to be offensive, we could have told the world we will lead and make sure that nowhere in the world will children be abused, whether by a predator or by any unscrupulous employer.

At a time when we could have told our workers, if you are displaced, we

will provide you with some benefits, including health care, what we do in this bill is we actually tell a worker we will offer you health care, but it will cost you more when you are unemployed as a result of this trade than it would have cost you when you were working. That is not leading.

Mr. Speaker, we could come up with a good bill to lead. Let us dare to lead. Vote against this conference report.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. RANGEL) has 2 minutes remaining. The gentleman from California (Mr. THOMAS) has 30 seconds remaining and the right to close.

Mr. RANGEL. Mr. Speaker, I yield the remainder of my time to the gentleman from California (Mr. MATSUI), a member of the Committee on Ways and Means, to close on behalf of the minority.

Mr. MATSUI. Mr. Speaker, I thank the distinguished gentleman from the State of New York (Mr. RANGEL), the ranking member of the Democratic Committee on Ways and Means.

First of all, what I would like to do if I may is respond to some of my colleagues on both sides of the aisle but basically on the Democratic side of the aisle that says that we have trade adjustment assistance, and that alone, or among other things, is enough to get us to support this legislation.

If, in fact, the bill that came out of the Senate was part of the conference report, I would say, well, okay, if you want trade adjustment assistance, that is fine. But the bill that came out of the conference report is not the bill that left the Senate. Because essentially what we see here is a bill that is really kind of a mirage. For example, if a U.S. factory closes and goes overseas to China and 5,000 U.S. workers are out of a job in your congressional district, those workers are not covered under this bill of trade adjustment assistance. They will not get trade adjustment assistance and they will not get health care benefits.

It is very rare when this provision will be used, and that is why it is in the bill because the goal was not to use trade adjustment assistance. So it is really a mirage. So if Members think they can go home and tell their colleagues and their constituents that they will get trade adjustment assistance, they are flat out wrong. It will rarely be used.

Let me make one other observation, if I may. This next round will not be about trading goods. It will not be about reducing tariffs and quotas. We have done that. That is pretty much over. You can trade goods back and forth all over the world if you want today. What this will be about this next round is about moving investments, and we all know that. And that means basically every U.S. regulation, whether it is accounting standards, whether it is defining whether a lawyer can practice law, these are going to be all on the table in this next round.

Members mention antitrust laws, that will be on the table. This legislation is not needed for the President at this time. He can negotiate without giving this major delegation of authority by the United States Congress to the President of the United States. I urge a no vote.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I appreciate the tone of the debate. I am concerned about the content. For the first time, not primary but secondary workers are covered. Five times in this legislation references to the most abusive forms of child labor are listed. Some of the statements simply are not factually true.

What is true is we have fallen behind in creating arrangements that help us in world trade. It is time to pass legislation to get us back in the game.

With that, I would ask my colleagues to vote yes and I want to thank all of my colleagues on the other side of the aisle for their courage and cooperation.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his very strong support for the conference report for Trade Promotion Authority (TPA) (H.R. 3009). This Member would like to thank the distinguished gentleman from California, the Chairman of the House Ways and Means Committee (Mr. THOMAS) for introducing the original TPA legislation and for his efforts to move this legislation through the legislative process. Additional appreciation is expressed to the distinguished gentleman from California, the Chairman of the House Rules Committee (Mr. DREIR) for his efforts in expediting the consideration of this legislation; to the Chairman of the Senate Finance Committee, the senior senator from Montana (Mr. BAUCUS); and to all the supportive conferees who worked to bring this conference report to the House and Senate.

Under the conference report of H.R. 3009, Congress would agree to vote "yes" or "no" on any trade agreement in its entirety, without amendments. This Member in the past has always supported TPA, or "Fast-Track Authority" as it was previously called, because it is an absolutely critical authority to delegate to the President, acting through the United States Trade Representative, to conclude trade agreements with foreign nations for approval by the Congress. Certainly, TPA is necessary to give our trading partners confidence that the negotiated agreements will not be changed by Congress. Without the enactment of TPA, the United States will continue to fall further behind in expanding its export base and that will cost America thousands of potential jobs. Granting TPA to the President is absolutely essential for America to reach towards its export potential.

Mr. Speaker, giving examples of expanded trade liberalization agreements from my own state, I can stay with confidence and anticipation that approval of TPA certainly will enhance Nebraska's agricultural exports. According to estimates from the U.S. Department of Agriculture, Nebraska ranked fourth among all states with agricultural exports of \$3.1 billion in 2000. These exports represented about 35% of the state's total farm income of \$8.9 billion in 2000. In addition to increasing farm prices and income, agricultural exports support

about 44,800 jobs both on and off the farm. The top three agricultural exports in 2000 were live animals and red meats (\$1 billion), feed grains and products (\$769 million) and soybeans and products (\$454 million). However, Nebraska agricultural exports still encounter high tariff and a whole range of significant nontariff barriers worldwide. Similar opportunities for growth in exports also exist in Nebraska's service and manufacturing sector.

At the November 2001 World Trade Organization (WTO) ministerial in Doha, Qatar, trade ministers representing over 140 countries agreed to the Doha Declaration, which launched a comprehensive multilateral trade negotiation that covered a variety of areas including agriculture. The trade objectives in the Doha Declaration called for a reduction of foreign agriculture export subsidies, as well as improvements in agriculture market access. In order to help meet these trade negotiation objectives, TPA would give the President, through the United States Trade Representative, the authority to conclude trade agreements which are in the best interest of American farmers and ranchers.

This legislation is very important for Nebraska because our state's economy is very export-dependent. According to the U.S. Department of Commerce International Trade Administration, Nebraska has export sales of \$1,835 for every state resident. Moreover, 1,367 companies, including 998 small- and medium-sized businesses with under 500 employees, exported from Nebraska in 1998. Therefore, TPA is critical to help remove existing trade barriers to exports of Nebraska and American goods and services.

To further illustrate the urgency for TPA, it must be noted that the U.S. is only party to "free trade agreements" with Mexico and Canada through NAFTA and with Israel and Jordan. However, Europe currently has entered over 30 free trade agreements and it is currently negotiating 15 more such agreements. In addition, there are currently over 150 negotiated preferential trade agreements in the world today. Without TPA, many American exporters will continue to lose important sales to countries which have implemented preferential trade agreements. For example, many American exporters are currently losing significant export sales to Chile because Canadian exporters face lower tariffs there under a Canada-Chile trade agreement.

This Member would like to focus on the following five subjects as they relate to the conference report of H.R. 3009: financial services; labor and the environment; congressional consultation; the constitutionality of TPA; and the foreign policy and national security implications of TPA.

First, as the Chairman of the House Financial Services Subcommittee on International Monetary Policy and Trade, this Member has focused on the importance of financial services trade, which includes banking, insurance, and securities. This Subcommittee was told in a June 2001 hearing that U.S. trade in financial services equaled \$20.5 billion in 2000. This is a 26.7% increase from the U.S.'s 1999 financial services trade data. Unlike the current overall U.S. trade deficit, U.S. financial services trade had a positive balance of \$8.8 billion in 2000.

The numbers for U.S. financial services trade have the potential to significantly increase if TPA is enacted into law. The U.S. is

the preeminent world leader in financial services. TPA would further empower the United States Trade Representative to negotiate with foreign nations to open these insurance, banking, and securities markets and to expand access to these diverse financial service products.

Certainly, TPA would particularly benefit U.S. financial services trade as it relates to the Free Trade Area of the Americas since many of the involved countries are emerging markets where there will be an increasing demand for sophisticated financial services. Furthermore, TPA would also benefit financial services trade as it is part of the larger framework of the World Trade Organization (WTO) General Agreement on Trade in Services (GATS). In 2000, GATS members began a new round of service negotiations.

Second, the conference report of H.R. 3009 includes important labor and environmental provisions. For example, among other provisions, TPA adds a principal U.S. negotiating objective to ensure that a party to a trade agreement does not fail to effectively enforce its own labor or environmental laws. This type of provision was also included in the U.S.—Jordan Free Trade Agreement which was signed into law on September 28, 2001 (Public Law No. 107-43).

Third, it is important to note that this legislation has strong congressional consultation provisions for the time before, during, and after the negotiations of trade agreements. For example, the President is required, before initiating negotiations, to provide written notice and to consult with the relevant House and Senate committees of jurisdiction and a Congressional Oversight Group at least 90 calendar days prior to entering into trade negotiations. This Congressional Oversight Group, the Members of which would be accredited as official advisers to the United States Trade Representative, would provide advice regarding formulation of specific objectives, negotiating strategies and positions, and development of the trade agreement. In addition, TPA would not apply to an agreement if both Houses separately agree to a procedural disapproval resolution within any 60-day period stating that the Administration has failed to consult Congress.

Fourth, enactment of TPA is required to secure a constitutionally sound basis for American trade policy in the globalized economic environment focusing our country today. Under Article II of the U.S. Constitution, the President is given the authority to negotiate treaties and international agreements. However, under Article I of the U.S. Constitution, Congress is given the power to regulate foreign commerce. In this TPA legislation, any trade agreement still has to be approved by Congress by a straight-forward "yes" or "no" vote, without any amendments, by both the House and the Senate before it can be signed into law. As a result, TPA does not impinge upon the exclusive power of Congress to regulate foreign commerce. Furthermore, the U.S. Constitution does not ban the adoption of a Senate or House rule which prohibits amendments from being offered to a bill during Floor consideration. In fact, the House considers bills almost every legislative week which cannot be amended on the Suspension Calendar.

Fifth, extending TPA to the President has critical national security implications. Indeed, the terrorist attacks of September 11th highlighted the extent to which American security

is placed at risk when the U.S. fails to remain engaged. In areas around the world. Many countries of Central America, South America, Asia, and Africa have fragile democratic institutions and market economies. They remain in peril of falling into the hands of unfriendly regimes unless the U.S. helps to develop the kind of economic stability underpinning democratic societies that enhanced trading opportunities can provide.

Mr. Speaker, this Member is very pleased that the final conference report for H.R. 3009 does not include the amendment which was offered in the other body by the junior senator from Minnesota (Mr. DAYTON) and the senior senator from Idaho (Mr. CRAIG) and included in the version of TPA which was passed by the other body. The Dayton-Craig provision, while undoubtedly well intended, would have opened trade agreement bills negotiated by the President under the TPA to amendment—thereby making it very unlikely that other nations would complete trade negotiations with the U.S. Trade Representatives, knowing that such agreements could be further amended by Congress. That problematic circumstance is why Congress had to develop the Fast-Track arrangement in the first place—what we now call TPA or Trade Promotion Authority.

This Member would have been compelled to vote against passage of the conference report for H.R. 3009 if the Dayton-Craig amendment had been included in the final report. The Dayton-Craig amendment certainly would have made TPA unacceptable to the other countries with whom we were attempting to negotiate free trade agreements.

Mr. Speaker, for the above stated reasons and many others, this Member strongly supports TPA because it is absolutely critically important to the health and the future growth of the U.S. economy. Therefore, this Member very strongly urges his colleagues to support the conference report for H.R. 2009. This is probably the most important vote of the 107th Congress.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in profound regret, disappointment and anger as we consider the conference report before us tonight. The House leadership is attempting to ram through this bill, in the dead of night, without giving the American public the ability to look at it and express their views before we vote. It is clear why.

The United States should be using its unprecedented economic power and global leadership position to fight for trade policies that respect labor and human rights, expand economic opportunities for workers, and improve the environment, both at home and abroad. We should use our power not just to promote corporate profits but to promote higher standards of living for working families. We should help stop the global race to the bottom in which some multinational companies move operations from country to country as they search for the one that lets them pay the lowest wages, commit the worst labor abuses, use child labor, and damage the environment without penalty. We should use the power of our markets to push for democratic reforms, equal rights for women, and stronger human rights. And, we should ensure that property rights and profits do not come first, ahead of the ability of governments to protect the very lives of their people.

We had an opportunity in this bill to accomplish those objectives. Tragically, the House

Republican leadership rejected that opportunity.

This bill abrogates Congressional authority and Congressional responsibility to review trade agreements to ensure that workers' rights and environmental protection are included. If we pass this bill, Congress would have the opportunity to consider only one privileged resolution on each WTO negotiation, agreements that may last five to seven years. Even if serious information arose regarding food safety, environmental regulation or health standards, Congress would get one and only one opportunity to exercise its Constitutional prerogative to review and ratify trade agreements.

This bill fails to provide Trade Adjustment Assistance to all workers who lose their jobs. Instead, it makes arbitrary and extraordinarily unfair distinctions. Workers who lose their jobs because of foreign imports are deemed worthy of assistance. Workers who lose their jobs because their employer shut down a factory and moved it to China are not.

The bill holds out the theoretical possibility that workers who lose their jobs because of trade policies will get help in maintaining health insurance coverage for their families, then dashes any hope for meaningful assistance. Laid-off workers would have to pay 35 percent of premium costs for coverage, an enormous financial burden. There are no market protections, so insurance companies could charge whatever premium they want for whatever coverage they decide to provide.

The bill rejects Senate language endorsing the Doha Declaration on TRIPS and Public Health, meaning that the monopoly patent rights of pharmaceutical companies will be protected while the right of developing countries to deal with the AIDS pandemic through compulsory licensing and generics will not.

Finally, this bill eliminates Senate language to require that, in order to receive special trade benefits under the Generalized System of Preferences (GSP), countries end child labor and discrimination against women and other groups.

Mr. Speaker, if we in this body care about the rights of women and workers; the needs of children and the sick; the environment and human rights; we must reject this conference report. We owe it to the people of our country and the people of the world.

Ms. JACKSON-LEE of Texas. Mr. Speaker, global commerce is a force for progress. However, current trade rules are too often used to undermine environmental protections and democratic rights in the name of "free trade." Fast Track is the expansion of presidential authority in international trade. However, the fast track trade promotion authority conference report does not provide meaningful healthcare coverage for numerous workers who lose their jobs because of trade. Fast track legislation consistently overlooks the rights of workers in developing countries.

The Chairman of the Committee on Ways and Means and the Chairman of the Senate Finance Committee have prepared a conference report that is big on fluff but short of substance. An example of this is that U.S. businesses will have broad new protections for operating in foreign markets. However, the conference report guts healthcare coverage for workers when businesses shift jobs overseas. What this means is that if a Houston company employing 500 workers lose their

jobs due to increased imports from Asia, these workers are eligible for healthcare coverage; however, if the same company shuts down their operations in Houston and relocates its operations to Asia, there's no coverage under this bill. Is this fair?

The conference report would allow foreign investors to have greater rights than are currently afforded them under U.S. law. The language in the conference report could lead to vague, overly broad international standards undermining the Supreme Court's decisions on the environment, antitrust, tort law, worker health and safety, and other issues.

The conference report provides laid-off workers a tax credit for insurance coverage. However, this tax credit is poor. It forces workers to pay more for health insurance at the time they lose their job. On average, employers pay 85% of health insurance premiums, however the conference report would only provide a tax credit that would cover 65% of the premium. Is this fair?

In addition, the conference report fails in major ways. It does not guarantee coverage for workers and omits essential market reforms necessary to make sure that the limited health care options are available. Moreover, the conference report fails to provide a minimum standard of benefits for workers. What this means is that the conference report does not include premium protection. A displaced worker who has diabetes or a heart condition can be charged by an insurer five to ten times the normal rate. Is this fair?

This is a time when the public has clearly voiced that global trade matters move more into the eye of public scrutiny, and this conference report makes the fast track trade bill look like NAFTA on steroids. Since NAFTA's passage in 1995, the trade deficit between the United States and Mexico has ballooned to \$29 billion annually. An estimated 700,000 American jobs have been lost to nations that don't have to play by the same labor and environmental rules that American workers do.

Furthermore, the GAO found that African Americans made up 15% of the workers displaced by the trade under the general Trade Authority Assistance (TAA) program in 1999, though African American workers account for less than 12% of the overall workforce.

The conference report also marginalizes and diminishes Congress' role on issues such as antitrust, environmental regulation, food safety, accounting standards and telecommunications. The conference report adds a completely new restriction that was not in either the House or the Senate bill.

This restriction allows only one privileged resolution per negotiation. This means that only one privileged resolution could be raised for WTO negotiations that may last 5–7 years. The conference report creates a historic shift in Congress' Constitutional prerogative to regulate not just foreign commerce, but more importantly domestic commerce (areas like antitrust, food safety, accounting standards).

The conference report language insulates customs officials from liability for racial profiling. The report notes that Customs officers have a legal shield unavailable to any other law enforcement officer in the country. This would have the direct effect of weakening protections against racial profiling and other illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies. Specifically, the GAO

found that passengers of particular races and genders were more likely than others to be subjected to intrusive strip and x-ray searches after frisks or patdowns, even though the results of such searches found that they were less likely to be in possession of contraband.

The most extreme examples of racial profiling by the Customs Service were directed against African-American women, who were nine times more likely than white women to be the victim of an intrusive search, even though they were only half as likely as white women to be found carrying contraband. In light of the conduct of the Customs Service, such a broad grant of immunity, absent legislative scrutiny and oversight, invites continuing civil liberty violations.

I am very strongly opposed to the Fast Track provisions contained in the conference report for H.R. 3009. As we search for increased national security, we must be mindful of the fact that our civil liberties are a precious resource and ensure that freedom is not a casualty of vigilance. The conference report language tramples on the ability of individuals to address the overzealous activities of the Customs Service and undermines the expectation of privacy.

Moreover, this legislation takes a step backwards on workers' rights and environmental protection. The conference report would essentially rule out the enforcement of workers' rights and environmental protection in future fast-tracked trade agreements, reversing the bipartisan progress that was made on the U.S.-Jordan Free Trade Agreement. The workers' rights negotiating objectives, taken as a whole, are weak and counter-productive. The report will make it impossible to negotiate anything like the U.S.-Jordan FTA on workers' rights.

Therefore, I urge my colleagues to strongly oppose passage of the conference report for H.R. 3009.

Ms. HARMAN. Mr. Speaker, some days are harder than others. The last 24 hours was excruciating. The votes on establishing a Department of Homeland Security were difficult, but its urgency is underscored by the continuing threat from terrorism.

Trade Promotion Authority (TPA) is another hard issue. I represent a trade-dependent district and am well aware that LAX and the Port of Los Angeles are huge trade multipliers. The Port of Los Angeles and neighboring Port of Long Beach moved \$175 billion worth of cargo last year and accounted for 500,000 trade-related jobs in the region. The Los Angeles Customs District is the Nation's second largest, based on value of two-way trade. In 2001, this totaled \$212.5 billion, compared with \$214.1 billion of the first place New York.

In the South Bay, trade clearly generates high skill, high wage jobs. But not everyone benefits, and so the conversation about trade should properly address those who are hurt. The challenge is to retrain affected workers not freeze them and their outdated skills in an uncompetitive workplace. The policy answer is to provide what has traditionally been called trade adjustment assistance (TAA)—training, wage assistance, and healthcare—to those who are hurt.

I voted against TPA last December because the Administration refused to include TAA in the legislation. The conference report we vote on tonight does not make the same mistake. The TAA package is three times as big as any ever proposed, and includes most of the improvements proposed by the Eshoo-Bentsen bill (H.R. 3670) which I cosponsored and strongly support.

This TPA enables displaced workers to purchase group healthcare with an advanceable and refundable tax credit and expands coverage to include workers whose jobs as suppliers to other manufacturers are affected by trade. It provides wage insurance for older workers who lose their jobs to trade and fills part of the gap between their old and new earnings, and it doubles the funding for job training to \$220 million per year.

For the first time, this legislation requires labor and environmental issues be given the same consideration as other negotiating objectives. It provides the U.S. with remedies against countries that degrade their labor and environmental laws and requires increased consultations with Congress through a Congressional advisory board.

Trade plus trade adjustment assistance is good for American workers. Trade plus greater respect for labor and environment is good for the world's workers.

This agreement is not perfect, but it is better than prior trade negotiating authority and includes the most comprehensive TAA package ever. I will support it.

Mr. CONYERS. Mr. Speaker, this legislation represents one of the finest examples of how the tragedy of September 11th is being used to abuse process and rationalize offenses against the Constitution. Sections 341 and 344 of this bill needlessly expands the scope of Federal authority and threatens the protection of civil rights by granting broad search immunity to customs agents and allowing warrantless searches of outgoing international U.S. mail. Although I strongly believe that the Federal Government should aggressively investigate and prevent future terrorist attacks, increased security should not come at the cost of our constitutional rights.

Section 341 of the bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in "good faith." Presumably an officer could engage in blatantly discriminatory conduct, but if he in "good faith" believed that he was justified in doing so, he could not be held liable.

This provision would, in effect, expand immunity so that a person would not be entitled to relief from an unconstitutional search unless the officer acted in "bad faith"—a nearly impossible standard to meet. Even though this provision would dramatically change immunity law, it was attached to a Customs Authorization Bill and never considered by the Judiciary Committee.

Current law already provides qualified immunity to Customs agents. Qualified immunity is based on an assessment of what a reasonable officer should have done in any given sit-

uation. Under current law if a law enforcement officer conducts an unconstitutional search based upon a reasonable but mistaken conclusion that reasonable suspicion exists, the officer is entitled to immunity from suit. This standard provides Customs agents protection against unreasonable lawsuits but also protects individuals from unconstitutional searches.

When an official seeks qualified immunity, a court is obligated to make a ruling on that issue early in the proceedings so that, if immunity is warranted, the costs of trial are avoided. The Customs Service has not offered a reasonable justification as to why the qualified immunity standard should be changed. Moreover, Customs has offered no examples of cases where the existing qualified immunity doctrine has failed to protect an agent acting within the scope of their authority.

Section 341 would accord Customs officers a legal shield unavailable to any other law enforcement officer in the country. This provision would have the direct effect of weakening protections against racial profiling and other illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies. Out of all the possible Federal law enforcement agencies, the Customs Service should not be provided with additional immunity.

The racial profiling problems of the Customs Service are not imaginary and have been subject to documentation and litigation. The GAO found that passengers of particular races and genders were more likely than others to be subjected to intrusive strip and x-ray searches after frisks or patdowns, even though the results of such searches found that they were less likely to be in possession of contraband.

The GAO concluded that the Customs Service's pattern of selecting passengers for intrusive searches (their profile) was inconsistent with rates of finding contraband and recommended the implementation of policies that target passengers more consistently with their search-hit rate and other more accurate indicators of criminal conduct.

The most extreme examples of racial profiling by the Customs Service were directed against African-American women, who were nine times more likely than white women to be the victim of an intrusive search (including strip search and body cavity searches), even though they were only half as likely as white women to be found carrying contraband.

Many major civil rights organizations opposed this provision in the House bill including: the Leadership Conference on Civil Rights, the National Association for the Advancement of Colored People, the National Council of La Raza, the Mexican American Legal Defense Fund, the Counsel on American Islamic Relations and the American Arab Anti-Discrimination Committee. The civil rights community believes that passage of this provision would be a major set-back in the fight to end racial profiling.

This legislation compounds the erosion of civil rights protections by weakening the legal standard for the searching of U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

The Customs Service's interest in confiscating illegal weapons' shipments, drugs or

other contraband inbound or outbound is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant. There is simply no legitimate justification for this expansion of search authority, unless of course you exclude the need to circumvent the Constitution.

Recently, the U.S. Postal Service wrote a letter to the Chairman of the Financial Services Committee on the issue of searching outbound mail without a warrant: The Postal Service has taken the position that, "There is no evidence that eroding these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques." In short, experts from the Postal Service have determined that this provision is unnecessary.

As we search for increased national security, we must be mindful of the fact that our civil liberties are a precious resource and ensure that freedom is not a casualty of vigilance. Given that Congress has recently expanded the police powers of government officials, now is not the time to cut back on the mechanisms in existing law that are designed to ensure police powers are not abused.

Without arguable justification, these provisions trample the ability of individuals to address the overzealous activities of the Customs Service and undermine the expectation of privacy in the U.S. mail. I urge you to join me in opposing this legislation.

#### THE SUBJECTIVE-INTENT QUALIFIED IMMUNITY PROPOSAL FOR CUSTOMS OFFICIALS

##### PROBLEMS WITH THE HOUSE PROPOSAL

This issue involves the Constitution—not slip-and-fall cases, or security fraud cases. This proposal would affect cases involving alleged violations of individuals' constitutional rights, and we should be very careful before we tamper with the rules.

The doctrine of qualified immunity has been established and refined by the Supreme Court over four decades. Congress has never enacted a statute that would change the standard for officials' qualified immunity in constitutional tort cases. This would be the first time.

Current law protects against frivolous lawsuits. The Supreme Court has instructed lower courts to resolve qualified immunity issues at the earliest opportunity. Even if government officials fail to win qualified immunity at the dismissal or summary judgment stage, they still have the option of appealing those judgments to a higher court immediately.

This proposal would hurt real people. It would increase the likelihood of meritorious claims being thrown out. Parties would end up fighting at length over whether an official did or did not subjectively believe his conduct to be lawful—even if existing law clearly established that it wasn't. Resolving such complicated disputes would expend valuable judicial resources and often lead to inaccurate results. And officials who violated clearly established constitutional rights might not be held accountable.

Why treat customs officials better than the F.B.I. or local cops? Customs officials serve a very important role. However, there is simply no reason to treat them differently from other government officials—such as border patrol agents, state and local police officers who work near the border, or prison guards. All of these officials are entitled to the same, strong shield to liability. There is

no need to change the rules for customs officials.

#### CURRENT LAW

Under current law, every government official—federal, state, and local—is protected by the doctrine of qualified immunity. This is a very broad shield from liability. In the words of the Supreme Court, it protects "all but the plainly incompetent or those who knowingly violate the law." *Malley v. Briggs*, 475 U.S. 335, 341 (1986). Officials are shielded from liability "as long as their actions could reasonably have been thought consistent with the rights they are alleged to have violated." *Anderson v. Creighton*, 483 U.S. 635, 638 (1987).

When an official seeks qualified immunity, a court is obligated to make a ruling on that issue early in the proceedings so that, if immunity is warranted, the costs of trial are avoided. *Saucier v. Katz*, 533 U.S. 194, 200 (2001). The Supreme Court has repeatedly "stressed the importance of resolving immunity questions at the earliest possible stage in litigation." *Hunter v. Bryant*, 502 U.S. 224, 227 (1991).

Before 1982, the test for qualified immunity had both an objective and a subjective component. First, an official had to prove that he did not violate "clearly established" law. Second, he had to show that he acted in "subjective good faith": i.e., that he believed that he was not violating the plaintiff's constitutional rights and was not acting with a "malicious intention."

In 1982, the Supreme Court eliminated the subjective component. It emphasized that consideration of an official's subjective motivations often involved "broad-ranging discovery and the deposing of numerous persons, including an official's professional colleagues. Inquiries of this kind can be peculiarly disruptive of effective government." *Harlow v. Fitzgerald*, 457 U.S. 800, 817 (1982). In other words, the subjective test made this issue less—not more—likely to be resolved in summary judgment proceedings. *Id.* at 816. See also *Anderson*, 483 U.S. at 641 ("Anderson's subjective beliefs about the search are irrelevant.").

#### HOW THE CUSTOMS SERVICE HAS FARED IN THREE RECENT CASES

##### 1. *Saffell v. Crews*, 183 F.3d 655 (7th Cir. 1999)

**Facts:** Airline passenger was subjected to a strip search following her return from a trip to Jamaica. Customs inspector conducted a pat-down search, then a partial strip search. No drugs found.

**Outcome:** Inspector is entitled to qualify immunity: "Crews, an experienced Customs inspector, was neither incompetent, nor did the district court find that she intentionally violated the law."

##### 2. *Bradley v. United States*, 164 F.Supp.2d 437 (D.N.J. 2001)

**Facts:** Passenger who was subjected to a strip search claimed racial discrimination and invasion of her privacy.

**Outcome:** Even assuming that customs agents violated the passenger's rights, they were entitled to qualified immunity: "Qualified immunity is afforded to federal employees to protect them from reasonable mistakes or poor judgment calls."

##### 3. *Brent v. Ashley*, 247 F.3d 1294 (11th Cir. 2001)

**Facts:** Only African American passengers on plane from Italy were detained, isolated, strip searched, and then x-rayed. No contraband was found.

**Outcome:** Inspectors' decision to conduct strip search and x-ray examination based merely on "general profile of arrival from a source country" and "nervousness" violated the Fourth Amendment. Because these grounds had been "explicitly rejected" by both the supreme Court and Eleventh Cir-

cuit, the inspectors were not entitled to qualified immunity. However, the subordinates who assisted in the searches were entitled to qualified immunity.

#### NAACP OVERWHELMING PASSES RESOLUTION OPPOSING FAST TRACK

##### EMERGENCY RESOLUTION NO. 1

Whereas, the fast track promotion authority bills now entering a conference between the House and the Senate, give the administration the authority to negotiate new trade agreements that cannot be amended or fully debated by Congress, but only voted up or down; and

Whereas, previous grants of fast track authority have resulted in flawed trade deals including the North American Free Trade Agreement [NAFTA] and the World Trade Organization [WTO] and the current administration seeks to expand and replicate these trade deals; and

Whereas, the Economic Policy Institute estimates that these trade agreements—which have resulted in ballooning new trade deficits—have cost more than three million American jobs and job opportunities since 1994, with NAFTA alone accounting for the destruction of three quarters of a million of these jobs; and

Whereas, the Department of Labor has certified for trade adjustment assistance more than 400,000 workers who lost their jobs due to NAFTA, and the GAO found that African Americans made up 15% of workers displaced by the trade under the general TAA program in 1999, though accounting for less than 12% of the overall workforce; and

Whereas, free trade contributes to the rise in income inequality and downward pressure on wages and employers use the threat of moving overseas to take advantage of new trade rules in order to thwart union organizing drives and exact concessions at the bargaining table; and

Whereas, trade deals that cost jobs, lower wages and increase employer threats hurt the African American community, where median wages are lower, overall unemployment is significantly higher and the benefits of union membership are greater than among white workers; and

Whereas, workers in developing countries have also suffered under the free trade rules—Mexican workers saw their real wages drop and poverty increase under NAFTA, while the proliferation of export processing zones in Asia and Latin America has exposed young woman workers to health hazards and rights violations—and free trade agreements increase the power of multi-national companies to pit workers against workers in a race to the bottom in wages and working conditions; and

Whereas, agreements on trade and investment in services such as the General Agreement on Trade in Services [GATS] encourage the privatization and deregulation of services, including public services like transportation and utilities, thus threatening an important source of good jobs for African American workers; and

Whereas, investment rules such as Chapter Eleven of NAFTA give private foreign companies the right to demand taxpayer compensation for public interest regulations which diminish the value of their investments, thus giving foreign investors more rights than domestic investors and small-business owners and threatening important environmental and public health regulations such as California's ban on the toxic fuel additive MTBE; and

Whereas, pharmaceutical companies have used the intellectual property rules in trade agreements to threaten developing countries with retaliation if they violate patent rules

in order to provide affordable access to essential life-saving medicines, even medicines needed to treat people with HIV/AIDS; and

Whereas, the last twenty years of increased trade and investment liberalization have coincided with slower global growth, an increase in global income inequity and higher public debt burdens, especially in the poorest countries of Sub-Saharan Africa; and

Whereas, most trade deals continue to be negotiated in secret and trade disputes are resolved in secret, thus denying the public an opportunity to participate in important public policy decisions which affect their families, communities and livelihoods; and

Whereas, ongoing trade negotiations at the WTO and towards a Free Trade Area of the Americas [FTAA], which would expand NAFTA to the rest of the Hemisphere, have failed to make progress towards the creation of fairer trade rules which would protect public health and safety and public services, safeguard the environment, contain enforceable commitments to the International Labor Organization's core labor standards (freedom of association, the right to organize and bargain collectively and prohibitions on child labor, forced labor and discrimination) and stimulate broad-based economic development at home and abroad;

Whereas, the current fast track bills also fail to make real progress on these fundamental issues, thus guaranteeing that future trade deals will harm workers, degrade the environment and undermine progress towards sustainable, equitable and democratic development around the world.

Therefore, be it resolved, that the NAACP oppose the fast track bills now being discussed in Congress and urge members of Congress to vote against the fast track bill that comes out of the current conference; and

Be it further resolved, that the NAACP urge the Bush Administration to consult closely with Congress and the public, especially with communities of color, before negotiating any new trade agreements and to release draft negotiating texts and open up dispute settlement panels; and

Be it further resolved, that the NAACP support the inclusion of enforceable protections for the environment, workers' rights, public services and public interest regulations in all new trade agreements; and

Be it finally resolved, that the NAACP urge the Bush Administration to ensure that trade agreements do not include a commitment by the United States to privatize significant public services, including services related to national security, social security, public health and safety, transportation, utilities and education.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,

Washington, DC, July xx, 2002.

DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights, the nation's largest and most diverse civil and human rights coalition, I write to express our strong opposition to section 141 of the House version of the Customs Border Security Act of 2001 (H.R. 3129), and to urge that this provision not be included in the final version of the bill that comes out of Conference. This provision would unjustifiably weaken protections against racial profiling and undermine President Bush's call to end this pernicious practice.

Section 141 would provide Customs officers with legal immunity from civil lawsuits stemming from searches of individuals entering the country, based on the officer's assertion that the search was conducted in "good faith." We are unaware of any precedent for this sweeping protection. Customs officers would be afforded a legal shield unavailable to any other federal law enforcement officer.

Under current law, the "qualified immunity" doctrine protects officers from liability for actions "that did not violate any clearly established constitutional or statutory rights." The additional protection now sought by the Customs Service apparently would cover searches that do violate clearly established constitutional or statutory rights but which were undertaken in good faith.

This additional protection is unjustified for several reasons. First, individuals victimized by official actions that violate "clearly established constitutional or statutory rights" deserve legal redress. Second, a good faith exception puts a premium on ignorance of the law; officers should not gain immunity because they did not understand what constitutes a "clearly established constitutional or statutory rights." Finally, there is no reason for the Customs Service to have this additional protection that other law enforcement agents do not. If Congress is going to debate whether all agents should receive this unjustified protection, that debate should not occur on this bill.

In considering whether the Customs Service deserves this unprecedented protection, Congress should recall that in a March 2000 report, the General Accounting Office found that black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service. This disparity persisted despite the fact that black women were less than half as likely to be found carrying contraband as white females. We understand that the Customs Service has taken steps to address this problem, but this is no time to reverse the agency's progress.

Instead of weakening protections against racial profiling on an ad hoc, agency-by-agency basis, Congress should enact legislation to ban racial profiling. A bipartisan bill to implement that goal, the End Racial Profiling Act of 2001 (H.R. 2074), has been endorsed by the Leadership Conference and currently has 93 cosponsors.

Thank you for your consideration of our views. Please feel free to contact Julie Fernandes of the Leadership Conference staff at (202) 263-2856 regarding this issue.

Sincerely,

WADE HENDERSON,  
Executive Director.

AMERICAN CIVIL LIBERTIES UNION,  
Washington, DC, July 18, 2002.

DEAR SENATOR: The ACLU urges Members of the Conference Committee to reject several troubling provisions included in the House and Senate versions of H.R. 3009, the Andean Trade Preference Act. Sections 341 and 344 of the House bill and Section 1143 of the Senate bill should be removed in Conference. These provisions would weaken protections against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence.

UNWARRANTED IMMUNITY FOR CUSTOMS OFFICIALS

Section 341 of the House bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in "good faith." The Senate Bill does not contain a similar provision. Even though this provision would dramatically change immunity law, the provision was attached to a Customs Authorization Bill (H.R. 3129) and never considered by the judiciary committee. Many major civil rights organizations opposed this provision in the House bill including: the Leadership Conference on Civil Rights, the National Association for the Advancement of Colored People, the National Council of La Raza, the Mexican American Legal Defense Fund, the

Counsel on American Islamic Relations and the American Arab Anti-Discrimination Committee. The civil rights community believes that passage of this provision would be a major set-back in the fight to end racial profiling.

Current law already provides qualified immunity to customs agents. Qualified immunity is based on an assessment of what a reasonable officer should have done in any given situation. Under current law if a law enforcement officer conducts an unconstitutional search based upon a reasonable but mistaken conclusion that reasonable suspicion exists, the officer is entitled to immunity from suit. See *United States versus Lanier*, 520 U.S. 259 (1997). This standard provides customs agents protection against unreasonable law suits but also protects individuals from unconstitutional searches. The customs service has not offered a reasonable justification as to why the qualified immunity standard should be changed.

Section 341 would provide a customs officer with "good faith" immunity. The term "good faith" is not defined in the bill. Presumably an officer could engage in blatantly discriminatory conduct, but if he in "good faith" believed that he was justified in doing so, he could not be held liable. This bill would expand immunity so that a person would not be entitled to relief from an unconstitutional search unless the officer acted in "bad faith"—a nearly impossible standard to meet. No law enforcement official is entitled to this broad grant of immunity. Given that Congress has recently expanded the police powers of government officials, it should not at the same time cut back on the mechanisms in existing law that are designed to ensure police powers are not abused.

Out of all the federal law enforcement agencies, the Customs Service should not be provided with additional immunity. The Customs Service has a documented record on racial profiling. A March 2000 General Accounting Office report found that while African American men and women were nearly 9 times more likely to be searched as white American men and women, they were no more likely to be found carrying contraband. After the GAO Report was released, then Commissioner Raymond Kelly implemented a series of changes to customs search policy designed to address the problem. In June of 2001, the total number of customs searches had decreased, but people of color, especially African-Americans, constituted the majority of the targets of the searches.

Furthermore, customs agents have the authority to conduct extraordinarily intrusive searches. Based only on a finding of reasonable suspicion, a customs agent can subject a traveler to a full body cavity search and an x-ray search. In the recent case *Brent versus Odesta Ashly*, et al. 247 F.3d 1294 (11th Cir. Ct. App. 2001), customs agents in Florida subjected an African-American woman to a painful strip search and then an x-ray search even though there was virtually no evidence of drugs or other contraband.

*Recommendation:* We strongly urge the Conference Committee to exclude Section 341 of the House Bill from the final Trade bill.

PRIVACY OF OUTGOING INTERNATIONAL MAIL

Section 344 of the House bill, "Border search authority for certain contraband in outgoing mail," would allow the U.S. Customs Service to open outbound international mail without a warrant if they have reasonable cause to suspect the mail contains certain contraband. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

Section 344 would allow Customs officials to open sealed, outbound international mail without a warrant, without probable cause, and without any judicial review at all. People in the United States have an expectation of privacy in the mail they send to friends, family, or business associates abroad. The Customs Service's interest in confiscating illegal weapons' shipments, drugs or other contraband is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant.

Last fall, the U.S. Postal Service wrote a letter to the Chairman of the Financial Services Committee on the issue of searching outbound mail without a warrant: "There is no evidence that eroding these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques." (Letter to Chairman Oxley from the USPS, dated October 10, 2001.)

Section 1143 of the Senate bill is similar to Section 344. However, Customs officials would only have authority to search outbound international mail over 16 ounces without a warrant. Section 1143 improves on the House provision because it protects the privacy of letter-weight mail. But, the Senate provision also fails to provide any checks and balances on Customs officials' unilateral authority to open personal mail over 16 ounces. Customs officials' power to open personal correspondence without a warrant would be open to abuse because there would be no way to track warrantless searches and no independent third party review of their decisions. At a minimum, Section 1143 should establish oversight mechanisms to ensure Customs officials do not abuse their authority.

Recommendation: We strongly urge the Conference Committee to exclude Section 344 of the House bill and Section 1143 of the Senate bill from the final Trade legislation.

We urge you to reject sections 341 and 344 of the House bill and Section 1143 in the Senate bill because they would weaken protections against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence. For more information contact Rachel King at 675-2314 or Katie Corrigan at 675-2322.

Sincerely,

Laura Murphy,  
Director, Washington  
National Office.

Rachel King,  
Legislative Counsel.

Katie Corrigan,  
Legislative Counsel.

COUNCIL ON

AMERICAN-ISLAMIC RELATIONS,

Washington, DC, July 24, 2002.

Re: H.R. 3129—Do not include customs immunity into the trade bill

DEAR REPRESENTATIVE: We are writing to urge you to NOT include section 141 of H.R. 3129, "The Customs Border Security Act of 2001" in the current trade bill. Section 141 of H.R. 3129 would weaken protections against racial profiling and other illegal searches.

We are writing to you on behalf of the Council on American-Islamic Relations, as organization that works to protect the rights of American Muslims. Since Sept. 11 many American Muslims have been subjected to acts of racial discrimination and harassment. We are concerned that this bill will lead to more discrimination because it will immunize customs officers who engage in that type of behavior.

Customs agents currently enjoy protections from unwarranted claims of abuse

through qualified immunity from prosecution based on objective criteria. Section 141 of H.R. 3129 would grant 'good faith' immunity, without defining what 'good faith' means. An officer could engage in blatantly discriminatory or unconstitutional conduct, but if he in "good faith" believes that the was justified in doing so, he could not be held liable. Such broad and open immunity would make it nearly impossible for a person who has suffered an unconstitutional search and/or seizure to seek redress. No law enforcement agency currently has such a broad grant of immunity.

Customs agents routinely conduct highly intrusive searches, and have a poor record on racial profiling. For example, a March 2000 General Accounting Office report found that while African American are nearly 9 times as likely to be searched as white Americans, they were no more likely to be found carrying contraband. This combination of power and immunity will undoubtedly lead to civil rights abuses.

We urge you to NOT include text from H.R. 3129 in the current trade bill.

Sincerely,

JASON C. ERB,  
Director, Governmental Relations.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, July 25, 2002.

Hon. MAX BAUCUS,

Chairman, Senate Committee on Finance, Hart  
Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: I urge you and the other Senate Conferees to reject Sections 341 and 344 of the House bill and Section 1143 of H.R. 3009, the Andean Trade Preference Act. These troubling provisions would weaken protections against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence. Democratic members of both the Judiciary and Ways and Means Committees have consistently opposed these provisions when raised in Customs authorization legislation and the demerits of these proposals should not escape full scrutiny before passage.

Section 341 of the House bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in "good faith." The Senate Bill does not contain a similar provision. Even though this provision would dramatically change immunity law, the provision was attached to a Customs Authorization bill (H.R. 3129) and never considered by the judiciary committee.

Through a series of meetings, we sought some justification for this proposed change in liability law. The Customs Service, however, failed to demonstrate that existing qualified immunity doctrine provided inadequate protection for Customs agents acting within the scope of their official authority. In fact, the existing doctrine of qualified immunity more than adequately shields public officials performing discretionary functions from civil damages if their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person should have known. I know of no case where a Customs agent, acting within the scope of his authority, has ever been issued a judgment and most cases are dismissed prior to trial. The Supreme Court has also repeatedly held that the reasonableness of an officer's behavior, not the subjective "good faith" standard used in this legislation is the proper test for liability.

Section 11 would accord Customs officers a legal shield unavailable to any other law enforcement officer in the country. This provision would have the direct effect of weakening protections against racial profiling and other illegal and unconstitutional

searches by the Customs Service that have been highlighted in recent GAO studies. Specifically, the GAO found that passengers of particular races and genders were more likely than others to be subjected to intrusive strip and x-ray searches after frisks or patdowns, even though the results of such searches found that they were less likely to be in possession of contraband. The most extreme examples of racial profiling by the Customs Service were directed against African-American women, who were nine times more likely than white women to be the victim of an intrusive search, even though they were only half as likely as white women to be found carrying contraband. In light of the conduct of the Customs Service, such a broad grant of immunity, absent legislative scrutiny and oversight, invites continuing civil liberty violations.

Similarly, the Customs Service failed to demonstrate evidence of a need to change the legal standard for searching U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service. The Customs Service's interest in confiscating illegal weapons' shipments, drugs or other contraband inbound or outbound is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant.

Recently, the U.S. Postal Service wrote a letter to the Chairman of the Financial Services Committee on the issue of searching outbound mail without a warrant: "There is no evidence that eroding these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques." (Letter to Chairman Oxley from the USPS, dated October 10, 2001.)

Times of crisis are the true test of a democracy. As we search for increased national security, we must be mindful of the fact that our civil liberties are a precious resource and ensure that freedom is not a casualty of vigilance. Without arguable justification, Sections 341, 344 and 1143 trammel the ability of individuals to address the overzealous activities of the Customs Service and undermine the expectation of privacy in the U.S. mail. I, therefore, urge you to strike these provisions from the trade bill.

Very truly yours,

JOHN CONYERS, JR.,

Ranking Member, Committee on the Judiciary.

Mrs. TAUSCHER. Mr. Speaker, I rise to support the Trade Promotion Authority conference report. I am for free and open trade, and I want this President and all presidents to have Fast Track authority. Today, I think we need to remove some misconceptions about Trade Promotion authority. This is not a trade agreement. Rather, it would give our government the authority to negotiate trade agreements.

Congress would still get to vote up or down on every trade agreement that's made, and I would stand by my commitments to American workers and to protecting our labor standards and environmental laws during each and every one of those votes.

I believe trade is critical to America's economic growth and prosperity. The great strength of the American economy is really in the spirit of its people. It's American innovation, entrepreneurship, and competitiveness that drives our industry, agriculture, and local

businesses. The good news is every American stands to benefit from free trade.

Mr. Speaker, I am happy to see the conference report contains a solid trade compromise with robust trade adjustment assistance for displaced American workers. In fact, this is the most progressive trade authority ever considered by Congress. It expands the current worker assistance program threefold, and for the first time provides health care assistance for the unemployed.

As we move forward in a global economy, this legislation provides the right balance between reaping the rewards of free trade and protecting displaced American workers. Free trade is in the long-term interest of the United States and our economy, and in the creation of jobs that benefit American workers. I look forward to voting for this comprehensive trade legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in opposition to H.R. 3009—the Fast Track Conference Report. I also rise in opposition to the amendment to authorize the President to grant duty-free treatment for Andean exports of “tuna packed in flexible (e.g., foil), airtight containers weighing with their contents not more than 6.8 kg each.”

For months, I have provided the House and Senate with documentation that clearly shows that the Andean countries have the production capacity to destroy U.S. tuna operations in American Samoa, Puerto Rico, and California. I have also clearly demonstrated that the economy of American Samoa is more than 80 percent dependent, either directly or indirectly, on the U.S. tuna fishing and processing industries, and any give away to the Andean countries will adversely impact cannery operations in American Samoa.

Simply put, duty-free treatment for pouch products poses the same threat as duty-free treatment for canned products. Although the pouch tuna business is currently estimated to be about 6 percent of the total tuna business, conservative estimates suggest that the pouch business will grow three, five, and ten years at 75, 50, and 25 percent respectively. This equates to 8 percent share by 2005, 12.2 percent by 2007, and about 15.4 percent of total U.S. tuna trade by 2012.

Reuters wire service recently reported that StarKist intends to move away from the standard 6-ounce cans and boost distribution of tuna in a pouch. In other words, pouch product will displace canned product and canneries in American Samoa and Puerto Rico will be unable to compete with low labor costs in the Andean region. This will force a shut down of cannery operations in American Samoa and Puerto Rico. This will also lead to the demise of the U.S. tuna fishing fleet which will be forced to transship its product to the Andean countries at a cost disadvantage that will be impossible to overcome. In short, canned tuna will become a foreign controlled commodity instead of the branded product American consumers have trusted with confidence for over 95 years.

Given these eventualities, I cannot support a position that includes unlimited duty-free treatment for pouch products. I stand firm on capacity limitations which equate to no more than 18.1 million kilograms of tuna in airtight containers. I also stand firm on rules of origin. The U.S. tuna boat owners, Chicken of the Sea, and Bumble Bee also support my position and I am grateful for their support.

I also wish to note that I am disappointed that the House receded with an amendment to grant duty-free treatment for tuna packed in 6.8 kg pouches. Mr. Speaker, there is no such thing as a 6.8 kg pouch and it is almost inexcusable that the House would be misinformed on such a critical issue. To set the record straight, there are only two pouch sizes. There is a 7 oz. retail pouch and a 43 oz., or 1.22 kg, institutional food service pouch.

The food service pouch is packed in American Samoa by Chicken of the Sea. The 7 oz. pouch is controlled by StarKist. StarKist has said it will never pack its 7 oz. pouch in American Samoa. Why? Because StarKist is a company that is always in search of low-cost labor. Labor rates in the Andean region are 69 cents an hour and less. In American Samoa, tuna cannery workers are paid \$3.60 per hour. Given these wage differences, it is unconscionable for the U.S. Congress to give StarKist one more edge in the marketplace and one more reason to leave American Samoa.

This legislation is flawed. It is based on the idea that drugs lords will be enticed to pack tuna for 69 cents an hour. It is baseless thinking and I cannot and will not support the inclusion of tuna in the ATPA. The Philippines, Thailand and Indonesia have also expressed their concerns and provided Congress with statements regarding the economic impact the ATPA would have on their region. The Government of the Philippines has blatantly stated that the inclusion of tuna would impede its efforts to eradicate poverty and combat terrorism.

Chicken of the Sea, Bumble Bee, the U.S. tuna boat owners, Puerto Rico, and American Samoa offered up a fair and reasonable compromise to resolve the controversy surrounding the inclusion of tuna in the ATPA. Our compromise was the Breaux amendment which passed the Senate Finance Committee. The Breaux amendment limits the amount of tuna that can enter the U.S. duty-free and also requires a source of origin provision that would require tuna to be caught by U.S. or Andean flag ships.

Capacity limitations are key to ensuring the continued viability of the U.S. tuna and fishing operations in American Samoa, Puerto Rico and California. Rules of origin are necessary to protect our U.S. tuna fishing fleet which is based in the Western Pacific Tropic. There are no fishing licenses left in the Eastern Pacific Tropic and the U.S. tuna boat owners are almost entirely dependent on cannery production in American Samoa. Any fluctuation in production affects the livelihood of the U.S. tuna boat owners.

There are about 30 U.S. flag purse seiners operating in the Western Pacific Tropic. This fleet supplies about 200,000 tons of tuna per year to the canneries in American Samoa. The loss of American Samoa as a base would mean the end of the U.S. tuna fishing fleet. The Breaux amendment, however, limits the loss to 50.4 million pounds, or 2.1 million cases. The Breaux amendment also offsets this loss by providing opportunity for the U.S. tuna boats owners to sell their fish to the Andean canneries. Our compromise also encourages Andean countries to develop their own fishing fleets as a means to maximize economic benefits.

Mr. Speaker, the Spanish fishing fleet, which is subsidized by the government of

Spain, is alive and well and fishing for lightmeat tuna in the Eastern Pacific Tropic. Japan and Taiwan are well at work transshipping albacore tuna to Andean canneries. It is a well-documented fact that StarKist is purchasing albacore from Japan and Taiwan and transshipping it directly to Ecuador for packing.

I am concerned about these developments because I do not believe the ATPA should provide backdoor benefits for non-Andean countries. Neither Spain nor Japan nor Taiwan should be allowed to send their fish into the U.S. market duty-free. In my opinion, this would violate the intent of the ATPA and would unfairly disadvantage the ASEAN countries. In fairness to the U.S. tuna boat owners, in fairness of the ASEAN countries, in fairness to American Samoa, Ecuador, Colombia, Bolivia and Peru, I believe source of origin must be included in the ATPA. Limits must also be placed on the amount of tuna that can enter the U.S. duty-free.

I stand firm on capacity limits and rules of origin. In short, it is the people of American Samoa who will suffer economic loss as a result of the inclusion of any amount of tuna in the ATPA. To offset this loss, I believe Congress should make a sincere commitment to provide for an IRS Section 936 substitute which specifically addresses the needs of American Samoa. I also believe Congress should be prepared to assist American Samoa if it suffers massive unemployment and insurmountable financial problems.

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this legislation. We are not divided here today on the benefits of free trade. We are divided on how to best achieve it—to compete on a level playing field in the global economy. Fast Track turns it back on hard working families. It will not stem the tide of lost jobs and lower labor standards seen since the passage of NAFTA.

Fast Track is not the answer. It makes protection of environmental and labor rights non-mandatory. It guts provisions that ensure that countries do not use child labor to gain advantage over the United States. We should be working to increase the safety of workers, not expose them to new dangers and new insecurities.

This agreement eliminates common sense trade assistance reform that would have covered worker dislocation caused by factories moving offshore. So, if you lose your job due to increased imports you are eligible for coverage. But if you lose your job because your factory shut down and moved offshore to Asia, you are not. Mr. Speaker, that isn't right.

Increasingly, American families are struggling everyday to make ends meet. Congress has the opportunity and the responsibility to ensure that American values define the international market and that our citizens build solid futures. Show that Congress cares about and understands America's hopes and fears for the future and vote “no” on Fast Track.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of Trade Promotion Authority.

This legislation reflects a solid product that extends to President Bush the trade negotiating authority that Congress has extended to the past five presidents. It also enables the president and the Trade Representative to begin negotiations on a new WTO trade round that can lead to further trade liberalization on American products and services overseas.

World trade lifts people out of poverty and stimulates economic development in developing countries, which results in more stable and law-abiding government.

There's no denying that our economy is changing and with that change comes new industries and economic opportunities. The hallmark of the United States' economic vitality is the ability of our country to innovate and develop new products and services.

TPA will help enable our trade negotiators to open new doors to international trade that are essential if we as a country want to remain a leader in world trade.

If we do not approve TPA today, we are forfeiting a critical mechanism to influence negotiations on new trade agreements.

I believe that approval of trade promotion authority legislation is essential to the health of our economy. It benefits American consumer and workers alike.

By providing trade promotion authority to the President, the Congress is signaling its support for the Administration to negotiate trade agreements that benefit Americans and that require Congressional consultation.

More importantly, we are sending an important message about U.S. leadership in the global economy. Without TPA, our trade representative cannot demonstrate Congressional support for a new round of WTO negotiations.

This bill also provides some much needed assistance for workers who have been displaced by Trade. Under this bill, for the first time displaced workers will be eligible for a 65 percent advanceable, refundable tax credit that can be used to pay for COBRA.

This bill recognizes how difficult it can be for older workers to change careers and provides wage insurance to bridge the gap between old and new earnings (up to \$10,000 over 2 years).

But that's not all—there's a TAA program for farmers and ranchers, and an expanded training budget (retraining for displaced workers), and extends the availability of benefits for up to 2 and a half years.

As I have always said, I may be pro Trade, but I am also pro helping displaced workers, and this bill delivers on that promise.

We must act with one voice in supporting this legislation and the responsibility of Congressional oversight in trade.

We now live in a global economy that has been brought together through advances in technology, transportation and communications. International trade is not only a reality, but it is a necessity if we plan to thrive in the 21st century.

In this climate marked by a global economic downturn and a war on terrorism that crosses international borders, this legislation is an opportunity to signal U.S. leadership in the world.

Trade opens economic opportunities that minimizes the conditions that give rise to extremist groups, dictatorships and violations of human rights.

America's role in the world is defined largely by trade and economic ties with other countries. Our security is dependent upon prosperity.

We could spend countless hours modifying this bill, but the question comes down to whether this Congress supports a vision whereby America continues to be a global leader.

If we reject this balanced proposal, we send entirely the wrong signal to other countries

that America does not support an ongoing policy of trade expansion that has been the hallmark of our country's prosperity and a model for people and democracies the world over.

I urge my colleagues to vote for this proposal and stand on the side of economic opportunity and openness. It is the right time and right thing to do.

Mr. BLUMENAUER. Mr. Speaker, I support free trade. The removal of trade barriers by both the United States and our trading partners will ultimately strengthen the economies of all nations.

I have long believed that the best process for achieving the elimination of trade barriers is for us to grant the President a properly-structured authority to submit trade agreements, negotiated pursuant to that structure, for an up-or-down vote by the Congress. With the proper provisions for environmental and labor protections, trade agreements can facilitate both our economic and our environmental goals.

Sadly, the leadership of this House has refused to give us such legislation or even an open process to consider the bill before us. Once again the Republican majority has resorted to a "martial law" rule, preventing members from having even one day to look at the bill on which we're voting. This is the latest in a series of affronts to bipartisanship, collegiality and the legislative process. Until early this evening it was not even possible for Members to obtain a copy of the conference report on which we are voting.

Relying as we must on third-party descriptions of the conference committee's agreement, I conclude that my concerns about labor, the environment and meaningful trade adjustment assistance have not been met in this report, just as they were not in the trade promotion bill that was rammed through this House by a single-vote margin in December. The conferees have not dealt with the flaws in the mechanisms established for investment protection under the North American Free Trade Agreement—mechanisms the *New York Times* yesterday called "secret trade courts" in its editorial urging the conferees to correct this. The conference language does not ensure the continued enforceability of environmental agreements the United States has entered into with other nations. The conference bill fails to extend the core labor standards of the International Labor Organization to trade agreements entered into with our neighbors in the Americas. The bill shortchanges dislocated American workers with inadequate trade adjustment assistance.

As I have argued before, in this body and to the Administration, we could have achieved broad, bipartisan support for trade promotion authority if the Republican leadership had dealt fairly and openly with these issues as part of their legislation. Instead, the leadership has continued a pattern of unduly partisan, non-participatory legislating on trade. For me, this is perhaps the most disappointing feature of the bill before us.

Finally, it is most ironic that this partisan approach to TPA has forced the Administration to make a hash of this nation's trade priorities. In the name of advancing free trade, the Administration has made egregious projectionist concessions on steel, textiles and agricultural products in order to secure votes for passage. I can only hope this atmosphere changes and we return to building a majority for an honest, bipartisan trade policy for our nation's future.

Ms. KILPATRICK. Mr. Speaker, I rise in opposition to the conference report to H.R. 3009, the Fast Track Trade legislation that comes before us today. I do support trade agreements that will benefit all parties involved; however, the conference report that we consider today does not do this. It is a far departure of where I think we should be going in the direction of fair and equitable trade agreements. Everything that was positive was eliminated in conference and the result is a piece of legislation that will take us down a precarious, dangerous path for our nation.

Specifically, my concerns lie with the workers that will be negatively affected by this open and free granting of negotiating authority for the President. While we look at Fast Track as a way to create new opportunities and jobs for many Americans and other workers overseas, it is completely irresponsible and heartless for Congress not to provide safeguards for those U.S. workers that will be negatively impacted. This is unacceptable and shows where our priorities really are. Saying "yes" to the conference report to the Fast Track legislation before us today is an anti-worker vote with too many implications that we cannot afford.

Workers are the backbone of any company, but Fast Track would erode the rightful safeguards they are owed. Trade Adjustment Assistance (TAA) and health care protections are significantly weakened in the conference report. The tax credits included would not assist displaced workers, by forcing them to pay more for their health insurance. Moreover, there is no guarantee that workers who had health coverage for a only a couple of months, or had no health coverage at all, prior to losing their jobs would even be afforded assistance. And for those workers that belonged to companies who shifted their factories overseas, this bill basically says to them, "tough luck for you." What kind of assistance are we providing them? This is not assistance, it's corporate maximization, and it's the workers that pay the price.

Proponents of the trade agreement state that the conference report does indeed contain strong labor protections for U.S. workers; and that the provisions in the report are modeled after the Jordan Free Trade Agreement. That's simply not correct. The conference report falls short of the standards set in the Jordan FTA by excluding key commitments that deal with the incorporation of core labor standards in domestic law and the commitment to work towards the implementation and improvement of these laws. To state that the conference report affords strong labor protections is disingenuous.

In addition to the unacceptable worker protections in the conference report, there are a long string of other dangerous provisions that would take us backwards in our dealings. First, the environment plays second fiddle, if not worse, to promoting trade. Instead of being a leader in this area and protecting and advancing our standards, the U.S. would promote poor environmental policy in the name of signing a "good agreement."

Congressional oversight in ensuring that trade agreements are sound policy is also completely diluted. The conference agreement adds two new restrictions on Congress' ability to withdraw fast track and denies Congress our right to ensure that the trade laws of our nation are not forsaken in trade agreements.

On the other hand, foreign investors would be afforded even more rights than they have under current law. While Congress' rights are restricted, the rights of foreign investors are increased. This is a sell-out of the worst kind.

This conference report gives the President and his Administration a blank check to sign away worker protections, environmental protections, Congressional oversight, and so much more. It's a check that we shouldn't let pass—it's a check that we should stamp with a big "void." For these reasons, I oppose passage of the conference report to H.R. 3009. We can and should do much better.

Mr. UDALL of New Mexico. Mr. Speaker, tonight we have before us the Conference Report on Trade Promotion Authority—or Fast Track.

I was hopeful that the Conferees would give us a bill that had real and meaningful protections for America's working men and women. I was hopeful that the Conferees would give us a bill that had real and meaningful safeguards for our environment. I was hopeful that the Conferees would give us a bill that had real and meaningful protections of Congressional prerogative to change U.S. trade laws. I was hopeful that the Conferees would give us a bill that had real and meaningful expansion of the Trade Adjustment Assistance program. I was hopeful that the Conferees would give us a bill that had real and meaningful instructions regarding international accounting rules. I was hopeful that the Conferees would give us a bill that had real and meaningful protections for U.S. taxpayers against unfair suits against domestic public-interest laws.

However, and not surprisingly, H.R. 3009 has none of these important components. Therefore, I will vote "no", and I urge my colleagues to do the same.

While I was hopeful that H.R. 3009 would have real and meaningful protections for working families, it amazingly takes a great step backwards on workers' rights. As written, this bill effectively rules out any enforcement of workers' rights in future trade agreements. How can American workers compete with foreign companies who pay their workers slave wages? How can American workers compete with foreign companies who crush union representation? How can American workers compete with foreign companies that employ children? Put simply, they cannot.

While I was hopeful that H.R. 3009 would have real and meaningful safeguards for the environment, this bill actually reduces the role of this Congress to enforce environmental standards. We should be encouraging our international competitors to protect the environment. We should be providing assistance to other nations to achieve real environmental protections. However, this bill fails to ensure parity between the environment and commercial considerations in future trade agreements.

While I was hopeful that H.R. 3009 would have real and meaningful protections of Congressional prerogative to change U.S. trade laws, this bill is a major step backwards. Why was the Dayton-Craig language from the Senate bill stripped from the Conference Report? This bill actually diminishes the already minimal oversight Congress has over U.S. trade laws. This bill actually prevents Congress from withdrawing from a trade agreement, even if the trade agreement is found to undermine our trade laws.

I was hopeful that the Conferees would give us a bill that had real and meaningful expansion

of the Trade Adjustment Assistance program. Amazingly, this Conference reduces the Senate-passed TAA proposal to cover only 65 percent tax credit to cover health care costs. During these times of economic uncertainty, this is another slap in the face to laid-off workers. Worst of all, this 65 percent figure is below what most employers offer, so these struggling workers will actually pay more for their health coverage at a time when they've lost their jobs.

While I was hopeful that H.R. 3009 would have real and meaningful instructions regarding international accounting rules, this bill does not address the issue. At a time when we are passing long-overdue changes to our domestic accounting industry, this bill does nothing to prevent many of the shortcomings on the international front. We've just taken some great steps to improve what we do here in the U.S., but this bill could limit congressional changes to accounting regulations that are deemed "more trade restrictive than necessary."

I was hopeful that the Conferees would give us a bill that had real and meaningful protections for U.S. taxpayers against unfair suits against domestic public-interest laws. As a former State Attorney General, I am particularly sensitive to the unintended consequences of federal laws. As 35 current State Attorneys General wrote to Chairman THOMAS and Chairman BAUCUS, they had grave concerns that the investment provisions . . . [and] to the independence of our judicial system." As we already have seen in California, foreign companies have used the NAFTA investor rules to sue U.S. taxpayers for \$1.7 billion over a California clean-water law and a Mississippi jury award in a fraud case. We should not allow our own state laws to be used against us in the name of free trade.

While I cannot support this bill, I have taken many pro-trade votes in this Congress. I will continue to support trade agreements that protect the environment. I will continue to support trade agreements that provide important safeguards to protect the rights of American working families as well as the rights of our trading partners' workers. I will continue to support trade agreements that protect our ability to exercise our Constitutional duty to provide oversight of the executive branch. As I've stated previously, this legislation does none of these things.

I urge my colleagues to vote "no" on the Fast Track Conference Report.

Mr. OXLEY. Mr. Speaker, I rise today to support the Trade Promotion Authority Conference Report. I would like to thank the distinguished Chairman of the Ways and Means Committee, Mr. THOMAS, for crafting this balanced and fair legislation. Trade Promotion Authority is absolutely critical to reenergize our economy, create jobs and stimulate growth. TPA will grant the President, in consultation with Congress, the ability to negotiate in good faith with our trading partners. Without TPA the United States will once again be excluded when the other nations of the world begin negotiations for a free trade agreement. Our competitors in Europe are already party to over one hundred free trade agreements, while the U.S., the world's largest and most powerful economy, is party to only 3 such agreements.

I would like to address my colleagues on the importance of TPA as it relates to trade in

services. The U.S. is the world's largest exporter of services, and service is the fastest growing sector of the U.S. economy, accounting for 80 percent of both GDP and private employment. In 2000, the cross-border services trade surplus was \$76.5 billion, offsetting 17 percent of the \$452 billion trade deficit that year. These exports supported 4.4 million U.S. jobs in 2000 and added 20.6 million new U.S. jobs to the economy between 1989 and 1999. Services encompass all economic activity other than agriculture, manufacturing and mining.

Financial services are a key component in the trade in services equation. Financial services firms contributed more than \$750 billion to U.S. Gross Domestic Product in 1999, nearly 8 percent of total GDP. More than six million employees support the products and services these firms offer. Expanded trade in financial services will enable U.S. service providers to gain access to more markets in critical global financial centers and developing countries.

With greater trade in financial services, global economies will be required to develop more sophisticated and more transparent financial systems. This in turn will result in a stronger and more innovative global economic marketplace. With economic hardships in Argentina, Japan and China, expanded trade in financial services will act as an incentive for these countries and others to reform their financing practices and develop more stable economic systems.

I strongly encourage my colleagues to vote to approve TPA. This legislation will give the President critical authority to seek to open additional markets for U.S. financial service providers, improve the regulation of international financial markets, and provide international customers access to a greater number of financial products. All of these actions will lead to a more sophisticated, better run global financial marketplace and a faster economic recovery. Our workers are counting on us, our employers are counting on us, and the world is counting on us. We must approve TPA today.

Mr. EVANS. Mr. Speaker, I cannot support this fast track conference report as submitted. This agreement clearly does not reflect the needs and concerns of my constituents. In the last two years, I have witnessed two major steel mills close in my district and several factories shift production lines overseas. This legislation gives the President unabridged authority to enter into more trade agreements that send good paying jobs overseas, while weakening existing trade laws.

As I have said before, I do not share President Bush's vision for unfettered free trade that hurts the workers of the 17th district of Illinois. The President has continually threatened to veto any agreement that contains language preventing him from weakening anti-dumping statutes. This agreement fulfills the President's desire to freely trade away anti-dumping protections.

The President has indicated one of his first steps after passage of fast track will be to expand NAFTA to include all of Central and South America. This expansion benefits a few importers at the expense of thousands of workers and farmers in my district. Never has there been a worse time in the economy to give the President so much authority to trade away jobs. We should not give the President

this far reaching authority, especially during an economic crisis.

This agreement also does not include strong transitional assistance to workers whose company moves overseas or shuts down due to unfair trade. Mr. Speaker, I have assisted thousands of my constituents with the poorly funded TAA program and cannot afford to watch more families turned away from needed assistance. This plan also expects families to cover high health insurance costs with a tax credit. To expect families during an unforeseen lay off to benefit from a tax credit which they would not see until the next year is ineffective and insulting.

Mr. Speaker, I support free trade when it benefits American workers. But, I do not believe we should grant the President fast track to negotiate trade agreements in this form. I urge my colleagues to vote down this conference agreement, which makes no improvement on previous attempts to implement fast track.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 212, not voting 7, as follows:

[Roll No. 370]

YEAS—215

Aderholt	Culberson	Green (WI)
Akin	Cunningham	Greenwood
Armey	Davis (CA)	Grucci
Bachus	Davis (FL)	Gutknecht
Baker	Davis, Tom	Hall (TX)
Balenger	Deal	Harman
Barr	DeLay	Hart
Barton	DeMint	Hastert
Bass	Diaz-Balart	Hastings (WA)
Bentsen	Dicks	Hayworth
Bereuter	Dooley	Hefley
Biggert	Doolittle	Herger
Bilirakis	Dreier	Hill
Boehlert	Dunn	Hilleary
Boehner	Ehlers	Hinojosa
Bonilla	Ehrlich	Hobson
Bono	Emerson	Horn
Boozman	English	Houghton
Brady (TX)	Etheridge	Hulshof
Brown (SC)	Everett	Hyde
Bryant	Ferguson	Isakson
Burr	Flake	Issa
Burton	Fletcher	Istook
Buyer	Foley	Jefferson
Callahan	Forbes	Jenkins
Calvert	Ford	John
Camp	Fossella	Johnson (CT)
Cannon	Frelinghuysen	Johnson (IL)
Cantor	Gallely	Johnson, Sam
Carson (OK)	Ganske	Keller
Castle	Gekas	Kelly
Chabot	Gibbons	Kennedy (MN)
Chambliss	Gilchrest	Kerns
Collins	Gillmor	King (NY)
Cooksey	Gilman	Kingston
Cox	Goodlatte	Kirk
Crane	Goss	Knollenberg
Crenshaw	Granger	Kolbe
Cubin	Graves	LaHood

Larsen (WA)	Pickering	Smith (TX)
Latham	Pitts	Smith (WA)
Leach	Platts	Snyder
Lewis (CA)	Pombo	Souder
Lewis (KY)	Portman	Stenholm
Linder	Pryce (OH)	Sullivan
Lucas (KY)	Putnam	Sununu
Lucas (OK)	Radanovich	Sweeney
Manzullo	Ramstad	Tancredo
Matheson	Rehberg	Tanner
McCrery	Reynolds	Tauscher
McInnis	Riley	Tauzin
McKeon	Rogers (KY)	Terry
Mica	Rogers (MI)	Thomas
Miller, Dan	Ros-Lehtinen	Thornberry
Miller, Gary	Royce	Thune
Miller, Jeff	Ryan (WI)	Tiahrt
Moore	Ryun (KS)	Tiberi
Moran (KS)	Saxton	Toomey
Moran (VA)	Schaffer	Upton
Morella	Schrock	Vitter
Myrick	Sensenbrenner	Walden
Nethercutt	Sessions	Wamp
Ney	Shadegg	Watkins (OK)
Northup	Shaw	Watts (OK)
Nussle	Shays	Weldon (FL)
Osborne	Sherwood	Weller
Ose	Shimkus	Whitfield
Otter	Shuster	Wicker
Oxley	Simpson	Wilson (NM)
Pence	Skeen	Wolf
Peterson (PA)	Skelton	Young (FL)
Petri	Smith (MI)	

NAYS—212

Abercrombie	Gonzalez	Meek (FL)
Ackerman	Goode	Meeks (NY)
Allen	Gordon	Menendez
Andrews	Graham	Millender-
Baca	Green (TX)	McDonald
Baird	Gutierrez	Miller, George
Baldacci	Hall (OH)	Mink
Baldwin	Hastings (FL)	Mollohan
Barcia	Hayes	Murtha
Barrett	Hilliard	Nadler
Bartlett	Hinchey	Napolitano
Becerra	Hoeffel	Neal
Berkley	Hoekstra	Norwood
Berman	Holden	Oberstar
Berry	Holt	Obey
Bishop	Honda	Olver
Blagojevich	Hooley	Ortiz
Blumenauer	Hostettler	Owens
Bonior	Hoyer	Pallone
Borski	Hunter	Pascrell
Boswell	Inslee	Pastor
Boucher	Israel	Paul
Boyd	Jackson (IL)	Payne
Brady (PA)	Jackson-Lee	Pelosi
Brown (FL)	(TX)	Peterson (MN)
Brown (OH)	Johnson, E. B.	Phelps
Capito	Jones (NC)	Pomeroy
Capps	Jones (OH)	Price (NC)
Capuano	Kanjorski	Quinn
Cardin	Kaptur	Rahall
Carson (IN)	Kennedy (RI)	Rangel
Clay	Kildee	Regula
Clayton	Kilpatrick	Reyes
Clement	Kind (WI)	Rivers
Clyburn	Kleczka	Rodriguez
Coble	Kucinich	Roemer
Condit	LaFalce	Rohrabacher
Conyers	Lampson	Ross
Costello	Langevin	Rothman
Coyne	Lantos	Roybal-Allard
Cramer	Larson (CT)	Rush
Crowley	LaTourette	Sabo
Cummings	Lee	Sanchez
Davis (IL)	Levin	Sanders
Davis, Jo Ann	Lewis (GA)	Sandlin
DeFazio	LoBiondo	Sawyer
DeGette	Lofgren	Schakowsky
Delahunt	Lowe	Schiff
DeLauro	Luther	Scott
Deutsch	Lynch	Serrano
Dingell	Maloney (CT)	Sherman
Doggett	Maloney (NY)	Shows
Doyle	Markey	Simmons
Duncan	Mascara	Slaughter
Edwards	Matsui	Smith (NJ)
Engel	McCarthy (MO)	Solis
Eshoo	McCarthy (NY)	Spratt
Evans	McCollum	Stark
Farr	McDermott	Stearns
Fattah	McGovern	Strickland
Finer	McHugh	Stupak
Frank	McIntyre	Taylor (MS)
Frost	McKinney	Taylor (NC)
Gephardt	McNulty	Thompson (CA)

Thompson (MS)	Visclosky	Wexler
Thurman	Walsh	Wilson (SC)
Tierney	Waters	Woolsey
Towns	Watson (CA)	Wu
Turner	Watt (NC)	Wynn
Udall (CO)	Waxman	Young (AK)
Udall (NM)	Weiner	
Velazquez	Weldon (PA)	

NOT VOTING—7

Blunt	Lipinski	Stump
Combest	Meehan	
Hansen	Roukema	

□ 0330

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the conference report just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

#### PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND ADJOURNMENT OF THE HOUSE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to section 2 of House Resolution 461, the Chair lays before the House the following Senate concurrent resolution:

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 132

*Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, August 1, 2002, Friday, August 2, 2002, or Saturday, August 3, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Tuesday, September 3, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, July 26, 2002, on a motion offered by its Majority Leader or his designee pursuant to this concurrent resolution, it stand adjourned until 2:00 p.m. on Wednesday, September 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate