Schumer	Specter	Torricelli
Sessions	Stabenow	Voinovich
Shelby	Stevens	Warner
Smith (NH)	Thomas	Wellstone
Smith (OR)	Thompson	Wyden
Snowe	Thurmond	

NOT VOTING—2

Dodd Helms

The nomination was confirmed.

NOMINATION OF CYNTHIA M. RUFE, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Cynthia M. Rufe, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of Cynthia M. Rufe, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 99 Ex.]

YEAS—98

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Hollings	Schumer
Cantwell	Hutchinson	Sessions
Carnahan	Hutchison	Shelby
Carper	Inhofe	Smith (NH)
Chafee	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Corzine	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	

NOT VOTING—2

Dodd Helms

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider the votes are laid on the table, and the President will be notified of these actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ANDEAN TRADE PREFERENCE ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to talk about the trade promotion authority legislation that is before the Senate.

America has the most productive, creative workforce in the world. Our industries are diverse. Our products are second to none. Now we must expand our reach to bring more of these goods and services to the global marketplace by passing trade promotion authority legislation.

Trade promotion authority had been used since President Ford's administration to implement trade agreements until it lapsed in 1994. The President has not had this trade promotion authority since 1994. If America is going to increase trade opportunities around the world, Congress needs to pass this legislation so the President has the ability to negotiate trade agreements with the knowledge that, while Congress retains its right to approve or reject a treaty, it will not try to amend or delay it.

Without this legislation, foreign governments may not be willing to sit at the negotiation table with the United States, knowing that they may put all of this time into a negotiation that would then be delayed or changed by Congress.

Ninety-six percent of the world's consumers live outside of the United States, representing a vast potential market for American exports. Unfortunately, other countries are moving forward in promoting trade while we are standing on the sidelines. While we delay, other countries are entering into agreements that exclude us. Our competitors in Europe, Asia, and Latin America have sealed more than 130 free trade compacts. Yet we are party to only three—Jordan, Israel, and NAFTA with Mexico and Canada. Again, there are 130 free trade agreements in the world and the United States is a party to only 3 of those.

A lack of free trade agreements puts American exporters at a significant disadvantage. For example, a $180,000 tractor made in America and shipped to Chile incurs about $15,000 in tariffs and duties upon arrival. That same tractor would face only $3,700 in tariffs if it were made in Brazil, and there would be none if it were made in Canada.

American businesses, farmers, and ranchers are the best, but they should not have to compete with this kind of disparity. Our inability to negotiate agreements with foreign countries is hurting U.S. industry and limiting economic growth. The TPA offers the United States a chance to reclaim momentum in the global economy by adding foreign markets and expanding our opportunity for American producers and workers.

For 60 years, Presidents and members of both parties in Congress have worked together to open markets around the world. Now, as we launch the next round of global trade negotiations, close cooperation is critical. In Texas, we have experienced the benefits of free trade as a result of NAFTA. Since the agreement was implemented in January 1994, Texas exports have grown much faster than the overall U.S. exports of goods. Texas merchandise exports in 2000 went to more than 200 foreign markets, totaling $69 billion—an increase of more than 22 percent since 1997.

On the agricultural front, Texas ranks third among the 50 States in exports, with an estimated $3.3 billion in sales in foreign markets in 2000. We are leading exporters of beef, poultry, feed grain, and wheat. NAFTA has helped us secure the No. 1 cotton exporting State status. Since the agreement took effect, we have increased cotton exports to Mexico from 558,000 bales to 1.5 million bales in 2000.

Some people fear that trade will hurt the United States because they believe we will end up lowering barriers more than our trading partners. This is a legitimate question, but the fact is that the United States is already generally very low in barriers compared to our trading partners. For example, the average U.S. tariff on machinery imports is 1.2 percent, while foreign tariffs on U.S.-made machinery in countries such as Indonesia, India, Argentina, and Brazil are 30 times higher. By negotiating trade agreements, such as Free Trade Area of the Americas, the benefits we will receive by lowering those high barriers to our goods and services far outweigh the effect of lowering our very small tariffs.

Another fear is the extent to which lowering barriers to the U.S. market will cause job losses as companies move manufacturing overseas. This could happen, but we do have superior quality and work ethic—that is undeniable. Beyond that, however, we must consider the extent to which we are already losing jobs to overseas plants because of the high barriers to our goods.

Some countries try to attract manufacturing jobs by raising barriers to imports. This forces companies that would otherwise have production facilities in the United States and then export their products to build plants in

these foreign countries so they get around the tariffs. For example, Mars, Inc., the candy and pet food manufacturer, has their largest production facility in Waco, TX. They and other U.S. confectionary makers face an average of 25 percent in tariffs on confectionary candy exports and candy products to the European Union, and they have a 55-percent tariff on these goods to India. But the United States has virtually no tariffs on confectionary products. The employees of domestic candy makers would be much more secure if the President were able to negotiate a trade agreement that lowered these barriers overseas so they were not penalized for having U.S.-based manufacturing.

In addition to trade promotion authority, we will be debating related trade bills over the next few weeks. The Andean Trade Preference Act, which is the base bill we are debating today, seeks to help our counternarcotics efforts by providing people of the Andean region—South America—with economic opportunity other than drug trade. This bill can help U.S. develop overseas markets. If the beneficiary countries are able to use their exports to the United States to develop a healthier economy, it will create market opportunities for U.S. exporters.

The Andean Trade Preference Act has been successful in this respect. Since it went into effect in 1991, the four Andean countries have experienced $3 billion in new output and $1.7 billion in new exports. This has led to the creation of 140,000 legitimate jobs in this region, providing employment alternatives to people who might otherwise get involved in the drug trade.

Similarly, by extending the General System of Preferences, which provides duty-free status to certain items from developing countries, we can help to develop healthier economies that will inevitably demand U.S. products.

The other bill we are addressing during this debate is Trade Adjustment Assistance. This is a good program that would help those who lose their jobs because of trade. But we must also make sure this is not a program that is going to be so expensive and a program that discriminates among certain unemployed workers versus other unemployed workers versus employed workers. I think we might be taking a big chance with that part of the bill—not being as fully vetted and researched as the two parts that are trade promotion and Andean preference. These are two trade promotion acts that will have direct benefits to the workers and the people of America. It will also help the consumers of America get the lowest prices for goods that are imported without those artificial barriers.

So in this time of increased tension in many parts of the world, American leadership on trade is more important than ever. Giving President Bush a strong hand to negotiate, helping other countries to use the benefits of trade to develop legitimate businesses and economic growth are what we are addressing in the Senate with this trade package. Passing this legislation will ensure the continued growth of our economy and make sure that we are exporting our greatest ideals to the world—freedom, free enterprise, and democracy.

We must give the President this trade promotion authority so we will not be left behind. If America is only a party to 3 trade agreements out of 130, you know that other relationships are forming that keep America out.

We made a very good start with NAFTA. We have seen the benefits of NAFTA, that free trade agreement. Now we must extend NAFTA to South America with the Andean nations with which we have had trade relations. We need to come back and put in place trade with those countries without those barriers that have been put forward in the last year. We need to have good relations all over the world.

I think it is clear, from what is happening in the world and the lack of understanding in many parts of the world what freedom and free enterprise are, that we should be the leaders in opening free trade markets under an agreement that provides a level playing field for our workers and the workers of a foreign country. We should be the leaders, not the followers; not the people who are being dragged kicking and screaming into the new century.

We need free and fair trade. We can only get it by negotiating trade agreements and making sure there is a level playing field. If we have no agreements, we can have small barriers, they can have big barriers, and that is not a level playing field. We want a level playing field. Trade promotion authority and the Andean Preference Act will give us that.

I yield the floor.

The PRESIDING OFFICER [Mr. CARPER]. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that before speaking on the fast track bill, I be allowed to speak on the Middle East, and I will take about 10 minutes.

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

Mr. WELLSTONE. For colleagues who are watching, because I know there are a lot of people who want to speak, I probably will not take a full hour on my statement on fast track. I will try to proceed expeditiously, but first of all I do want to speak on the Middle East because I do not think we can ignore what is happening in the world. It has such a critical and crucial impact on our lives and our children's lives and our grandchildren's lives.

SEARCH FOR MIDDLE EAST PEACE

Mr. President, like many of my colleagues, I had enormous hopes for a permanent peace between Israel and the Palestinians before the collapse of the Oslo-Camp David peace process two years ago. Yet recently, as we all know, the situation in the Middle East has deteriorated dramatically, and what we have witnessed there is heartbreaking.

As I speak today, Palestinian gunmen remain holed up in the Church of Nativity, Israeli tanks are present in the West Bank, and Israeli and Palestinian civilians, seized by anxiety, fear stepping into the street in order to go about their daily lives. Across the region and in this country too, people are grieving for innocent Israelis and Palestinians who have lost their lives.

While there are new reports of clashes in Hebron, there is some positive news this morning. The month-long standoff at the Ramallah compound may be ending as U.S. and British security experts are expected to arrive today in the region to implement a U.S.-brokered plan. There are also signs of progress in Bethlehem, where there are news reports that many civilians not wanted by Israel will leave the church today.

Even in this time of terrible violence, however, we cannot lose hope, for the sake of Israelis and Palestinians everywhere who yearn for peace—and especially for their children, and the generations to follow. For them, we must continue to seek a pathway to peace.

To that end, Secretary Powell's mission to the region earlier this month was an important step. While a cease-fire was not achieved, the situation is less dangerous now than it might have been, without active U.S. engagement and Powell's vigorous diplomatic efforts. Events were spinning out of control earlier, especially on the border of Lebanon. But, the tense border situation seems to have cooled a bit, even if momentarily, due at least in part to Secretary Powell's work with the Syrians.

The real test, however, is whether the administration will stay engaged. It has finally left the side-lines and is onto the playing field of Middle East diplomacy, and it must stay in the game. Israeli officials say that conditions might worsen in the days to come, that Israel may witness a rash of suicide bombings as it pulls its forces back. If the administration, facing such an escalation of violence in the region, withdraws, as it has before, history will judge us harshly. If it continues to devote its time, energy and prestige to achieving the goals Mr. Bush laid out earlier this month, then the violence might be contained, and we may see progress. Engagement remains the only intelligent option for our country now.

We must pursue a courageous approach which seeks both to meet the critical need of the Israeli people to be free from terrorism and violence, and acknowledges the legitimate aspirations of the Palestinian people for their own state, a state which is economically and politically viable. Even in this horrific time, we must not lose sight of what should be our ultimate goal: Israel and a new Palestinian state living side-by-side, in peace, with secure borders.

For many, the last two years have shattered confidence in any peace process. It has raised questions in some people's minds about whether Palestinians and Israelis can ever really live and work together, supporting each other's aspirations for peace, prosperity and security.

We must do our best to work with the parties to restore calm, to end the bloodshed, and to get back to a political process that might address the underlying causes of this conflict.

I believe many of the elements of the path back to peace are known:

First, Palestinian leaders need to renew their severely damaged credibility as legitimate diplomatic partners by condemning terrorism and doing all in their power to combat it. Chairman Arafat has not consistently rejected or confronted terrorists; indeed if the evidence gather by the IDF is to be believed, he may have actually supported them. He cannot play both sides any longer, but must work to end terror and the sickening wave of suicide bombings Israel has suffered.

There must also be an end to the culture of violence and the culture of incitement in Arab media, in schools and elsewhere, which Arab and Palestinian leadership have allowed to go unchecked too long. Throughout the region, anti-Israel incitement is widespread and insidious: government-controlled press, television programs and school textbooks regularly demonize Israelis with vile language and images. Arab states must help put an end to this, as it badly damages all the parties and powerfully undermines the cause of the Palestinian people and their national aspirations.

President Bush and the international community have called on Israel to end its incursion into the West Bank, and Israel has begun a withdrawal, however partial and tentative. As President Bush stated, when Israel moves back, responsible Palestinian leaders and Israel's Arab neighbors must step forward, and demonstrate that they are working to establish peace: ''the choice and the burden will be theirs.'' To that end, the Palestinian leadership must commit to resuming security cooperation with Israel, and the United States and the international community must assist the Palestinians in reconstituting an effective security mechanism so they can do so.

Second, Israel must show a respect for and concern about the human rights and dignity of the Palestinian people who are now and will continue to be their neighbors. It is critically important to distinguish between the terrorists and ordinary, innocent Palestinians who are trying to provide for their families and live an otherwise normal existence. Palestinians must no longer be subjected to the daily, often humiliating reminders that they lack basic freedom and control over their lives.

Third, the United States and the international community must begin immediately the urgent task of rebuilding so that ordinary Palestinians can resume a normal existence. The Palestinian economy has been battered and the infrastructure of the Palestinian Authority badly damaged. Last week, the World Bank identified a $2 billion need, estimating that the direct physical destruction of the public infrastructure alone is $300 million, and that at least 75 percent of the Palestinian workforce is now idle. At the same time, Israel is facing major economic challenges, with a serious recession and currency dropping to a new low recently. The international community and Israel's Arab neighbors must contribute to serious rehabilitation and economic development efforts.

Consistent with the UN Security Council resolutions, the United Nations fact-finding team must be allowed to visit the territories to examine what actually happened in the Jenin Refugee Camp. As Secretary Powell has declared, this is in the best interests of all concerned, especially in the best interests of the Israelis, to end speculation and have a full, accurate, public accounting of what actually occurred there. As soon as details on the composition of the team is resolved and the scope of its mission agreed upon, it must be allowed access to conduct its work.

Fourth, I believe there is no military solution to this conflict. The only path to a just and durable resolution is through negotiation. And there will be no lasting peace or regional stability without a strong and secure Israel, which is why the United States must maintain its commitment to preserving Israel's strength, and providing Israel substantial assistance.

I believe the United State must now push forward with specific and concrete ideas for rebuilding the shattered trust between the parties, bringing an end to the violence, and offering a new path back to the road of peace. The points of departure for such a plan are already in place—the UN Resolutions 242 and 338 and the earlier settlement negotiations conducted at Taba, Egypt in January 2001. The recent Arab League support of the Saudi proposal for normalization of relations between Israel and Arab nations is key. It acknowledges Israel's right to exist, and raises hope of a constructive Arab involvement in the search for peace. The United States should also consider supporting, with the consent of both parties, some kind of international observer force to enhance security for both sides. NATO might choose to take part in any such deployment, given Europe's continuing interest in containing the Middle East crisis. This could be followed, again with the agreement of all parties, with an international peace keeping force, if such a force could be helpful.

We cannot afford to dither. The administration should move decisively to convene a broad international conference loosely based on the Madrid conference of 1991, at which the exchange of land for peace became the basis for negotiation. The goals of the conference should be spelled out clearly: putting the breaks on the violence and speeding negotiations for a two-state solution.

Both sides will need to make painful choices if there is to be a just and stable peace. There must be a recognition of the tragic Palestinian refugee experience, and also an understanding that not all Palestinians refugees will be able to return to Israel. Many observers believe that the parties will eventually need to agree on a formula which would allow some refugees to return to Israel, and then provide for resettlement, and financial compensation for the remainder. And consistent with the Mitchell plan, Israeli settlement expansion in the occupied territories will have to be addressed and, as many observers have noted, some settlements may need to be dismantled. All of this should be negotiated by the parties themselves.

Despite the rage and raw feelings in the region now, most Israelis and most Palestinians crave a peaceful resolution to this conflict. This hunger for peace, and a sustained and vigorous engagement by the United States, are our best hope for achieving it.

ANDEAN TRADE

Mr. President, I debate this motion to proceed to fast track, the fast-track trade mechanism now known as the trade promotion authority. I oppose it on a lot of grounds.

First, I oppose the bill because of a principled opposition to the fast-track mechanism. I am not sure that for me this principle would in all cases be absolute and decisive, but I do lean against any fast-track mechanism for fundamental reasons. Second, I oppose the bill based on my judgement in advance of the unlikelihood of seeing negotiated trade agreements that I will be able to support on behalf of the people of Minnesota and of the nation. I base that judgement on the negative consequences of past trade agreements, the track-record of this administration so far, and on the text of the Trade Promotion Authority Act, which I believe is fundamentally flawed in its approach. Finally, I oppose moving to the fast-track bill because I believe it is irresponsible to discuss it before first addressing the urgent needs of workers in this nation.

Let me begin with my first reason for opposing the fast-track bill. I am inclined to oppose fast-track on general principles of democracy and representative accountability alone. Fast track procedures shorten necessary congressional debate and eliminate the option of amendments by elected and accountable representatives of the public. Under Article I, Section 8 of the Constitution, it is not the President but Congress that shall ''regulate commerce with foreign nations'' and I am not willing to shirk my responsibility to make fair trade policy by giving the President authority to determine trade

policies without meaningful checks from Congress.

It is worth observing at the outset that when we say we are considering trade agreements under fast track procedures, the measures we are talking about generally entail the substantial changing of domestic laws. We are talking about packages of legislative changes that are the implementing bills for what the President and his representatives have negotiated with trading partners. We are not only discussing tariff schedules, important as those can be. We are talking about the alteration of domestic law. It is difficult to imagine good enough reasons to surrender our rights as Senators to unlimited debate on amendment of those measures before we have even seen them.

This bill, HR 3005, which the motion to proceed could bring before us by the end of the week if it is successful, would lock in fast-track rules now for debates and votes we will have later. By later, I mean at whatever point we consider implementing legislation for several of the trade agreements which the Administration is now negotiating such as an agreement entered into under the auspices of the World Trade Organization, agreements with Chile and Singapore, and an agreement establishing a Free Trade of the Americas or which it might negotiate under this authority between now and 2005. That is the duration of the bill's provisions if it is enacted. In other words, we are deciding now whether to establish special and highly restrictive rules which will govern our debate and votes later on implementing bills for agreements whose contents we will not know until that time.

That is the meaning of fast-track legislation. I wonder how many Americans are aware that the Senate might be willing to give away that much authority in the making of trade policy. If we pass this fast-track legislation, whatever agreement is negotiated and the changes in U.S. law that would be required in order for the United States to comply with it, will be considered automatically here in the Senate once that agreement is reached. This will take place on an expedited schedule, with no amendments, and with a limited number of hours of debate. Just one up-or-down vote on a giant bill changing numerous U.S. laws, with no amendments and limited debate. I am sorry to say that based on my experience, many of us in this body will probably be only partially aware of what is actually contained in such implementing bills. But in any case, even if we know every provision, we will not have the opportunity to change a single one.

During my time here in the U.S. Senate, I have consistently opposed the granting of fast-track authority for trade agreements. I opposed it for NAFTA. I opposed it for creation of the WTO. I have yet to be convinced of the need for any fast-track authority to achieve beneficial trade agreements. The record of the previous Administration appears to reinforce this conviction. During the 1990s we entered into nearly 200 international commercial agreements without fast-track, including the Caribbean Basin Initiative and agreements with sub-Saharan Africa, Jordan and Vietnam. I should repeat that nearly 200 trade agreements, and only two of those utilized fast track procedures. Last November, U.S. Trade Representative Robert Zoellick said that fast-track was a tool the administration could not live without. He said: ''If I'm pressing my counterpart to go to his or bottom line, he or she is going to balk if they feel that Congress has the ability to re-open the deal. My counterparts fear negotiating once with the administration and then a second time with Congress.''

Mr. President, if the previous Administration could so readily reach trade agreements without the benefit of fast-track, then I question the need to impose such procedures, which are inherently undemocratic. I also question what Mr. Zoellick is getting at. I would hope he understands that our system of government has three branches. That our system is based on checks and balances. And I would hope that in the nations with which we are negotiating trade agreements, that we are also promoting an agenda committed to democratic principles. Because when we talk about the fast-track mechanism, that is not the case. They shorten necessary debate. They eliminate the chance for amendment by elected and accountable representatives. They exclude meaningful participation in the legislative process by numerous groups which normally have at least some access to it.

For example, free trade is supposed to be good for the consumers. But how often do representatives of consumer organizations help to decide our negotiating goals? How many consumers are on the panels which advise negotiators? Corporations in various sectors help decide what our goals are, which is appropriate. But why not consumers? Consumers might argue that open trade is good; it can help bring higher quality goods and services at lower prices. But consumers might also point out that there need to be rules in an open trading system enforceable rules against downward harmonization of environmental and food-safety standards, enforceable rules against child labor, enforceable rules against the systematic violation of labor and human rights. These are not enforceable objectives of negotiators under this fast track bill. In fact, as negotiating objectives, they need not even be achieved for a trade agreement to come before the Senate and receive fast-track consideration. But they probably would be enforceable if we had a more democratic process for negotiating and considering trade agreements. And if the objectives were not achieved in the agreements, consumer advocates could find a member of the Senate willing to offer an amendment to change the proposal. But not under fast track.

I favor open trade. Open trade can contribute significantly to the expansion of wealth an opportunity. It can encourage innovation and improve productivity. It can deliver high quality goods and services to many consumers at better prices. Negotiated properly, trade agreements can help bring these benefits to all trading partners in fair way. However, I remain unconvinced of the need for a fast-track procedure in order for a president to achieve beneficial trade agreements.

Fast-track is not about politics. It is not be about providing the authority to a President whose trade policy we support, and not to one we do not. Fast track is about our responsibility as legislators to do our part to ensure fair trade in the global economy. Of course the White House should conduct trade negotiations. But there is no reason to give the White House autocratic power to do so. If a trade agreement cannot withstand the scrutiny of our democratic process, then it does not deserve to be enacted.

My second reason for opposing the motion to proceed to this bill is that I do not have confidence that the specific trade agreements that are likely to be negotiated with this fast-track authority would achieve an improvement in the standard of living and quality of life for a majority of Americans. Nor do I believe that such trade agreements would be likely to improve the lives of the majority of the populations of other countries, the countries with whom we trade. Therefore, I do not believe I am likely to support the agreements, or their implementing legislation. Why would I give up my right in advance to amend bills which I do not think I will be able to support?

We have had excellent debates over the nation's trade policy in recent years. We had a good debate over the North American Free Trade Agreement, the Uruguay Round of the General Agreement on Tariffs and Trade, which ultimately led to the creation of the WTO, over permanent normal trade relations with China, and more recently over trade and trade remedies regarding the steel industry. I would like to take a second to talk in particular about NAFTA and the WTO implementing legislation. I voted against the implementing legislation for those agreements because I believed those bills did not take this country in the right direction in trade policy. The results of those agreements have largely reinforced my view. I continue to regret that I did not have more opportunity to change those major pieces of legislation. I believe they have done us great harm.

I did not oppose NAFTA and the WTO because I am a protectionist. I am not. I don't have the slightest interest in building walls at our borders to keep out goods and services. Nor do I fear fair competition from workers and companies operating in other countries. I am not afraid of our neighbors.

I don't fear other countries, nor their peoples. I am in favor of open trade, and I believe the President should negotiate trade agreements which lead generally to more open markets, here and abroad.

Indeed, I am very aware of the benefits of trade for the economy of Minnesota. I am told about them constantly. We have an extremely international-minded community of corporations, small businesses, working people and farmers in our state, and we have done relatively well in the international economy in recent years. Minnesota has lost some jobs to trade, as have most states. But we also benefit from trade. We benefit from both exports and imports. Exports create jobs, as we all know. But imports are not necessarily a bad thing either. They provide needed competition for consumers, and they also push our domestic companies to become better, to be as productive and efficient as they can be. Open trade can contribute significantly to the expansion of wealth and opportunity, and it tends to reward innovation and productivity. It can deliver higher quality goods and services at better prices. Negotiated properly, trade agreements can help bring all these benefits to all trading partners in a fair way.

My position is merely that Congress should exercise its proper role in regulating trade, which is what trade agreements do, so that the rules of international trade reflect American values. That is how American can lead in the world. It is how America should lead in the world.

What are American values when it comes to trade? We believe in generally open markets at home and abroad. But we also believe there is a legitimate governmental role in the protection and maintenance of certain fundamental standards when it comes to labor rights. There are certain fundamental standards when it comes to the environment. Standards when it comes to food safety and other consumer protections. Fundamental standards when it comes to democracy.

The question is how to pursue these values when we are negotiating trade agreements. The Bush administration believes that commercial property rights are primary in trade agreements, and should be enforceable with trade sanctions, and that environmental and labor rights are secondary. A majority of the Senate appears to agree. I do not. I don't believe most Americans agree with the President and the majority of the Senate on this question. I believe, and I believe that most Americans believe, that fundamental standard of living and quality-of-life issues are exactly what trade policy should be about. That is why strong and enforceable labor rights, environmental, consumer, and human rights protections must be included in all trade agreements, and as principle objectives in all trade negotiations. If trade agreements do not help to uphold democracy and respect for human rights, then they are deficient. That is my position. These should be the pillars of American leadership in the world.

At the same time we are told that America must lead on the issue of trade, we are also told that if we do not negotiate trade agreements, even ones which do not live up to our principles, then other countries will do so with each other in our absence. We will be left out. What a contradiction. We must lead, but we must do so by weakening our values. By leaving protection of workers rights out of the agreements we negotiate. By surrendering our principled linkage of human rights concerns to trade policy. Are we saying that when it comes down to it, money is what basically matters? Is that how we should lead the world? Not in my view.

Our trade policy should seek to create fair trading arrangements which lift up standards and people in all nations. It should foster competition based on productivity, quality and rising living standards, not competition based on exploitation and a race to the bottom. Protection of basic labor rights, environmental, and health and safety standards are just as important, and just as valid, as any other commercial or economic objectives sought by U.S. negotiators in trade agreements. We need to be encouraging good corporate citizenship, not the flight of capital and decimation of good-paying U.S. jobs. We ought not be pitting workers in Bombay against workers in Baltimore, making them compete against one another to get a decent living. Giving them ultimatums to accept an unlivable wage, or else. It is our responsibility in trade agreements to make the global trading system fair and workable.

It is the role of national governments to establish rules within which companies and countries trade. That is what trade agreements do. They set strict rules. If a country does not enforce respect for patents, trade sanctions can be invoked. If a country allows violations of commercial rules, trade sanctions can be invoked. You can bet that U.S. companies get right in the face of our negotiators to make sure that the rules in these agreements which protect their interests are iron clad and will be strictly enforced. Of course it is one of the goals of trade agreements to advance the interests of U.S. employers. But we are elected to help ensure that those agreements allows trade to benefit the interests of a majority of Americans, not only those with significant commercial interests abroad. I would go further and say that we also even have an interest in advancing the interest of a majority of people in other countries. Development abroad means more demand for products and services that we produce.

I believe our trade policy can achieve those goals. I wish that we would more often pursue them fully and in a balanced way. Our current trade policy is deeply skewed towards large corporate interests. That view is based on our experience with recent trade agreements. And unfortunately, this bill does little to require our negotiators to do better with new ones.

The negative effects of NAFTA, which took effect in 1994, and the WTO, created in 1995, demonstrate the harm in failure to negotiate important safeguards in trade agreements. NAFTA's damaging results have been documented by a range of reliable observers. They include loss of jobs, suppression of wages, and attacks upon and weakening of environmental and health and safety laws. Fast-track promoters want this authority to make it easier to extend NAFTA throughout the hemisphere in a proposed Free Trade of the Americas agreement and to expand the WTO in a new round of multilateral negotiation. If we repeat our past failure to include adequate labor, environmental, and health and safety provisions in new agreements, we only condemn ourselves to seeing some of NAFTA and other trade arrangements worst consequences again.

What have some of those consequence been? Let me draw from a report issued by the respected Economic Policy Institute. The report was issued in April of last year and is titled: ''NAFTA at Seven: Its Impact on Workers in all Three Nations.'' E.P.I's study examined the effects of NAFTA seven years after it implementation and concluded that in the United States: ''NAFTA eliminated some 766,000 actual and potential U.S. jobs between 1994 and 2000 because of the rapid growth in the U.S. export deficit with Mexico and Canada.'' Minnesota, according to the report, lost about 13,200 jobs due to the NAFTA related trade deficit. The report went on to say that in the U.S. ''NAFTA has contributed to rising income inequality, suppressed real wages for production workers, weakened collective bargaining powers and ability to organize unions, and reduced fringe benefits.'' A second report released last October argues that when you look at the combined NAFTA and WTO trade-related job losses between 1994–2000, that number is over three million. According to the report, Minnesota lost nearly 50,000 jobs. E.P.I also estimates that 5 to 15 percent of the decline in real median wages can be explained by the increase in trade.

NAFTA also has not lived up to promises regarding the environment or domestic areas such as food safety. According to reports released by Public Citizen, since the implementation of NAFTA, U.S. food imports have skyrocketed, while U.S. inspections of imported food have declined significantly. Public Citizen notes that imports of Mexican crops documented by the U.S. government to be at high risk of pesticide contamination have dramatically increased under NAFTA, while inspection has decreased. It argues that U.S. border inspectors have simply

been overwhelmed by the large volume of food imports entering the country from Mexico. In a report from September titled: ''NAFTA Chapter 11 Investor-to-State Cases: Bankrupting Democracy,'' Public Citizen documents the frontal assault on American law by foreign investors using rights and privileges given to them in the NAFTA agreement. It states that ''since the agreements enactment, corporate investors in all three NAFTA countries have used these new rights to challenge as NAFTA violations a variety of national, state and local environmental and public health policies, domestic judicial decisions, a federal procurement law and even a government's provision of a parcel delivery services.''

Mr. President, our experience with NAFTA cannot be dismissed. It has contributed to a significant number of job losses and the suppression of real wages for production workers, who make up 70 percent of the workforce. Real wages have gone down in Mexico, too, despite the fact that some workers are performing high-skill, high-productivity labor. Our trade balance has dramatically worsened with respect to Mexico. And a number of U.S. firms not only have used the threat of relocating to Mexico to hold down wages, but some have even closed part of all of a plant in response to union organizing or bargaining. Violations of fundamental democratic principles, as well as of basic human and labor rights, continue to occur regularly in Mexico. And NAFTA's side agreement has not significantly improved Mexico's environment, or that of the U.S. Mexico border region.

NAFTA is a bad agreement. But I must also note briefly the tremendous weakness of this fast-track bill itself. The bill reported by the Finance Committee requires only that trading partners enforce existing labor and environmental laws. Nowhere in this bill does it state that parties must strive to ensure that their labor and environmental laws meet international standards. Nowhere in this bill do we demand that countries make progress in protecting the rights of workers and the environment. This is unacceptable. Have we learned nothing? Shouldn't we, at a minimum, require that countries try to do better?

The bill requires only that a country enforce its own laws as they stand today, and to add insult to injury, it has a loophole that allows countries to lower labor and environmental standards with impunity. It allows for strong enforcement of the provisions on intellectual property and other commercial rights, but then provides no adequate enforcement for violations of the labor and environmental provisions. In the real world, the effect of weak labor standards coupled with no enforcement mechanism means that while a U.S. company could easily bring a case against a country for not enforcing laws on copyright protection, that same country could fail to enforce minimum wage laws or even lower the minimum wage, and neither the U.S., nor a worker who is affected, could bring a case for violation of the trade agreement. I believe this provision shows exactly whose interests this bill is meant to benefit, and it's not the working man.

And unfortunately, the drafters have not learned from the mistakes of the NAFTA agreement when it comes to investor lawsuits. Just like under NAFTA, this bill does not forbid investor lawsuits that challenge domestic laws on the grounds of expropriation—expropriation that is not even limited to the long standing legal precedent that it must involve more than just a diminution in value or loss of profits. Today, as we debate the motion to proceed, a lawsuit is underway between a Canadian company and the U.S. government dealing with this very issue. Under NAFTA, the Canadian company Methanex has sued the U.S. government for $970 million in future profits due to California's banning of the chemical MTBE, which Methanex produces. Small leaks of MTBE from storage tanks, pipeline accidents, and car accidents were found to have contaminated 30 public drinking water systems in California. California banned the chemical on safety grounds and now we, the American people, are supposed to re-imburse the company that made the chemical for their lost profits? Absolutely not.

In 2000, another Canadian company, ADF Group Inc., filed a complaint using NAFTA's Chapter 11 on investment to challenge the federal requirement that U.S.-made steel be used in all federally funded highway projects. The case both challenges federal procurement policies and attacks a part of U.S. law that directly benefits American workers. Regardless of the outcome of this case, the fact that a private company could use NAFTA to challenge a popular domestic law that the U.S. has routinely tried to exempt from trade agreements, should trouble us all. The fast-track bill would do absolutely nothing to prevent more challenges to our Buy America Law in the future, and it would do nothing to guarantee that trade agreements will not be used to challenge laws we pass to protect our environment, public health and safety, and our workers.

Proponents of fast-track argue that these inadequate negotiating objectives will produce concrete gains in protecting workers' rights and the environment in future trade agreements, notably the FTAA, the WTO, and pending agreements with Chile and Singapore. But the Bush Administration has provided no basis for confidence that it is will willing to expend the necessary energy and political capital to actually move workers' rights and environmental provisions forward in any of these arenas. In fact, every word and action from the Bush Administration since it has been in office points to the contrary. It is simply untrustworthy when it comes to trade policy.

Section 131 of the Uruguay Round Agreements Act, as amended, directs the President to ''seek the establishment . . . in the WTO . . . of a working party to examine the relationship of internationally recognized worker rights . . . to the articles, objectives, and related instruments of the GATT 1947 and of the WTO.'' Despite this crystal clear mandate from the U.S. Congress, the Bush Administration has refused even to propose a working party on worker rights at the WTO. U.S. Trade Representative Zoellick told the House Ways and Means Committee on October 9th that such a proposal ''would kill our ability to launch the round . . . It has no chance whatsoever.'' The truth is, the Uruguay Round Agreements did not ask the President or his Trade Representative to evaluate the potential success of seeking a working party; it said the President ''shall seek'' such a party. Why would we give this President authority to negotiate trade agreements on an expedited basis, with no amendments, when it appears he already doesn't follow the instructions mandated by law from this body?

This Administration has publicly announced it will not enforce provisions negotiated in good faith by the Clinton Administration in the Jordan Free Trade Agreement. The Jordan agreement incorporated enforceable workers' rights and environmental protections in the core of the agreement subject to the same dispute resolution provisions as the commercial aspects. Yet in July, USTR Zoellick exchanged letters with the Jordanian ambassador to the U.S., in which both pledged not to use trade sanctions to resolve disputes under the agreement. This effectively gutted the path-breaking labor and environmental provisions in the Jordan agreement, since they are the only provisions not also covered by WTO rules, which authorize sanctions separately.

Also, the draft ministerial WTO declaration prepared for the next ministerial contains no progress on workers' rights whatsoever. There is not even a commitment for a formal cooperation agreement with the ILO, which would be a very minimal step forward, yet the Administration has not publicly criticized this aspect of the declaration.

The draft text of the FTAA, released in April, also contains no language whatsoever, not even as a proposal, linking trade benefits to workers' rights or environmental protection. If the FTAA negotiations continue on their current path, even the modest workers' provisions now included in the Generalized System of Preferences—which currently applies to virtually every Latin American country—will be rendered moot. In regard to the on-going Chile and Singapore negotiations, the Bush Administration has apparently retreated from the Jordan agreement commitments which were to be the baseline for the labor and environmental provisions of any new agreement. It has also failed to

bring forth any proposals on labor and environment in the negotiations. Chilean negotiators have told reporters that the U.S. is only asking for monetary fines to enforce labor and environmental standards. This falls short of even the modest Jordan standard.

It is clear this Administration has no commitment to labor rights or the environment in its trade policy. In fact, it doesn't see them as fundamental principles necessary to achieve fairness in the global trading system—it sees them as ''potential new forms of protectionism.'' This is what USTR Zoellick said in a speech to business associations in New Delhi last year. He also told the audience: ''We can work cooperatively to thwart efforts to employ labor and environmental concerns for protectionist purposes.''

Mr. President, we can not trust what this Administration says it will do when negotiating agreements because quite honestly, it doesn't believe what it is saying when it negotiates them. Worker's rights and protection of the environment in trade agreements are secondary to commercial interests. Period. They are secondary when it comes to workers and the environment abroad and they are secondary when it comes to workers' and the environment here.

For example, we have watched workers in the steel industry bear the brunt of ineffective trade policies and more recently, inadequate trade remedies on the part of this Administration. Although the President's recent Section 201 decision brought relief to some segments of the United States steel industry, it did nothing for Minnesota's Iron Range—nor for the iron ore industry in Michigan. While the President imposed a fairly significant tariff on every other product category for which the International Trade Commission (ITC) found injury, for steel slab he decided to impose ''tariff rate quotas.'' This brings us virtually no relief.

Nearly 7 million tons of steel slab can continue to be dumped on our shores before any tariff is assessed. The injury will continue. Moreover, already some of our trading partners—Brazil, for example—are angling for exemptions that would drive the quota levels even higher. And, frankly, I fear this Administration might listen too sympathetically to such pleas.

In fact, members of the Senate's Steel Caucus recently received a letter warning of potentially devastating impact of grants of exclusions awarded by the Administration. As the President of the United Steelworkers of America, Mr. Gerard, says, ''It would be tragic if having traveled so far to provide the industry and its workers and communities desperately needed relief, that the Administration now wasted this opportunity by making unwarranted exclusions at the behest of our trading partners.''

Frankly, the commitment to protect domestically produced iron ore and the blast furnace capacity to process that iron ore is shockingly absent. We must remain vigilant.

All of this leads me to the final reason I oppose moving to the fast-track bill. It is obvious this nation has more urgent priorities than debating fast-track authority. America's manufacturing industry is in a deep, long-lasting crisis that threatens the future of American prosperity. Manufacturing job losses since July 2000 have totaled 1.3 million. Manufacturing employment peaked in March 1998 at 18.9 million, but since then has declined by more than 1.6 million jobs to a total of 17.3 million. Last year, total employment in manufacturing fell below 18 million for the first time since June 1965. From 1994 to the present, growing trade deficits have eliminated a net total of 3 million actual and potential jobs from the U.S. economy—nearly 50,000 of those jobs in Minnesota, representing 2% of the state's labor force. Let's be clear. This crisis is a result of a failure of economic and trade policy. We should be addressing this failure, not granting fast-track authority for major new trade negotiations.

Domestic companies are hurting and domestic jobs are being lost by the thousands because of unfair trading practices not adequately curbed or punished by our domestic trade policies. What's perhaps most troublesome is that the trade-related losses of the past decade happened during times of economic prosperity so their effect was masked. I think we are just starting to feel the real impact of this nation's misguided trade policies. And now the Administration wants even more authority—fast track authority—to perpetuate these misguided policies? Where are their priorities? Do they even recognize the needs of workers in America?

We must address the condition of the American worker first. Trade Adjustment Assistance is critical for thousands of American workers and their families, and it should not be bootstrapped to a flawed, undemocratic bill that will cause more long-term hardship. I support the trade adjustment assistance portion of this bill. It will provide important assistance that is urgently needed. But, I believe we should address TAA separately, on its own merits.

Congress established TAA in 1962 to assist workers whose job loss is associated with an increase in imports. Workers are eligible for up to 52 weeks of income support, provided they are enrolled in re-training. The program also provides job search and relocation assistance. Despite low unemployment through the second half of the 1990s, the number of workers eligible for TAA has increased. In 2000, approximately 35,000 workers received TAA benefits. Unfortunately, existing TAA eligibility requirements have not kept up with the changing times. TAA covers too few workers and fails to address major problems that workers and communities face. The TAA provision in this package would help change that.

It would broaden eligibility and expand benefits, providing benefits to secondary workers, including suppliers and downstream providers. For example, iron ore workers who faced layoffs because of increased steel imports would be covered. TAA eligibility would also be expanded to include workers affected by shifts in production, as well to those affected by increased imports. It would increase income maintenance from 52 to 78 weeks; substantially increase funds available for training; ensure workers who take a part-time job don't lose training benefits; and increase assistance for job relocation.

The expanded program would link TAA recipients to child care and health care benefits under existing programs, and provide assistance to recipients in making COBRA payments. When you lose your job you lose your health insurance, and unfortunately that often means you lose your healthcare. While I was in Minnesota last summer, I heard from working men and women who had lost their jobs because of the economic downturn. In the fall I spoke to many who had become unemployed as a direct consequence of September 11th. Many of them told me that they were eligible for COBRA assistance but couldn't afford it. The average cost of COBRA coverage for a family is $700, more than half the monthly unemployment benefit. 80% of dislocated workers don't purchase it because they can't afford it. They end up having to make an awful choice: the choice between food and clothes for their families and having health insurance. This is unacceptable. We must provide assistance to the unemployed to ensure they have affordable health insurance.

The TAA provision in this bill would recognize the special circumstances faced by family farmers, ranchers and independent fishermen, and would seek to provide assistance and technical support before they lose their businesses. It would provide wage insurance for older workers and help communities adjust to devastating job losses. Mr. President, entire communities are often affected by the closing of one textile factory or steel mill. We must coordinate federal assistance to these communities, help them develop strategic plans following job losses, and provide technical assistance, loans and grants.

As of December, in Minnesota over 3800 workers have applied for Trade Adjustment Assistance as a result of NAFTA. Entire companies have relocated to Mexico or Canada, or workers have been laid off do the increase in imports from those countries. We must guarantee that all Americans benefit from trade by providing adequate trade adjustment assistance. But even that is not enough. We must protect the standard of living and quality of life of the American worker. We must address decline in real median wages and the weakening of workers rights in this country. And we must do so before we even think about fast-track authority.

Why is it, for example, that we are proceeding to debate the need for expedited review of trade deals this Administration negotiates when we have yet to address the long over-due increase in the federal minimum wage. Have we considered the irony of this? Expedited review of trade agreements that cause us to lose jobs, that undermine worker safety and security around the globe, before we debate a paltry $1.50 increase in the minimum wage over three years?

Poverty has nearly doubled among full-time, year-round workers since the late 1970s—from about 1.3 million then to 2.4 million in 2000. There are millions of mothers and fathers toiling 40 hours a week, 52 weeks a year, who are still unable to meet their families' basic needs—food, medical care, housing, clothing. More than 32 million people in this country—more than 12 million of those children—were poor in 1999.

A key part of the problem is an unacceptably low minimum wage. Minimum wage employees working 40 hours a week, 52 weeks a year, earn only $10,712 a year—more than $4,300 below the poverty line for a family of three. The current minimum wage fails to provide enough income to enable minimum wage workers to afford adequate housing in any area of this country.

Mr. President, every day the minimum wage is not increased it continues to lose value, and workers fall farther and farther behind. Minimum wage workers have lost all of their gains since we last raised the minimum wage in 1997.

Today, the real value of the minimum wage is now $3.00 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be more than $8 an hour today, not $5.15. Since 1968, the ratio of the minimum wage to average hourly earnings dropped from 56% to 36%.

Members of Congress acted to raise their own pay by $4,900 last year—the fourth pay increase in six years. Yet we have not found time to provide any pay increase to the lowest paid workers, an increase that would add $3,000 to the income of full-time, year-round workers. Don't those who are most vulnerable in our society, those who are absolutely struggling to make ends meet, those who every day are forced to choose between food, clothing, shelter, or health care for their families, don't they deserve the modest increase in the minimum wage that is proposed in the legislation that has been stalled for far too long.

A gain of $3,000 would have an enormous impact on minimum wage workers and their families. It would be enough money for a low-income family of three to buy: over 15 months of groceries; over 8 months of rent; over 7 months of utilities; or put a family member through a 2-year community college program.

History clearly shows that raising the minimum wage has not had any negative impact on jobs, employment, or inflation. Rather, in the three years since the last minimum wage increase, the economy experienced its strongest growth in over three decades. Nearly 11 million new jobs were added, at a pace of 218,000 per month.

Nearly 9 million workers would directly benefit from the proposed minimum wage increase, many of whom are raising children. Thirty-five percent of these workers are the sole earners for their families. Sixty-one percent are women. Sixteen percent are African American and twenty percent are Hispanic American.

Finally, since a minimum wage increase goes to families who need every dollar for basic needs, raising the wage will provide a much-needed spur to our slowly recovering economy. Fifty-eight percent of the benefit of the 1996 and 1997 increases went to families in the bottom 40% of income groups. Over one-third of the benefit went to the poorest families, those in the bottom 20%.

A fair increase in the minimum wage is long overdue. This body should not be proceeding to this wrong-headed fast track measure at all. But at the least we should not be doing so in advance of considering a minimum wage increase to correct some of losses suffered as the result of our shameful inaction in the past. No one who works for a living should have to live in poverty.

I oppose the motion to proceed to fast-track authority for all the reasons I have laid out here today: the fast track mechanism is undemocratic, it is unlikely I will be able to support trade agreements negotiated under fast-track authority given the consequences of past trade agreements, the track-record of this Administration so far, and the text of the Trade Promotion Authority Act, and I believe is irresponsible to discuss fast-track authority before addressing the urgent needs of workers in this nation.

I know that I am not alone in my opposition to fast-track authority. And I know that proponents of it will try to cast this debate as one of protectionists versus free traders. Nothing can be farther than the truth. The debate today is one of free trade versus fair trade. I know the difference. The American people know the difference. The debate today is about the responsibility of this nation to ensure justice in the global trading regime, to ensure democracy, human rights and all the values that make this nation great are not swept aside in the name of trade promotion. And it is about ensuring the American worker is not swept under the rug in the name of free trade.

Mr. President, Americans and especially the American worker, understand the link between promoting human rights and democracy and promoting free trade. In fact, they demand that link. We have seen it in the street of Seattle, Washington; Genoa, Italy; and just two weeks ago here in Washington, DC. At the grassroots level, people are demanding that trade be more than the simple movement of capital. They are demanding that it be more than the protection of intellectual and investor property rights. They are demanding more than what we see in this fast-track bill. My position on trade agreements is their position. It is not ''no, never.'' It is ''yes, if.'' Yes to trade agreements if they protect democracy, human rights and internationally recognized labor rights; yes to trade agreements if they guarantee minimum safeguards for the environment; yes to trade agreements if they do not abandon family farmers to competition from export-oriented mega-farms abroad operating free from any environmental regulation; yes to major trade agreements if they do not displace thousands of workers without any adjustment assistance. I oppose this motion to proceed and I will oppose the bill when it comes to the floor. To reiterate, Article I, section 8 of the Constitution says it is not the President but the Congress that shall regulate commerce with foreign nations.

I am not willing to shirk my responsibility of being a part of shaping a trade policy that can dramatically affect the quality of lives of families and people I represent in Minnesota. I do not understand how we could agree to a fast-track procedure whereby we could have a trade agreement which would entail actually changing some of our domestic laws that deal with consumer protection, that deal with worker rights, that deal with a whole range of issues, and that we basically surrender our rights to have the opportunity to have an amendment considered on the floor of the Senate. It makes no sense whatsoever.

This legislation locks us into fast-track rules now for debates and votes we will have later. The administration is talking about agreements with Chile and Singapore, the Free Trade Agreement of the Americas. In other words, we are deciding now whether to establish special and highly restrictive rules which will govern our debate on votes on pieces of legislation, votes that will take place later; an expedited schedule, no amendments, a limited number of debates. I don't understand it.

We can have trade legislation without this procedure. With fast track, any kind of trade agreement can come to the Senate floor. It can affect environmental laws that we pass in our States—in Delaware, in Minnesota. It can affect food safety legislation that we might pass in our States or pass in the Congress. It can overturn and declare trade illegal. It can be a trade agreement that we make with different countries, that further depress wages in our country. That means many working families will lose their jobs. That means no respect for basic child labor rights. And where there is no respect for human rights, there is no respect for democracy.

All of that can happen, and we are going to say through this legislation

that we forfeit our right as Senators to represent people in our States and try and amend these agreements so we can provide protection for the people we represent? I say to colleagues, on principle alone, I oppose this.

By the way, I opposed the Democratic administration. It is not a matter of politics. I oppose any President having this authority. I don't believe we should give up what is not only our constitutional right but our responsibility as legislators.

Robert Zoellick discussed why he needs fast track: If I am pressing my counterpart to go to his bottom line, he or she will balk if they feel the Congress has the ability to reopen the deal. My counterparts fear negotiating once with the administration and a second time with the Congress.

From the floor of the Senate, I say for Mr. Zoellick, without acrimony, we have a system of checks and balances. We have three branches of Government. As a matter of fact, during the decade of the 1990s, we negotiated close to 200 trade agreements only two of which used the fast track procedure. I have a list of them. The list goes on and on and on.

Let me make a second point, which is more hard hitting. When I look at past trade agreements and some of the empirical evidence, I don't want to give up my right to amend future trade agreements which I think will have the same detrimental or an even more detrimental effect on families in the State of Minnesota or, for that matter, around the country.

Let's just take NAFTA. The Economic Policy Institute, a highly respected think-tank, issued a report last year entitled ''NAFTA At Seven: Its Impact on Workers in all Three Nations.'' The report says:

> NAFTA eliminated some 766,000 actual and potential U.S. jobs between 1994 and 2000 because of the rapid growth in the U.S. export deficit with Mexico and Canada.

Minnesota lost 13,200 jobs due to the NAFTA-related deficit.

The report went on to say that in the United States:

> NAFTA has contributed to rising income inequality, suppressed real wages for production workers, weakened collective bargaining powers and ability to organize unions and reduced fringe benefits.

A second report released last October argues that when you look at the combined NAFTA and WTO trade-related job losses between 1994 and 2000—and I voted for neither agreement—the number is over 3 million. According to that report, Minnesota lost 50,000 jobs. The EPI estimates that 5 percent to 15 percent of the decline in real median wages can be explained by this increase in trade.

What are we saying? I will tell you something about potash workers. I was in Brainerd. It is so heartbreaking that 700 workers are out of work. When I called the CEO, he said to me: Senator, we can deal with any of the U.S. companies. We got killed by trade policy. In greater Minnesota they were shut down and lost $20-an-hour jobs with health care benefits.

LTV's iron ore workers—slab steel is coming in, produced way below the cost of production, and 1,300 workers are out of work, having lost well-paying jobs with good health care benefits.

Apparel workers, textile workers, auto workers continue to lose their jobs. In all due respect, we are supposed to be the party that represents working people. We are supposed to be the party for jobs. I fail to see how we live up to this responsibility by signing on to a trade agreement where we do not even have the right to offer amendments.

These companies say to workers in this country: if you do not give up some of your health care benefits, or if you do not agree to keep your wages down, we are gone. They do not say to workers in Minnesota: we are going to North Carolina. They are leaving North Carolina, too. They are saying to American families: we are gone. We are going abroad. We are going to Juarez, or Singapore, or wherever. We are going to Vietnam. We are going to Cambodia where we can pay people 30 cents a day; we can hire little children; we can work them 18 hours a day; we can imprison people if they try to organize and form a union, and we can torture people and violate people's human rights. There are some 70 governments today in the world that systematically practice torture.

Then, what these companies say to these countries is: OK, we will come to your country, but if you dare ever pass legislation allowing people the right to organize and bargain collectively, then we will leave, or we will not come. You had better not have any environmental standards that make it hard on us, or then we will not stay. You had better not pass any laws that protect little children so they don't have to work 18 hours a day at age 11, or we will not invest in your country.

We are given all these arguments about how we should be internationalists. I am an internationalist. My father was born in Odessa, Ukraine. My father's family moved to stay one step ahead of the pogroms. He moved to Siberia in czarist Russia and then came here at age of 17. He fled czarist Russia. There was a revolution. He was going to go back, and his parents told him: Don't come back, the Communists have taken over, Kerenski is out and Lenin is in. He never saw his family again, and they, in all likelihood, were murdered by Stalin.

My father spoke 10 languages fluently. I don't. But I am an internationalist. That is not the issue.

I know we are part of an international economy. I just want to ask, are there not any new rules that go with this? Just as 100 years ago when we moved from a farm economy to a national economy to more of an industrial economy—remember what happened? The women said: We want the right to vote. And then workers organized for an 8-hour day and 40-hour week, and then other citizens, the farmers and Populists alliance, said: we want some antitrust action; these trusts are destroying our lives. And there was the Sherman Act and Clayton Act, and then other people said: we want direct election of Senators.

There was a group of citizens who in a democracy demanded what they as citizens in a democracy had the courage to demand, which was: As we move from an agrarian to a national economy, make that national economy work not just for these huge companies, but for all of us, for our families and our children.

Now we are in the 21st century. What we are saying is, with this new international economy, can't we make sure that this new economy works not just for large multinational corporations? Can't we make sure that this new international economy works for workers—workers here and workers in developing countries? Can't we make sure it works for the environment and works for human rights and democracy?

It breaks my heart that we are told we can lead, but we can't lead with American values. What we are hearing from the administration and some of the proponents of this is: We have to do this. We have to lead. But we dare not—and believe me, I will have an amendment on the floor that will do this—we dare not tie this to human rights or democracy. There cannot be any mention of human rights or democracy in any of these trade agreements. We are asked to lead, but not lead with our values. We are asked to lead, but not stand for human rights. We are asked to lead, but not stand for democracy. As a first-generation American, the son of a Jewish immigrant who fled persecution from Russia, I reject that proposition.

There is much I could say that is more technical, and I will as we get to amendments, but I have one other question. Why are we on this legislation? How about first raising the minimum wage? In the coffee shops of Minnesota, when I walk in with Sheila and have a cup of coffee and a piece of pie, people don't say: Are you going to get to fast track? People talk to me about wages. They talk to me a lot about education.

How about a debate about when we are going to fully fund special education and live up to our commitment? The Presiding Officer, as a former Governor, knows what that is all about in Delaware.

How about a debate about affordable prescription drugs for seniors, and for others as well? We should be able to reimport drugs from Canada. Farmers and consumers should be able to reimport drugs back from Canada, if they have met all their FDA requirements. It helps not only senior citizens but all of our citizens.

How about going from $5.15 an hour which, if it kept up with inflation,

would be $8 an hour—$1.50 over the next 3 years?

In the State of Minnesota, to be able to afford housing at minimum wage, you would have to work 127 hours a week. There are not 127 hours in a week. It is just unbelievable. We are the Democratic Party. I am, today, speaking for the Democratic wing of the Democratic Party. Housing? In the State of Minnesota now, in the metro area, you will be lucky if you get a two-bedroom apartment for under $900.

Childcare? If you had a 2-year-old and 3-year-old, you would be very lucky if your expenses were less than $1,000 a month.

Of course, childcare workers make $6, $7, or $8 an hour with no health care benefits. You can't support yourself on minimum wage. If you are a single parent, that takes almost all of your income. It doesn't even meet the question of health care costs, food, transportation, and maybe once in a blue moon to go to a movie, or go out to eat.

Why aren't we focusing on the basic concerns of working families? I make this appeal on the floor of the Senate. Why aren't we talking about raising the minimum wage? Why aren't we talking about minimum wage jobs? Why aren't we talking about affordable prescription drugs? Why aren't we talking about health security for all? Why aren't we talking about how to meet these exorbitant health care expenses that small businesses can't meet? Why aren't we talking about what we are going to do as more and more of our neighbors, parents, or grandparents live to be 80 and 85 to make sure they can stay at home and live at home with dignity and not be forced to go to nursing homes? Why aren't we talking to our health care providers and to our physicians about adequate Medicare? Why aren't we talking about how we can have more support for nurses and attract more teachers? Why aren't we talking about retaining more teachers? Why aren't we talking about doing more for K–12? Why aren't we talking about affordable higher education, how we can make sure that every child by kindergarten knows how to spell his names, knows the alphabet, the colors, the shapes, and the sizes when they are ready to go to school?

Why in the world are we not focusing on these issues that are so important to the vast majority of the people we represent?

Why are we talking about fast track? Why are we calling upon all of us to give up our constitutional authority to amend trade agreements; to give up our responsibility to represent the people back in our States in case these trade agreements are antithetical to their rights as workers, or to their environment, or to their safety, or to their children; or to the rights of consumers?

I wouldn't do it for any President. Why don't I just lay my cards out on the table. Forgive me. I wouldn't do it for this President.

I don't see that this administration is at all committed to raising the minimum wage, or to making sure people have the right to organize and bargain collectively for labor law reform, or, for that matter, to protecting against repetitive stress injury, and to ensuring a safe workplace.

I don't think there is a great commitment on the part of this administration on behalf of the environment, consumers, or ordinary people who do not have all the capital and who make the huge contributions. I don't see a whole lot of commitment.

Now we are going to give this administration fast-track authority? I didn't vote to give it to the last administration. We can't come out here with an amendment to try to make things better. We can't fight to represent the people back in our States. And the trade agreements that I have seen so far—every single one—do not represent fair trade. They don't have child labor standards. They don't have basic human rights standards. They don't have any standards for protection of the environment. At the end of the day, there are depressed wages for workers not only in our country but in the developing countries as well. I think we can do better.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INTEREST RATES FOR STUDENT LOANS

Mr. WELLSTONE. Mr. President, I have not had a chance to review the specifics of the President's proposal. Jill Morningstar works for me on education. She gave me a briefing last night, which I haven't had a chance to read.

As I understand it, the administration is now basically proposing that students will not be able to consolidate some of their students loans in order to lower the interest rates and give them a break on interest rates.

I want to say to the White House that this is a true no-brainer; that is to say, it is a nonstarter.

I think the more the administration hears from higher education students in the State of Minnesota and around the country, the more they are going to realize that it is not true that these students when not in school are traveling around the swank ski resorts or playing on all the swank golf courses because they have a ton of money. It is not true. If they are 18, 19, and 20, many of them are working several jobs 30 hours a week. Many of these students in my State—I bet in Delaware, too—are in their forties and fifties and are going back to school.

I am the beneficiary of the National Defense Education Act, which was a low-interest rate loan, and I only had to pay half of it back because I went into teaching.

We should be going in the direction of more affordable higher education—not less affordable.

I think the bind this administration is in with their proposal is they are trying to figure out ways of supporting the Pell Grant Program because so far in their budget they don't have the support for it and the ability to find other pots of money.

This is sort of an unconscionable tradeoff. This is not the way we get more funding for Pell grants or other worthy programs—basically by severely undercutting students' abilities to be able to combine their loans and pay a lower rate of interest.

This is really anti-education. Frankly, it is anti-student.

I want the higher education community in Minnesota to know that is why I came to the floor. I am adamantly opposed to this policy. I join the ranks of other Senators—Democrats and Republicans alike—in opposition.

I think for many middle-income families higher education ranks right up there as one of the huge issues. It is very important.

I imagine that back in my State—and other Senators and Representatives will be doing the same thing—I will be having some meetings with students. Unless I am wrong, I think we will see a tremendous reaction, a lot of organizing, and a lot of insistence that the administration change this policy.

I am on the floor of the Senate today to call upon the White House to basically back away. They are going in the wrong direction. They are going to really feel the political heat. You should really feel the political heat.

This is the bind we are in. All of these worthy programs are on a collision course with the tax cut. Let us have tax cuts. Let us do some of it, but there has to be balance.

We have done so much by way of tax cuts. Now they want to make these tax cuts permanent. We no longer have revenue when it comes to affordable higher education, prekindergarten, welfare reform, money for childcare, money for TANF, affordable housing, special education, title I, support for COPS, support for firefighters assistance grants, and more research for all kinds of disabling diseases and illnesses.

So many people in the last couple of days have come from our State asking about money for Alzheimer's, diabetes, Parkinson's, mental health, and on and on. The money isn't there. This is one little example.

I come to the floor of the Senate to make clear my opposition to the direction the administration is going. I call on students to organize for higher education to make sure their voices are heard. I think the administration needs to hear from you because they are about to make it harder for you to afford your education. That is a distorted

priority. We ought not be making it harder for men and women—whatever their age—who want to pursue higher education. It makes no sense whatsoever.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I rise this afternoon to express my strong support for the motion to proceed to the Andean Trade Preference Act.

Since 1991, the Andean Trade Preference Act has helped the countries of the Andean region—Bolivia, Peru, Ecuador, and Colombia—to more than double their exports to the United States, to nearly $2 billion in the year 2000.

At the same time, exports from the United States into the Andean nations saw a 65-percent increase between 1991 and 1999.

Colombia, Bolivia, Ecuador, and Peru have not only increased their exports, they have accomplished another important objective to them and to the United States; and that is, they are developing new, nontraditional sectors of their economy. They are developing legitimate commercial exports as alternatives to the illicit drug trade which has so bedeviled these countries in the recent past. This has been a huge benefit not only to the four countries of the Andean region but to the United States as well.

Today, as an example, 85 percent of Colombia's cut flowers go by export to the U.S. market. In fact, these flowers alone account for 80 percent of the air freight between the United States and Colombia.

In Peru, the asparagus industry has served as an example of what an alternative crop production can achieve—an alternative to illicit coca production. Asparagus, growing in Peru, now employs 40,000 people in a legal agricultural enterprise.

In spite of this progress, regrettably, the ATPA expired last year on December 4, its 10th birthday. It is in the national interest of the United states of America, as well as the national interest of the four nations of the Andean region, that this Congress act now to restore and enhance this highly successful program.

The House has already done so. In December of last year, it passed its version of Andean trade preference renewal and expansion. It is time for the Senate to do the same.

Why is this legislation important? And why is it important now?

I suggest three reasons: the grave consequences of inaction, the opportunity to strengthen the partnership between the United States and the Andean region, and as an important tool in our global war on terrorism.

What are some of the consequences of inaction?

The expiration of the ATPA is having an immediate and negative impact on the export industries that have blossomed under the benefits of this program, as well as industries that support this trade.

In February of this year, 2 months after the ATPA had expired, I requested that the administration grant a deferral on the collection of those additional duties which came due as a result of the expiration of the ATPA.

The President, in my judgment, agreed and used the administrative power to postpone the collection of those additional ATPA duties for 90 days with the expectation that Congress, during that period of time, would renew and extend ATPA.

That period of deferral is almost over. The 90-day clock runs out on May 16. If we have not completed all the work needed to pass this legislation into law by then—including passage by the Senate, a potential conference committee with the House of Representatives to resolve what differences might exist, and final signing into law by the President—if we do not do all of those acts by May 16, the U.S. Customs Service will start sending out bills for duties which would then be due and payable.

These bills will be steep for both importers and their customers. An example: Annual imports of flowers totaling $400 million from the region are liable for duties of up to 6.8 percent. Example: Annual imports of asparagus worth $50 million will get an additional 20-percent tariff. Example: Leather handbags and luggage imports of $20 million a year are subject to a 10-percent tariff. Example: Imports of precious metal jewelry, worth $140 million a year, will face up to 7-percent duties.

I know the Presiding Officer is a caring man and probably—I would say no doubt—gave to his wife, maybe to his mother as well, beautiful flowers for Valentine's Day and is preparing to do the same for Mother's Day. Chances are great that those flowers he has and will provide to his loved ones came from an Andean country. And the risk of applying these additional tariffs to the two most significant days of the year for the sale of flesh cut flowers, Valentine's Day and Mother's Day, representing 50 percent of the total cut flower imports, will be enormous.

Because of the temporary extension of ATPA, only the tariff duties have been deferred. Growers will still be responsible if the renewed ATPA fails to become law by May 16, only 4 days after Mother's Day. On top of that, if you send those flowers for Mother's Day, they will probably cost you about $6 more just because we have allowed ATPA to lapse.

With the proven, positive economic returns of the current ATPA, we must not only renew these trade benefits; the time has come to expand them.

The Andean landscape was noticeably changed in the year 2000 with the passage of the Caribbean Basin Trade Partnership Act. That legislation provided the Caribbean nations significant new trade benefits, essentially parity with the benefits which Mexico has received under the North American Free Trade Agreement Act. But in helping the Caribbean Basin, we have inadvertently hurt the Andean region.

The Andean apparel industry is tiny in comparison to the apparel industry in Mexico and the CBI countries. Of these three preferential trade arrangements in the Western Hemisphere, NAFTA accounts for approximately 55 percent of U.S. apparel imports. CBI has a 41-percent share. The Andean Trade Preference Act countries provide only 4 percent.

Despite its small share of our imports, the U.S. market is the recipient of over 90 percent of the Andean countries' apparel exports, so it is a small percentage of our imports of apparel from the Western Hemisphere. But our market is an extremely significant economic opportunity for these four countries. If Congress does not level the playing field between ATPA and the Caribbean Basin, the potential job loss is tremendous. Colombia alone stands to lose up to 100,000 jobs in just the apparel sector. As I will indicate later, there are already early indications of a significant relocation of the apparel assembly industry from the Andean trade area to CBI or Mexico because of the some 8- to 10-percent competitive advantage which Mexico and the Caribbean now have over the Andean region as it relates to the export of finished apparel products.

U.S. imports of apparel from Colombia in 2001 were down 18 percent over the year 2000. Total apparel exports to the United States from the Andean region were down over 11 percent for the same timeframe.

As a result, U.S. exports of cut pants to be assembled into apparel in the Andean countries was also down but down by an average of over 33 percent. This reduction in exports, which support the apparel industry, illustrates how the lack of trade benefits clearly hurts both the United States and the Andean countries.

We must create a business climate that can provide Andean citizens an alternative to illegal industries. Promoting legitimate economic development rather than leaving these countries at a competitive disadvantage with their near hemispheric neighbors, especially in highly mobile industries such as apparel, is a critical goal of this ATPA legislation.

If we are successful in our counternarcotics efforts in Colombia alone, it is estimated that there will be a quarter of a million people out of work. A quarter of a million people in Colombia earn their living in the elicit drug trade. It is our national policy and goal

to try to eliminate that elicit drug trade. As part of that strategy, we have a role to play in developing legal alternative jobs for those people who we hope will lose their jobs in coca production and trafficking.

It is ironic that at the same time we are asking the region to eliminate an illegal industry that contributes almost 5 percent of its gross domestic product, we have created an environment which makes it more difficult for those same countries to retain legitimate industries.

It is imperative that we correct that inequality now and send a strong signal with a renewed and expanded Andean Trade Preference Act.

I have been talking about some of the immediate and microconsequences of inaction by the Senate. There are macroconsequences as well. As you can see in the chart I have brought, the Andean region is bordered on the north by Venezuela and on the south by Argentina. Venezuela, as evidenced by events in recent days, is facing an increasingly volatile and unstable political future. To the south, in Argentina, the economic situation is still reeling. Without active U.S. involvement in the region, the Andean nations could share the same fate as their northern and southern neighbors.

Our Andean neighbors are trying desperately to keep their houses from catching fire.

But the houses on both ends of the block are already in flames. The ATPA duty preferences expired, and the Andean countries are fighting that fire with water through buckets. We need a renewed and expanded ATPA to give them a big firetruck with a steady and reliable stream. We are sending exactly the wrong signal to our neighbors if we do not take active steps at this pivotal time.

The second reason this is important is the building of partnerships between the United States and the Andean region. While the clock is ticking on Congress to act on ATPA legislation, there is another clock ticking in the Andean region and the Western Hemisphere, including the United States, in the area of apparel production. For now, many of the largest apparel assembly countries in Asia have been at a comparative advantage in the production of apparel. As an example, these two golf shirts, sold by the same company, same label, same color, would be considered identical. There is a difference. If you look inside the one, you will see that it was made in Nicaragua; the other was made in China. Other than that, they are identical.

One other area in which they are different—they both sell for approximately $20—is the shirt that is made in Nicaragua costs 10 percent more to produce than the shirt made in China. The shirt made in Nicaragua started as cotton grown in a U.S. field. That cotton was then made into the material from which this shirt was made. That material was then sent to Nicaragua, where it was assembled into this golf shirt. This shirt from China was made from Chinese cotton, converted into textile in a Chinese textile factory, and then assembled by Chinese workers.

That is a significant part of the reason, even though this had to come halfway around the world; whereas the one from Nicaragua only a few hundred miles, and the shirt from China costs 10 percent less to produce than did the shirt from Nicaragua. How has this imbalance been maintained? It has been maintained because the United States, as part of what is called the Multifiber Agreement, sets an annual limit on how much product of a particular apparel can be exported into the United States.

As an example, under current agreements, China is limited to exporting 2.374 million dozen golf shirts to the United States per year. That restriction on the amount of product that can be exported to the United States is a significant reason the partnership of the United States growing the raw material, converting it into clothing material, then shipping that to a Caribbean, Mexican, or Andean assembly factory for final conversion into the wearable product has been able to sustain itself.

In the year 2005, the Multifiber Agreement goes out of effect. In the next 3 years, the apparel industry in the Western Hemisphere must get substantially more efficient in order to compete with China and the other major Asian producers, which will likewise come out from under the restrictions of the Multifiber Agreement in 2005. Failure to become much more efficient, in my judgment, puts the whole partnership of U.S. agriculture, U.S. textile, and Caribbean, Mexican, or Andean assembly in serious jeopardy.

The assembly operations in this hemisphere, under our law—including the law we are now considering extending—must use U.S. fabric and yarn, buy U.S.-made sewing machines and equipment, and use U.S.-grown cotton and other fabric materials. If these industries do not become more efficient in the Andean region, the Caribbean, and Mexico, they will lose out in global competition to Asia. Then, American raw materials and equipment, and some 40,000 to 50,000 Americans who are involved in producing the material that goes into these garments that are assembled within the hemisphere will all be completely out of the picture. With the enhancement of the Caribbean Basin Initiative in 2000, fabric exports to Caribbean nations from America, or assembly of apparel items, rose 170 percent since 1999.

Last year, the United States exported $3 billion in cut parts to Caribbean nations, which supported some 60,000 jobs in the United States, 40,000 to 50,000 of which were in the textile industry. This increase in cut parts exports came despite an overall decline in U.S. exports of finished apparel from CBI countries.

What this all means is apparel manufacturers are substituting U.S. fabric and yarn for foreign inputs, proving that the partnership between the U.S. textile and yarn producers and the Caribbean assembly operators is working. That is the same result we hope to achieve in the Andean region. If we can make importing our fabrics more affordable, based on trade benefits and reduced tariffs, then American jobs will be saved.

But passing trade preference legislation is only part of the equation for making the apparel sector more efficient within our hemisphere. There must also be comprehensive implementation of both the letter of the law and the spirit behind it. Legislation expanding CBI in 2000 was a good example. Congress expanded the trade benefits for apparel assembled in the region from U.S. yarn and fabric. But there are still many more hurdles to clear before the region will be an efficient manufacturer of apparel—efficient in terms of our ability to compete with Asian manufacturers.

Secretary of Commerce Don Evans has taken the lead in coordinating the administration's long-term implementation of the Caribbean Basin Initiative. Last year, the Department of Commerce canvassed its overseas post in the Caribbean to identify other problems that are holding the countries back from more efficient production. The Department's exports identified issues such as poor transportation systems, high energy costs, unreliable energy supply, and the unpredictable business climate as obstacles to greater efficiency in the Caribbean assembly industry.

This year, the Department of Commerce has assembled an initiative to begin tackling some of these problems. When we pass Andean trade preference enhancement—and I am very optimistic that we will—there must be a similar effort to assure that not only are the trade benefits implemented but the region, as a whole, is prepared to meet the challenges of the sharply increased competition it will face in the post-2005 world.

The third and final reason I think this is important—and important now—is the role that this legislation will play in our effort to combat narcotics and counterterrorism. The ATPA is more than just good trade policy. The ATPA is a key tool in fighting our Nation's war against terrorism.

Recently, the Director of the CIA, Mr. George Tenet, came before the Senate Select Committee on Intelligence, of which I am privileged to be the Chair, and said Latin America is ''becoming increasingly volatile as the potential for instability there grows.'' One reason he cited was the sluggish, oftentimes downward spiraling economy in Latin America. What was the other reason? Terrorism.

Some of the worst terror and violence in the world is happening in the Western Hemisphere. In Latin America, the evil hand of terror has become

an everyday reality for too many. In Colombia, for example, paramilitary forces linked to the drug trade have instilled fear through random kidnappings and bombings. A statistic which I think would stun most citizens of the United States is this: In the year 2000, of all the worldwide incidents of terrorist attacks against United States citizens and United States interests, over 44 percent of those worldwide terrorist attacks against Americans occurred in a single country, Colombia.

Today in Colombia there is no substantial difference between one who is a drug trafficker and one who is a terrorist. Recent events, such as the indictment in a United States court of four members of the primary terrorist organization in Colombia, known by the name of FARC, on drug charges, confirm this trend.

In the early days in the Andean region the drug traffickers who were providing cocaine were highly centralized. They had a chief executive officer. They were vertically integrated. That started with growing of the coca in the fields to financing its distribution in the United States and other demand countries.

We made a major effort—we the civilized world, with the United States playing a key role—to take down these highly centralized drug organizations, particularly the Medellin and the Cali cartels. After a long period of significant investment and loss of life, we, the Colombians, and the international community were successful.

We thought that by taking the head off the drug cartel snake, we would kill the rest of the body. In fact, what we found in the late 1990s was these decapitated snakes were beginning to reconstitute themselves, and they were moving away from the large corporate model towards a more entrepreneurial model; where they used to have vertically integrated parts of the drug chain, now they have multiple, small drug traffickers for each phase of the process, from growing in the field to transporting, to the financing of the drug trade.

For a period of time, these new entrepreneurial drug traffickers found themselves at risk because they did not have the security blanket that the old centralized system had provided. So they turned to the modern economic guerrillas, the Al Capones of Colombia, and made a pact. The pact was: We will pay you well if you will provide us security so we can continue to conduct our illicit drug activities.

For awhile, that was the deal, but then the Scarfaces figured out: We are providing the capability of these drug traffickers to do their business, but they are making a lot more money in drug trafficking than we are in providing the security for the drug traffickers. So why do we not become drug traffickers ourselves? And they did.

By the end of the 1990s, the drug trade, particularly in Colombia, had been largely taken over by the former ideological guerrillas who had become the Al Capones and now were becoming drug traffickers.

The motives of those who commit violent acts throughout the world are variant, but one thread is predominant in nations plagued by terrorists: An economy unable to provide hope or a legitimate means for the people to earn a living. In Colombia, this condition is fed by the illegal businesses that are the root of violence: Drug cultivation and smuggling.

The recent escalation of tensions in Colombia magnifies the urgency of America's involvement in helping to sustain South America's oldest democracy, Colombia. At the same time, Peru, Ecuador, and Bolivia are also vulnerable to the surge of the illicit narcotics trade as they have developed alternative business programs.

Fifteen years ago, most of the cocaine in the region was grown in Peru and Bolivia and then transported to Colombia for processing. Those levels have been dramatically reduced, in large part because local farmers have been encouraged, in significant part through U.S. programs, to make the transition from illegal cocaine to a legal agricultural crop. With this continued commitment, our neighbors will have incentives to develop both legitimate economic alternatives to the production of drugs and real avenues to end the violence that plagues so much of our hemisphere.

If we are serious about halting the flow of illegal drugs to the United States, if we are committed to contributing to the stabilization of our nearest neighbors in the hemisphere, and if we are steadfast in our war against terrorism, then the United States must act now to both extend and expand these portrayed benefits, important for us and important for the four countries of the Andean region.

Time is short for the people of our regions who stand to lose should we fail to pass this legislation. The time is now. The days between now and when the crisis occurs on May 16 are few. I urge my colleagues to expeditiously move to the passage of this legislation, to the resolution of differences, and to accept the invitation to attend a signing ceremony in the Rose Garden and then to see that the roses of hope will begin to bloom again in the backyards and fields of our neighbors in the Andean region.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I appreciate the indulgence of my colleague from South Carolina. I will speak for 5 or 10 minutes. I thank him for the courtesy.

Madam President, the Senate is embarking on a historic debate, one in which we have the opportunity to expand economies, promote job creation, and reduce poverty, in the United States and around the world. As we consider this package of trade bills and debate whether to grant the President trade promotion authority, I hope we remain focused on the big picture. Both collectively and individually, these bills promote the expansion of global free trade and the prosperity that attends it.

Since the end of World War II, the United States has served as a global leader and champion of free trade. Regrettably, a recent surge of protectionism, often driven by special interests that care nothing for the welfare of the average American consumer, has severely handicapped our leadership. Major U.S. trading partners doubt our dedication to free trade, and not without cause. Recent protectionist policies on lumber and, most egregiously, on steel have fueled the scorn of our global trading partners—and rightly so. Failing to pass trade promotion authority will forfeit our nation's legitimacy as a global free trade leader and confirm the views of critics around the world who don't take our devotion to free trade, and consequently our global leadership, seriously. We cannot let this happen.

The authority first established by the Trade Act of 1974 and now proposed in TPA expired eight years ago. Since then, numerous trade agreements, in which the United States has not participated, have been negotiated and implemented around the world. The simple fact is that our trading partners are unwilling to negotiate agreements with an administration that lacks TPA.

Today, there are 130 preferential trade agreements, and the United States is a party to three of them.

Similarly, the United States is a party to only one of the 30 free trade agreements in the Western Hemisphere. Those 156 agreements to which we are not a signatory represent missed opportunities for all Americans.

The American people benefit enormously from trade, even if they often don't realize it. Today, over 12 million U.S. jobs depend on exports, and those jobs pay wages that are 13 to 18 percent higher than the national average. Every day, American consumers reap the benefits of trade in the form of lower-priced goods and services. The office of the U.S. Trade Representative estimates that the combined benefits of the North American Free Trade Agreement, NAFTA, and the Uruguay round agreements have saved the average American family of four between $1,300 and $2,000 a year. A University of Michigan study found that a global reduction of trade barriers could result in an additional income gain of $2,500 for the average American family of four.

Too often, our Nation's approach to trade has been to open foreign markets

to American goods and services while erecting domestic barriers to foreign imports. But trade does not work that way. It is, by definition, a two-way street. Continuing along this protectionist path will ultimately cause more damage to the very American industries clamoring for protection today. Without reciprocity, the farmers and corporations of this Nation will soon lose access to the valuable markets they depend on to sell their goods. Such an approach turns trade, a positive-sum game in which all parties benefit from expanded economic opportunity, into a zero-sum game strangely reminiscent of a discredited, mercantilist past.

Expanding free trade is a way to improve the well-being of all Americans, particularly the working poor. The most basic economic analysis shows that tariffs represent an unfair tax on an already overtaxed public. Reducing barriers to trade is the equivalent of a tax cut for every consumer. Presidential trade negotiating authority was necessary in the past to reach the agreements from which Americans currently benefit. That same authority is needed for this administration and others to negotiate future agreements, to build on our prosperity.

By enabling the negotiation of bilateral and multilateral trade agreements, TPA will empower the President to eliminate trade barriers, reduce tariffs, and open foreign markets to American goods and services. American workers, farmers, businessmen, and consumers will benefit from the successful completion of the World Trade Organization negotiations in Doha, regional free trade agreements like the Free Trade Area of the Americas, and bilateral trade agreements such as those we hope to achieve soon with Singapore and Chile.

On a regional level, it is particularly urgent that we support our allies in the hemisphere by deepening our trade relationship with them, in order to advance broader American interests in Latin America. Let there be no doubt: the Andean Trade Preference Expansion Act is important to U.S. national security and the security of the democratically elected governments in the Andean region.

In 1991, former President Bush signed into law the Andean Trade Act. In a fresh approach to the war on drugs, he argued that promoting trade between the United States and the countries of the Andean region would expand their economies, create jobs outside the drug trade, and increase stability in the Andean region. After a decade in which democracy has taken root in these nations, these goals are even more important.

Although the original Andean Trade Act represented a modest effort—granting duty-free or reduced tariff treatment to a limited number of goods from Bolivia, Colombia, Ecuador, and Peru—it has produced many successes. Two-way trade between the United States and the Andean nations has more than doubled since 1991, and new industries have emerged as a result of the reduced-tariff benefits or the agreements.

In Colombia, for example, the fresh-cut flower industry has created over 150,000 new jobs. These people are now harvesting and planting flowers rather than trafficking illegal drugs. Similarly, in Peru, the benefits of the Andean Trade Act encouraged farmers to cultivate asparagus, creating 50,000 new jobs, and making asparagus that country's largest export crop to the United States. Today, farmers in the region are choosing to plant products to be exported under the Andean Trade Act, rather than coca. Our strategic goals in the region require us to build upon these successes.

The Colombia conflict lends particular urgency to the need for swift congressional action on Andean trade expansion. Not only are Colombia's people at risk from the FARC terrorists, Colombia's democracy is at risk from the corrosive effects decades of civil war have had on her institutions and her economy. The military and intelligence assistance America provides to Colombia is critical, but it is only a part of our policy response. We have an obligation to help our ally not only to defeat the terrorists, but to build the foundation for a lasting peace by supporting economic development in Colombia. Andean trade expansion provides a way to do that without costing U.S. taxpayers a dime.

The government of the region, burdened by the spillover effects of the Colombian conflict, are the most eloquent advocates for the tangible benefits provided by the Andean trade agreement. The group of nations that benefit from the act are critical to the hemispheric stability, prosperity, and democracy America has worked to foster in the region. These nations stand with us in wanting to end the economic despair and dislocation the Colombian conflict has projected across their borders. It is in America's interest to counter the economic destabilization that war has brought to Colombia's neighbors with the broad-based economic growth that represents the region's best hope.

The arguments that drive support for the Andean Trade Preference Expansion Act demonstrate how trade and development in the Andean region increase our national security. I hope the Senate will act swiftly on the ATPA, given the expiration of existing Andean trade preferences on May 16, as we accelerate our efforts to build prosperity and consolidate democracy in the region.

As we consider this entire legislative package, I would caution my colleagues against further efforts to restrict free trade. I hope we will avoid the temptation to support veiled protectionist measures in order to secure passage of this bill. We cannot, in good faith, work to promote trade liberalization with one hand while restricting it with the other. Such an approach will not further the expansion of global free trade. Indeed, it will only solidify the distrust of our allies and trading partners while doing nothing to increase the prosperity of the American people.

A critical component of this trade bill is how to develop the best possible solution for providing assistance to hard-working Americans who may lose their health insurance coverage as an unintended result of this legislation. This is a real concern and one that we must take seriously. However, we can't allow this issue to be politicized and used to deter the passage of this important trade bill. Both sides of the aisle have made significant progress toward a compromise. Now we must continue compromising until we iron out a fair and sound solution for addressing the health care needs of our Nation's workers.

Ensuring access to affordable and quality health care for all Americans must be a priority, and I commend each of my colleagues who are fighting for health care protections for workers possibly impacted by this bill. But this simply can't be done if partisan politics prevent us from working together to find a solution that is good for our workers and the overall quality of our health care system.

I look forward to this broad trade debate. I believe it is healthy for our Nation and our democracy for our leaders to make what is a compelling intellectual case for free trade, and to demonstrate to the American people how successful trade liberalization represents money in the pockets. We now have the opportunity to reverse the recent protectionist tide. It is time that we look to the future, consider the long-term interests of our Nation, and work urgently to provide the President with the authority he needs to negotiate for free trade.

Madam President, I reiterate, the situation in the four countries of Colombia, Ecuador, Bolivia, and Peru is such that we cannot delay, longer than May 16, passage of the Andean Trade Preference Expansion Act. I cannot tell you the problems that will result in that very delicate region of our hemisphere at that time if the Andean Trade Preference Expansion Act is not renewed.

Colombia is in serious trouble. Peru has only recently emerged from a very difficult period. Ecuador has been directly impacted by the conflict within Colombia. And, of course, Bolivia has had severe economic problems for a long period of time.

This is a small step but a very important one. And our failure—our failure—to act on this legislation I think would send a very bitter message to our friends and allies in our own hemisphere.

After passage of the North American Free Trade Agreement, America's goal was to have a hemispheric free trade agreement within a short period of time. Obviously we have fallen very short of that.

I look forward to a vigorous debate with my friend from South Carolina and my friend from North Dakota who just came to the Chamber. I hope this debate is based on our mutual concern for the workers of America, but that concern should also be balanced by our concern for the average working men and families in America who will find that goods and services are less expensive to them. History proves it. No, we don't like to see lumber workers or cotton farmers or wheat farmers or anybody else harmed by free trade. We can take care of that impact on our economy and still serve the greater good of our entire Nation.

I have had the great privilege of visiting South Carolina on many occasions. One of the greatest products of free trade is the BMW plant, which the Senator from South Carolina was instrumental in attracting to that great State. It is always a privilege for me to go back and visit.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank my distinguished colleague from Arizona, ranking member and former chairman of our Commerce Committee.

The fact is, where we have that BMW plant, just 2 years ago, in Spartanburg County, we had 3.2 percent unemployment; it is now 6.1 percent. It is just an outflow, a stampede almost of the exportation of textile jobs in South Carolina. Since NAFTA we have lost 53,900 jobs. That is one of the things they are debating with respect to trade adjustment assistance to get health care. If you are going to have trade adjustment assistance, I certainly want to apply it to those lost jobs. They are out there struggling in the sense that almost, in a way, I don't have any more jobs to lose. I have to apply it to those because they are retrained and skilled.

I gave the example of Oneida, the little T-shirt plant where they had more than 400 employees with an average age of 47 years old, lose their jobs. So they trained them as expert computer operators, as Washington tells them to do. Who is going to hire the 47-year-old? They are going to hire 21-year-olds. So they are still out of a job. That is the desperate circumstance that is going on all over the country.

Mr. MCCAIN. I thank my friend from South Carolina. He has the floor. May I ask unanimous consent for 1 minute to respond?

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

Mr. MCCAIN. I say to the Senator from South Carolina, I know there are individual and heartbreaking stories of people who have lost their jobs in the textile industry in South Carolina. The fact remains that history and the record show that every American family, whether they are unemployed or employed or rich or poor, has benefited by the importation of less expensive goods and services into the United States. We balance this with assistance, training, in every way we can, including reaching agreement on health benefits for dislocated workers.

I never have sold anything to a grocery store. I bought a lot from grocery stores. I buy flowers a lot cheaper when they are grown in Colombia than when they are grown in South Carolina. It has never been my ambition for any child to grow up to work in a textile factory. I would much rather have them work in a BMW plant or high-tech factory or other kinds of employment for which we can provide the training and education.

I hope the Senator understands the fact that Americans have profited by free trade enormously. Yet we can still address the specific problems that result from dislocated workers. That is what free trade is all about. That is why I believe this Nation will continue to prosper when we have free trade agreements consummated between ourselves and our neighbors. We should be concerned about the economy of countries such as Colombia because their narcotraffickers can take over that country and export their goods, which are drugs, into this one.

I thank the Senator from South Carolina. I look forward to a renewal of our spirited discussion which we have had for many years, always marked by respect for the views of the junior Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Arizona. There is no question that they are better jobs, but textiles are very good paying jobs at $10 and some odd cents an hour. Those are middle class Americans.

The Senator is correct, facts are facts. That is why this particular Senator, as Governor some 40 years ago, went to Europe to get that BMW plant. I didn't get BMW at that particular time. Since that time, in my travels to Germany, we now have in South Carolina 117 German plants in my little State. So, yes, we have gotten way better jobs. We have continued to work on that.

But I would just address a few comments with respect to the need for the trade bill. I heard my distinguished leader earlier today. He outlined the need for the trade bill. He said: Wait a minute, you have to understand, after all, these are just singular examples that I had given earlier in the morning's debate with respect to Vietnam and Jordan. Those are just one country. He said: But when you have multilateral countries, it is sort of hard to get them all together and then get an agreement, then bring it back to the Congress and have amendments.

Not so. The Andean trade agreement we are now discussing involves several countries. Without fast track, we have listed in the 2001 Trade Policy Agenda and 2000 Annual Report by the U.S. Trade Representative, some 100 different agreements. I have gleaned many of them. Of course, the African Growth Opportunity Trade Agreement, involved a few dozen countries. We got that without fast track. We told President Clinton we didn't want to abdicate our responsibility in regulating foreign commerce.

Article I, section 8 of the Constitution, says the Congress shall regulate foreign commerce. It doesn't say the President, or the Supreme Court, but the congressional branch, the legislative branch. We were not going to abdicate that authority, which we are being asked to do at the present time.

We didn't do it. And to refute that argument with respect to the multilateral requirements, the Caribbean Basin Initiative with nine countries; the chemical weapons treaty, of course, that we debated during the Clinton administration, there were over 100 countries; the semiconductor agreement with the European Union, the United States, Japan, and Korea, more than a dozen countries joined in that one without fast track; the telecommunications agreement with the Asia Pacific countries, that was more than a dozen countries involved there; the international tropical timber agreement with numerous countries, the United States; Central American Regional Trade Investment Agreement in November of 1998, there were nine countries; the WTO telecommunications agreement in 1997, that was some five dozen countries. So was the WTO financial agreement in 1999. I could go on and on.

Don't be sold a bill of goods about the difficulty of fine points and numerous countries. That happens right regularly, and that is why you have trade agreements, and that is why we have been able to get over a hundred during the past 10 years alone.

Now, Madam President, the next point that was made was that the United States has only 4 percent of the world's consumers. Of course, right to the point, the distinguished leadership is confusing the population with numbers of consumers. What we are really interested in is that 4 percent. Those who are opposing fast track are interested in those 4 percent of consumers because, unless you have a job and are making a living, we have consumers going out of business. That is the stopping, the cessation of consumption that has this economy in a funk.

I just had a gentleman, from SBC Communications, telling me how his stock had gone down. I said: Meet the group. MCI has changed leaders today. So you have all of these telecommunications companies that are high-tech, and more growth, and they are in a funk because we don't have manufacturing, we don't have jobs. We have been exporting jobs faster than we can possibly create them. The United States also has the most skilled and productive workforce in the world—what is left?

I pointed out here, with respect to the steel, that I commend President Bush for his recent actions. Mr. McNamara, the former Secretary of Defense and head of the World Bank, went running all around to the Third World

emerging countries telling them they could not become a nation state unless they had steel—the capacity to produce steel for the weapons of war and the tools of agriculture. As a result, I look outside my office in Charleston at the dock, and they are off-loading Brazilian steel for construction all over the Southeast. Some 20 miles away is Nucor, the most productive, modern, competitive steel plant in the world. But how can they compete when the Brazilians are dropping steel off at less than cost on the dock there in Charleston. The rules are not being enforced.

What we need is not a free trade policy, we need competitive trade; we need to go back to the word itself—''trade''—something for something. Not aid. That is what the Andean thing is all about down there with Colombia, Ecuador, and Bolivia. They are saying: Look, get out of the drug business. That is what this initiative is about. Get out of the drug business and grow pineapples and bananas and that kind of thing.

I went and asked—in one of the meetings where I was getting a briefing in Bolivia a few years ago—what about this growing of pineapples. He looked at me and laughed. He said: You think I am going to struggle growing pineapples when I can get a little crop going and make a whole year's income in a week's time, when it would take a year with the pineapple crop, and have to worry about the weather?

He said: With these drugs, you don't worry about the weather.

Incidentally, he pointed out on the map an area as big as Georgia. He said: That is off limits for the Bolivian policy. We can grow anything we want to there.

Let's get into these trade agreements in depth and find out what is going on. The tail of the drug war is wagging the trade policy of America. I went up 14,000 feet to La Paz and they were chewing the drugs walking up and down the street. Oh, we had a wonderful thing. We had conquered a little bit of it. We had not conquered much. What was in Bolivia went into Colombia, and it gets into Peru and Ecuador—those four countries. The United States has one of the most open markets in the world. Well, that is exactly what they all argue, and everything else, that our open market is going to open their closed markets. In the 1990s, they argued that if we get these trade agreements, we will open the markets. We have yet to get into Japan or Korea.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I ask unanimous consent—is the Senator from Arizona ready to speak?

Mr. KYL. I am. But if the Senator wants to close, that is okay.

Mr. REID. Mr. President, I yield from my time 10 minutes to the Senator from South Carolina.

Mr. HOLLINGS. I will complete this quickly.

Mr. DORGAN. Reserving the right to object, I ask unanimous consent to be recognized following Senator KYL's presentation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I have to respond to Senator KYL because this deals with Senator LEAHY's committee.

Mr. KYL. Madam President, if I might suggest this: Probably Senator REID and I will have a colloquy over a series of unanimous consent requests that I will make. I will just count that on my time. When I am done, I will certainly have no objection to the Senator from North Dakota speaking.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. I thank the colleagues in the Chamber for allowing me to have a few more minutes. I wanted to make an important point.

Ten years ago, in 1992, they said that is what we needed, just exactly what they said—to open up the markets. We would get these agreements to open up the markets. So here is a booklet by the Special Trade Representative on foreign trade barriers, and it equaled some 262 pages. Now, after we have gotten the NAFTA agreement, which was to open up markets, and after we have gotten WTO, which is a multilateral agreement—incidentally, let's find out how many markets have been opened. The book now has gone from 262 pages to 455 pages. It has doubled.

We have doubled the foreign trade barriers. All these wonderful free trade agreements were supposed to open up the markets. You continually hear that, but that isn't what occurs. Twelve million export-related jobs are manufacturing jobs. There are less than 17 million manufacturing jobs left in the country. Manufacturing has gone from 26 percent of the workforce 10 years ago to 12 or 13 percent today. The export-related jobs pay 13 percent to 18 percent more. Definitely, the manufacturing jobs do pay more. The union jobs, in a general sense—such as the Longshoremen and the AFL–CIO—are the ones opposed to fast track, vigorously, because they are exporting their jobs out from under them.

The balance of trade—you cannot turn back the clock on trade any more than on technologies; namely, typewriters versus computers. This is the old argument about, wait a minute now, we went from the horse and buggy days to the automobile, and now in trade we are going from typewriters to computers.

Here is a sample of the U.S. trade deficit in the world. We have a $20 billion deficit in the balance of trade with computers. We have a deficit in the balance of trade with cellular telephones, pacemakers, night vision equipment and other telescopes, and electrocardiographs. I could go on and on. The idea that, son, you don't understand, we are moving into globalization, and we have moved now from typewriters to computers. I told the story years ago as a witness.

I was told: Look here, let them make the clothing and the shoes. We will make the airplanes and computers. The truth is they are making the shoes and clothing and the airplanes and computers.

Finally—and I am trying to close down for my distinguished friend from Arizona. In the 1990s, we liberalized trade and saw record economic growth and job creation, some 20 million new jobs created from 1994 to 2000, and without fast track.

I do not know who got these points up for the distinguished leader about why we need it, because, yes, we had wonderful economic growth, but we had that without fast track. That was due to another measure that we passed in 1993.

I thank the distinguished Senator, and I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Arizona.

JUDICIAL NOMINATIONS

Mr. KYL. Mr. President, I appreciate the remarks of the Senator from South Carolina, and I ask that the record reflect my agreement with my colleague, Senator MCCAIN, on this matter. Since I have agreed with Senator REID to discuss another matter, I will simply indicate at a later time I will make remarks concerning both the Andean trade bill as well as trade promotion authority.

There is another matter which is very timely. As a matter of fact, it is important we speak on it now because there is scant time to get some very important business done in the Senate, which has to do with the confirmation of judges but more specifically the holding of hearings on judges because they cannot be confirmed until there has been a hearing on them. For too many of our judges, we do not even have hearings scheduled.

It would be one thing if we waited 2 or 3 months after a nomination to schedule a hearing, but I am speaking of people who have been nominated now for almost an entire year and there has never been a hearing scheduled for them. I am going to take a minute or two to talk about who they are.

I will quote briefly from a Washington Post editorial and then propound a series of unanimous consent requests that will perhaps move us toward the hearings we need to get these judges confirmed.

Preliminarily, Democrats and Republicans can both cite a lot of statistics about judges confirmed under one administration or another, and can pat themselves on the back about a job well done. But it seems to me one thing stands out that is unmistakably clear, and that is when the President has nominated a distinguished American to serve on a Federal district court or, in this case, a Federal circuit court of appeals, and the Senate does not deign to

give those people a hearing for over a year, something is wrong.

There is no excuse for holding someone for a full year. It has now been a year, minus 1 week, since the President made his first circuit court of appeals nominations, 11 in all. Eight of them have never had a hearing.

Quoting briefly from this Washington Post article of April 22:

It has been nearly a year since President Bush nominated his first batch of judges.

Parenthetically, that was done on May 9, 2001.

Of the initial group of 11 appeals court nominees, 8 have still not had hearings before the Senate Judiciary Committee. Two of these nominees are of particular local interest: John Roberts and Miguel Estrada. Both have been nominated to the D.C. Circuit Court of Appeals, which currently has 4 of its 12 seats vacant. Both, on the surface anyway, seem well qualified, having done extensive appellate work in the solicitor general's office and in private practice. Both have high profile bipartisan support. Yet neither has moved. And while Judiciary Committee Chairman Patrick Leahy has said that Mr. Estrada will receive a hearing this year, he has pointedly failed to promise the same for Mr. Roberts.

Skipping part of the editorial to two other quotes:

Nominees should receive timely consideration out of deference to the President, out of respect for the institutional needs of the judiciary, and out of a sense of fairness to the individuals. But delays are particularly objectionable when nobody will even come forward to make a case against the nomination.

The final three sentences of the editorial:

If there is a case to be made against either nominee, the onus is on opponents to make it and its proper forum is a hearing. If there is no case, the Senate should move to a vote. Either way, further delay is not the answer.

I ask unanimous consent that this Washington Post editorial dated Monday, April 22, 2002, be printed in the RECORD.

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

[From the Washington Post, Apr. 22, 2002]

GIVE 'EM HEARINGS

It has been nearly a year since President Bush nominated his first batch of judges. Of the initial group of 11 appeals court nominees, eight have still not had hearings before the Senate Judiciary Committee. Two of these nominees are of particular local interest: John Roberts and Miguel Estrada. Both have been nominated to the D.C. Circuit Court of Appeals, which currently has four of its 12 seats vacant. Both, on the surface anyway, seem well qualified—having done extensive appellate work in the solicitor general's office and in private practice. Both have high-profile bipartisan support. Yet neither has moved. And while Judiciary Committee Chairman Patrick Leahy (D–Vt.) has said that Mr. Estrada will receive a hearing this year, he has pointedly failed to promise the same for Mr. Roberts.

Mr. Leahy is in a tough spot. He has taken a beating for his handling of judicial nominations, a beating that is largely unfair. The Senate has confirmed 45 judges since he took over the committee, which is a respectable pace. He certainly has not yet begun to match the obstructionism with which the same Senate Republicans who now criticize him managed the confirmation process while they were in charge of it. Neither, however, has he entirely restored dignity and fairness to it. Rather, like his predecessor Orrin Hatch (R–Utah), he is allowing individual nominness to sit around with no explanation for what are turning out to be long periods of time. These delays are hard to justify under any circumstances. Nominees should receive timely consideration out of deference to the president, out of respect for the institutional needs of the judiciary, and out of a sense of fairness to the individuals. But delays are particularly objectionable when nobody will even come forward to make a case against the nomination.

So far, anyway, nobody has made a serious case against Mr. Roberts or Mr. Estrada—neither of whom has an extensive public record of statements or writings to criticize. Liberal groups have complained that Mr. Roberts, as a lawyer for the government, helped write briefs that argued against abortion rights. The more general anxiety seems to be that both men are young, talented conservatives who could upset the D.C. Circuit's ideological balance. It is true that President Clinton's nominees to the D.C. Circuit were held up also—as, incidentally, was Mr. Roberts when he was initially nominated by the elder President Bush, But government by tit-for-tat is an ugly spectacle. If there is a case to be made against either nominee, the onus is on opponents to make it and its proper forum is a hearing. If there is no case, the Senate should move to a vote. Either way, further delay is not the answer.

Mr. KYL. I will indicate the names of these 8 nominees, and I will point out that of the 11 who were nominated by the President on May 9, 2001, 3 have been confirmed. Two of those were judges previously nominated by President Clinton, and I think that is interesting. The Judiciary Committee chairman is willing to move people who were nominated by President Clinton but not by President Bush. So when we talk about nominees of President Bush having been confirmed to the circuit court of appeals, remember that two of the three of this initial group were originally nominated by President Clinton.

The eight nominees who have languished before the committee are the following, and they are individuals all of extraordinary experience, intellect, and character:

John Roberts is a nominee to the DC Circuit. He is one of the leading appellate advocates in the United States, having argued 36 cases before the U.S. Supreme Court. He served as Deputy Solicitor General. I doubt there is another lawyer in this country in the Solicitor General's Office who has argued 36 cases before the U.S. Supreme Court.

Miguel Estrada is nominated to the DC Circuit. He has argued 15 cases before the U.S. Supreme Court, worked as a Federal prosecutor, as Assistant Solicitor General, and a Supreme Court law clerk. He came to America as a teenager, spoke virtually no English and, if confirmed, would be the first Hispanic ever to serve on the DC Court of Appeals.

Justice Priscilla Owen, who is a nominee to the Fifth Circuit, has served on the Texas Supreme Court since 1994. In her successful reelection bid in 2000, every major newspaper in Texas endorsed her.

Michael McConnell is a nominee to the 10th Circuit. He is one of the Nation's leading constitutional scholars and lawyers. His reputation for fairness and integrity has generated support from hundreds of Democrat law professors across the country.

Jeffrey Sutton is a nominee to the Sixth Circuit, another of America's leading appellate lawyers. He graduated first in his class from Ohio State Law School, has gone on to argue over 20 cases before the U.S. Supreme Court and State supreme courts, and served as the solicitor in the State of Ohio.

Justice Deborah Cook is also a nominee to the Sixth Circuit. She has served as a justice on the Ohio Supreme Court since 1994 and, before becoming a judge, was the first woman partner at the oldest law firm in Akron, OH.

Judge Dennis Shedd, a nominee to the Fourth Circuit, was unanimously confirmed to be a Federal judge in 1990. He is strongly supported by his home State Senators, Democrat HOLLINGS of South Carolina and Republican THURMOND of South Carolina. He served in the past as chief counsel to the Senate Judiciary Committee.

Finally, Judge Terrence Boyle, a nominee to the Fourth Circuit, was unanimously confirmed to be a Federal district judge in 1984. The former chairman of the State Democratic Party supports Judge Boyle's nomination, stating that he gives everyone ''a fair trial.''

On January 25, Judiciary Committee Chairman LEAHY indicated that Justice Priscilla Owen, Michael McConnell, and Miguel Estrada would receive hearings this year. Each has waited nearly a year for a hearing and more than 2 months for a hearing since this statement.

Chief Justice Rehnquist recently stated that the present judicial vacancy crisis is alarming and, on behalf of the judiciary, implored the Senate to grant prompt hearings and to vote these nominees up or down.

I conclude by showing two things. On this chart it shows the President's rate of judicial confirmations by the Senate, comparing President Clinton and President Bush. The red line ends at exactly 11 months after each President nominated his first nominees. These are both district and circuit court nominees.

By the end of 11 months, President Clinton had 67 percent of his nominees confirmed. President Bush, 11 months after his first nominee was made, only had 44 percent of his confirmed. At the end of 14 months, as it shows, President Clinton had 90 percent of his nominees approved—14 months after the first nomination was made. At the rate we are going, President Bush will be lucky to have 50 percent.

Let's be specific about circuit court nominees because I think this is even

more telling. This chart shows the circuit court confirmation rates by the Senate. Again, after 11 months, President Bush has had 31 percent of his circuit court nominees approved by the Senate. By contrast, 63 percent of President Clinton's nominees were approved to the circuit courts after 11 months, and 14 months after he made his first nominee, 86 percent of President Clinton's nominees had been approved by the Senate. At the rate we are going now, we are obviously not going to get to 86 percent. We cannot get the confirmation until we have had a hearing. It would be reasonable to expect hearings to be held on the eight nominees within a year of the time they were nominated. Whatever the record of success, whatever the number of hearings that have been held for district court nominees, whatever else one might say, there is absolutely no excuse for not even scheduling a hearing on a circuit court nominee for a full year after that nominee was nominated by the President.

UNANIMOUS CONSENT REQUEST

I have a unanimous consent request to propound, and I expect a fulsome response from the Senator from Nevada. I ask unanimous consent no later than May 9, 2002, the Judiciary Committee shall conclude hearings on each of the eight nominations remaining of those made by President Bush on May 9, 2001, to the United States Circuit Court of Appeals.

Mr. REID. Mr. President, reserving the right to object, I have a number of things to say. I don't mean to detain people unnecessarily, but I don't think this is unnecessarily. I will take some time. The Senator from Arizona is welcome to stay or not. I have something I want to say regarding this issue.

One thing I want to say in my reservation, and I will save the rest as I get the floor, I have the greatest respect for my friend from Arizona, a man who is an outstanding lawyer. I knew of JON KYL's legal reputation in Nevada. I knew of him in Nevada because of his reputation in Arizona as a lawyer. He was good at a lot of things.

One of the things we look to JON KYL for with respect is his great knowledge of water law. In the arid Southwest, when a lawyer understands water rights, someone in the legal profession, someone who bears a standard, one whom others look up to—not many people know water law.

The point I am trying to make is that the Senator from Arizona is a fine lawyer. He is a fine Senator. But I want to remind him as to one of the things he spent a little time discussing today, the DC Court of Appeals—Senator KYL discussed the need to fill vacancies in the DC Circuit—President Bush has nominated two people to the circuit court. Because they have been nominated by President Bush, my friend from Arizona, the lawyer whose credentials I have already established, has changed his tune. Lawyers can do that. When they do, sometimes you have to bring it to them.

On March 19, 1997, for President Clinton we were trying to get approved a man by the name of Merrick B. Garland, a lawyer from Maryland, to be a U.S. Circuit judge for the District of Columbia.

The Senator from Arizona said, among other things, when responding to Senator SESSIONS: Like my colleague from Alabama, my colleague from Iowa, and others, I believe the 12th seat on this circuit does not need to be filled. I am quite skeptical that the 11th seat, the seat to which Mr. Garland has been nominated, needs to be filled, either. The case against filling the 12th seat is very compelling and it makes me question the need to fill the 11th seat.

He goes on to say: In the fall of 1995, the court subcommittee of the Judiciary Committee held a hearing on the caseload of the D.C. Circuit. Judge Silberman pointed out that the courtroom normally used for en banc hearings seats only 11. In other words, that is all they can accommodate.

Mr. President, the Senator from Arizona, 4 or 5 years ago, thought there was no need to have these seats filled in this circuit court. But he has changed his tune now because we have a different President.

For this and other reasons, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. KYL. Mr. President, I very much appreciate the kind remarks that the Senator from Nevada made about my law career, and I do appreciate that sincerely. He knows of my affection for him.

Before I make my next request, I point one thing out with respect to what the Senator from Nevada said about my opposition to filling the 12th position on the D.C. Circuit Court of Appeals. At that time, there were two vacancies. He correctly read my remarks. I said I didn't think we needed to fill the 12th, and I had questions about the 11th. But there are now 4 vacancies, and I don't think there is any doubt we need to fill numbers 9 and 10. When we get up to No. 11, maybe I will have a question still, and I might even not support filling the 12th. But that was a totally different situation because we were talking about the 12th and final vacancy.

Here we have four vacancies, and I have advocated that we fill two of them.

In view of the objection that was heard, let me ask my colleague if he would agree to the following, and I propound this request: I ask unanimous consent no later than May 9, 2002, the Judiciary Committee will conclude hearings on at least seven of the eight remaining of those nominations made by President Bush on May 9, 2001, to the D.C. Circuit Courts of Appeals.

Mr. REID. Reserving the right to object, I don't often smile on the Senate floor, but I really have to smile at this request. The reason I do that is I had a Senator come up to me today and say: Why are we voting on all these judges? We voted on four judges last week. We voted two judges today.

I have other things I will say, but I object.

The PRESIDING OFFICER. The objection is heard.

Mr. KYL. Mr. President, I appreciate the objection.

We have voted on several judges. I am talking about holding hearings on judges nominated over a year ago, not voting on them; just holding a hearing and trying to hold the hearings before the anniversary day.

In view of that objection, let me propound this request: That no later than May 9, 2002, the Judiciary Committee shall conclude hearings on at least six of the eight nominations remaining of those made by President Bush on May 9, 2001, to the U.S. Circuit Courts of Appeals?

Mr. REID. Mr. President, we could go through 6, 5, 4, 3, 2, 1. I object.

I reserve the right to object in this instance because the Judiciary Committee is working very hard. Let me lay the foundation.

Senator LEAHY became chairman of the Judiciary Committee. In fact, we didn't organize—he became chairman sometime in July or August—because we had trouble getting the organization going after we took control of the Senate. Immediately after he became chairman of the committee, however, 9–11 occurred, and a short time after that, anthrax in Senator DASCHLE's office basically closed up one office building and that took care of half the Senators.

In spite of 9–11, the new leadership role that Senator LEAHY obtained, and the anthrax scare, he went ahead and held all kinds of meetings of the Judiciary Committee. I attended one in the basement of the Capitol. There we had a circuit court judge, Judge Pickering. I remember that very well because I had one of my Nevada judges there. I testified for my judge. It was very crowded. Senator LEAHY was commended, as he should have been, for holding the hearing. There was really no room.

Senator LEAHY has gone to great lengths to make the Judiciary Committee one that functions well. I will lay out in some detail what he has done to maintain the Senate's proper role in the selection of judges. Remember, the Judiciary Committee had the lead role in a number of other very important items following September 11. The work that we did with antiterrorism legislation was all done in the Judiciary Committee. Senator LEAHY, with his counterpart, Senator HATCH, worked night and day for weeks to get that done. We finally got it passed. It took an inordinate amount of time.

I say to my friend from Arizona, with the deepest respect, Senator LEAHY and the Judiciary Committee are going to hold hearings. They have already held hearings.

As I have said on this floor on a number of occasions: This is not payback time. If it were payback time, we would not have already approved 52 Federal judges since Senator LEAHY took over that committee. But we have approved 52 Federal judges.

If it were payback time, we would not be holding any hearings. Remember, we had judges who waited more than 4 years for a hearing. We are not going to do that.

People who are selected by the President of the United States to be judges, whether they are trial court judges or circuit court judges, are going to have hearings. I assume there would be some exceptions, but I can say, with little reservation, Senator LEAHY is going to hold hearings for all these people and in as timely a fashion as he can.

I therefore object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, in deference to the Senator from Michigan who is here, I gather, to speak, instead of going through the numbers of 5, 4, 3, let me just see if I could get my colleague to agree to this because we do have a full week left. I am a member of the Judiciary Committee, and I can tell you, we have not been that busy. We have had plenty of opportunities for hearings. These eight nominees have been sitting around for a year, and none of them has had a hearing. We could easily have a hearing for two of these nominees before the anniversary date of 1 year from their nomination by the President.

I ask unanimous consent that no later than May 9, 2002, the Judiciary Committee shall conclude hearings on at least two of the eight nominations remaining of those made by President Bush on May 9, 2001, to the U.S. Circuit Courts of Appeals.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. REID. Mr. President, I can assure the Senator from Arizona and anyone within the sound of my voice that Senator PAT LEAHY is going to do the very best he can in holding hearings for all nominees, not only circuit court but trial court judges. As to whether or not he can complete two judges within the next week—the next 9 days is what it is because tomorrow is May 1—I really cannot tell Senator KYL whether that will take place.

But I know the Senator from Vermont is going to do the best he can. I heard him in a conversation today, right here. He was right here because he was at the leader's desk this morning talking about the judges whom we approved. I heard him talking to a Senator regarding a circuit court judge, that he would do a hearing in the immediate future. Immediate is pretty quick. I know that will be done.

With respect and the knowledge that Senator LEAHY is going to move it forward as quickly as he can, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I think I know the answer to this, but it would certainly be possible for us to have a hearing on one nominee. As a member of the committee, I think it is doable, I can tell you. I think it is only fair that Senator LEAHY pick out one of these people and have a hearing for him or her 12 months after their nomination.

So, out of desperation, I ask unanimous consent that no later than May 9, 2002, the Judiciary Committee shall conclude hearings on at least one of those nominations remaining of those made by President Bush on May 9, 2001, to the U.S. Circuit Courts of Appeals.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, my friend should not be desperate. This is not a desperate situation. I am not on Senator LEAHY's committee. I can't speak for his committee. But I have some responsibility to try to see that the Senate operates in an orderly fashion, especially things that go on here in the Chamber. I am convinced Senator LEAHY will do everything he can to move these men and women forward who have been nominated.

Remember, I am sure we have had at least 52 hearings. We have 52 judges who have moved forward during the last few months. That is pretty good. So it is not as if there is a so-called stonewall. He is doing the best he can.

I say with some degree of apology to my friends from Michigan and Kansas, I am going to speak for a few minutes on the judges situation, so I think they should rest their legs for just a little bit because I am going to speak.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I guess in light of this last objection, as the lawyers say, I will rest my case. I think I have made my point. I hope we can have this conversation again in the next 2 days. Having had an opportunity to confer with Senator LEAHY, I hope the Senator from Nevada will have better news for us, but especially for the eight nominees who have been languishing now for a full year, and we can quickly move to have a hearing on at least some of those nominations.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. KENNEDY. Will the Senator yield?

Mr. REID. I am happy to yield without losing my right to the floor.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we consider an increase in the minimum wage no later than June 15.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Yes, Mr. President. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I think I made my case.

The PRESIDING OFFICER. The Senator from Nevada, the assistant majority leader.

Mr. REID. Mr. President, I ask unanimous consent to speak as in morning business and the time count against the 30 hours, postcloture.

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

Mr. REID. Mr. President, just last week, as I indicated, the Senate confirmed its 50th judicial nominee. Today we got two more judges. This has happened in less than 10 months since the change in majority. More of President Bush's judicial nominees have been confirmed in less than 10 months than were confirmed in all 12 months of 4 of the 6 years Republicans controlled the Senate.

I have always been very dubious of numbers because even as one who did not have a degree in engineering or did not do much in the way of math in high school or college, I can still do a lot of things with numbers. We can manipulate numbers—you know that is easy to do. We can have all kinds of numbers games. I will run through a few numbers here this evening on judges.

The thing I want everyone to know is that Chairman PAT LEAHY is an honorable man. He represents a very small State in population, the State of Vermont. He takes a very close look at everything that affects Vermont. He does a great job for Vermont.

One reason I have so much respect for Chairman LEAHY is his view is of more than the State of Vermont. He has a national view. He has been a Senator for a long time, the first Democratic Senator ever elected from the State of Vermont.

He has been able to represent that State so well, but also do a good job for our country. A lot of times that is not easy to do, but he has done that.

He has been chairman of the Agriculture Committee. I served on the Appropriations Committee. He has been chairman of that very volatile Subcommittee on Foreign Operations, foreign aid—the committee from which people run. He doesn't run from that or anything else. He is a very courageous man, PAT LEAHY.

I only say that because we can do all kinds of things with numbers. My friend on the other side of the aisle can bring out fancy little charts and say this happened. I can bring them here and talk about what has happened. But I want everyone to look for just a minute in their mind's eye at PAT LEAHY. Does he want to leave a legacy in the Senate that he was the kind of person who would not approve people who are qualified lawyers who want to become Federal judges? The answer is no.

PAT LEAHY also before he came here was a prosecutor, a lawyer. He was a good one. He was a young man. But that is why he got elected to the Senate, because he was a great prosecutor.

Look at PAT LEAHY a little bit. Put yourself in his role. He wants to be recognized as somebody who runs the Judiciary Committee in a fair manner. I do not know of anyone who could question his honesty, his integrity, and therefore I say let's not really worry about all these numbers.

I can make a case with numbers. I think he has done more than he physically should have done, because it has just been so hard for him to do that. I talk about the committee hearing. My colleagues complained that we have only approved—I don't know how many circuit judges he said. But we had hearings on them. Pickering had a hearing. He couldn't make it out of committee. That is more than they gave our people.

He said some people on May 9 will have waited a year. Well, that is too long, and I recognize that. But it is not 4 years.

More than 50 of President Clinton's nominees never even got a vote. Others waited years to be confirmed. Still others languished for years and many months before a hearing and then no vote. They had hearings and never had a vote in the committee. The Judiciary Committee never voted. Where were the Republican voices of concern then?

Under Republicans, total court vacancies rose from 63 in 1995 to 110 in July 2001, when the committee reorganized, and circuit vacancies more than doubled from 16 to 33. The Republicans caused all the vacancies about which they are now complaining.

I had a big murder case when I practiced law. A young man shot his two parents. It was a very serious case, to say the least. But today people still joke about that case. There isn't anything to joke about. It is the old standard joke that you have heard a thousand times: He was now an orphan. He pled for the mercy of the court because he was an orphan. He killed his parents.

That is about what we have here. Republicans caused these vacancies. Vacancies continue to exist on the courts of appeals, in part because a Republican majority wasn't willing to hold a hearing or vote on more than half—56 percent—of President Clinton's circuit nominees in 1999 and 2000, and was not willing to confirm a single circuit judge during the entire 1996 session.

This is like somebody who kills his parents and then asks for mercy. They ask for mercy because they are an orphan.

They helped create these vacancies.

I repeat: On more than half—56 percent—of President Clinton's circuit nominees in 1999 and 2000, the Republicans were not willing to hold hearings and vote on them. In 1996, not a single circuit judge was confirmed. Some of the vacancies they are talking about go back to 1990, 1994, and 1996. They refused to fill the vacancies.

Under Senator LEAHY's leadership and Senator DASCHLE's leadership, judicial vacancies are going down, with 50 judges confirmed—as I indicated last week, it is now up to 52—including 9 circuit judges. That is more than were confirmed in all 12 months of 4 of the 6 years of Republican control. As of April 29, there were 90 vacancies, and 29 of them were circuit.

The Senate has already devoted a week in March to Senator LOTT's amendment, No. 3028, to the energy bill. One reason it took the energy bill so long is we had a week of time on the sense-of-the-Senate resolution demanding that those nominated last May 9 have a hearing by May 9. The Senate, of course, rejected this, as it should have done. An almost unanimous Senate supported, instead of the second-degree amendment to that resolution, the committee's continued fair treatment of judicial nominees and its efforts to schedule and hold regular hearings on judicial nominees.

That is what we said we would do. That is what Senator LEAHY is doing. The Judiciary Committee has continued its efforts in accord with the Senate resolution which passed this body. The Judiciary Committee held 17 hearings involving 61 judicial nominees. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. They were considered en bloc form rather than one or two at a time. In effect, we have had at least 54 hearings.

I say that really skewing numbers a little bit because in some hearings more than one person was brought before the committee.

That is more hearings on judges than the Republican majority held in any year of its control of the Senate.

I repeat: The Judiciary Committee had 17 hearings in less than a year, and that is more than held in any year of the Senate when the Republicans controlled it.

Rather than berating the Judiciary Committee, I commend Senator LEAHY and the members of that Judiciary Committee for doing the good work they have done. Remember, they have more responsibility than just approving judges. The Republican leadership never followed a ''first in, first out'' rule. As the former chairman said in 2000, ''If nominees were only considered in the order they were nominated, the process would grind to a halt as more qualified nominees would back up behind the questionable nominees.'' That makes sense.

The Democratic leadership has been working hard to process the nominations of qualified, noncontroversial nominees to address the vacancy crisis caused by previous Republican obstruction and inaction.

We are carefully reviewing the records of those nominated last May, as well as other nominees. All but one of those nominated last May 9 were chosen by the President without any consultation with both parties in the Senate. In spite of that, we have already expedited and confirmed three of them.

One of the May 9 nominees lacks home-State consent. Surely the minority is not suggesting overriding the Senate tradition of consent or what we call blue slips from both home-State Senators. Senator ORRIN HATCH—a dear friend—would never agree to that when he was chairman. He would never consider that. The other seven appear to be relatively more controversial nominees who require a great deal of background research. They will have hearings, but more work needs to be done. If the committee fails to do this thorough investigation of these men and women who would serve for life, it fails its job to the rest of us.

When these nominations come here, I depend on the Judiciary Committee. I am not a member of that committee. I assume that if there is a problem with one of them, someone is going to provide that for me. If they don't and something comes up later, I am going to be very upset, as well as Senator LEAHY and the other members of that committee. They need to take the time to do the job right.

Five of the May 9 nominees were nominated to seats that have been held vacant for years and years by Republicans. Well-qualified Clinton nominees to those seats were blocked by Republicans, including two well-qualified gentlemen active in the Hispanic community in Texas: Enrique Moreno and Judge Jorge Rangel; three distinguished lawyers from the African-American community: James Wynn and James Beatty of North Carolina, and Elan Kagen; and other nominees with equally outstanding credentials, such as Kent Markus of Ohio and Allen Snyder of the District of Columbia.

I would like to take just a little bit of time to pay our colleagues, our Republican counterparts, the courtesy of making sure that this request for unanimous consent for immediate action on Bush nominees is OK with them, including the anonymous Republican Senators who held up votes on Clinton nominees such as Bonnie Campbell, Judge Margaret Morrow, and many of the circuit court nominees who languished for years without ever receiving even a vote in committee.

The deep concern now expressed about vacancies was oddly silent when the minority—then the majority—was blocking more than 50 judicial nominees.

Some Republicans held these seats open for years for another President to fill. That President is President Bush. They wanted to save these seats for a Republican President. Maybe some thought these would be judicial activists for their agenda and would tilt the balance of numbers on these circuit courts to give Republican appointees a majority, with the hope of winning through these activists what they were not been able to win at the ballot box.

One of the people for whom I have the greatest respect—he is my friend, he has great Nevada roots, and he has all kinds of family in Nevada—is Karl

Rove, a close confidant of the President. He has given speeches to conservative groups talking about he wants what he refers to as conservative judges. He has a right to say that. But that is why Chairman LEAHY has an obligation to look and make sure these people are qualified and that they have more credentials than just simply being conservative.

Advice and consent does not mean giving the President carte blanche to pack the courts. The committee's evaluation of nominees is a critical part of the checks and balances of our democratic Government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream, and whose decisions would further divide our Nation.

President Bush has singled out Justice Scalia and Justice Thomas, the Supreme Court's most conservative Judges, as model Judges. Well, isn't it interesting he would do that. He has chosen Scalia and Thomas as model Judges. I wonder if that had anything to do with the decision they made dealing with Florida when they, in effect—there are not only articles written—lots of those—but there are books written of how Scalia steamrolled the other Judges. And Scalia elected George Bush President. Well, no wonder he thinks he is a model judge. I think if he selected me as President, as he did President Bush, I would also probably think he was a model.

The committee is acting responsibly. The Judiciary Committee, led by PAT LEAHY, is acting responsibly in its consideration and scheduling of nominees. We would be able to move more expeditiously on nominees if the White House were acting in a bipartisan way, by nominating more consensus nominees to these lifetime judgeships, conferring with the Judiciary Committee, conferring with home State Senators.

Even with the partisanship of the White House and the Republicans, Senator LEAHY's Judiciary Committee has had more confirmations of circuit court nominees in less than 10 months than were confirmed in a similar period for Presidents Reagan, Clinton, and the first President Bush.

Nine circuit court judges—consensus nominees—have been confirmed in less than 10 months. This is more confirmations of circuit nominees of President George W. Bush than in the first 10 months of the Reagan, Bush I, and Clinton administrations combined.

We also have the best pace of confirmation in recent history. The Democratic-led Senate is averaging 5 confirmations per month, as compared with 1.6 per month during Bush I, and 3.1 per month and 3.6 per month for President Clinton and President Reagan, even though they had Senate majorities from their own party.

So that is why I have objected to these motions. Chairman LEAHY and the Senate Judiciary Committee should be commended for reforming the process and practices used during the 6½ years of Republican leadership. We are holding more hearings for more nominees than in the recent past. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

The Democratic leadership and Majority Leader DASCHLE should be commended and not attacked with these unfair claims and motions.

Mr. President, I apologize to my friends, especially the Senator from Michigan, whom I know wishes to address the Senate. I also apologize and extend my deep appreciation to the Senator from Florida for his usual courtesy in remaining in the chair so the Senator from Michigan can speak. I am personally very grateful to the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I indicate to our leader from Nevada that he is certainly welcome to take whatever time is necessary to talk about this very important issue and to set the record straight. I very much appreciate the Senator being able to do that in such articulate terms so that it is very clear that we, in fact, are moving ahead in a way that, frankly, has been unheard of when we have had a President of one party and the Senate majority of another party in terms of confirming judges.

So I certainly associate myself with the Senator's comments and very much appreciate his advocacy.

PRESCRIPTION DRUGS

Mr. President, I rise this evening to speak about an issue that is incredibly important. It is probably one of the most important challenges facing our families today; and that is the question of the cost of prescription drugs.

I cannot think of a more important issue facing older Americans, who, on average, use 18 different medications in a year, or a more important issue facing families, who, for example, may have a disabled child, or a more important issue for anyone who is struggling and does not have coverage under their insurance policy for prescription drugs.

We know that right now, even as we are at the dinner hour on a Tuesday evening, there are seniors who are sitting down at their kitchen table and deciding: Do I eat supper or do I take my medicine?

We are the greatest country in the world. I say shame on us for our inability to address this issue and to have a Medicare prescription drug plan that lowers the costs for everyone. This is an issue that now touches every part of our economy.

Today, I met with the leadership of Michigan Blue Cross-Blue Shield. Yesterday, I met with people who are involved with hospitals and home health care agencies and nursing homes.

I meet with small business owners who cannot afford to keep their insurance for their employees because the costs are going up 30 percent, 40 percent a year, and the majority of that is the uncontrolled costs of prescription drugs. I meet with the big three automakers, and I hear the same thing.

These costs are out of control. There is no accountability, and it affects every part of our economy and the lives of too many Americans.

So I rise this evening to ask our colleagues on the other side of the aisle, and to ask the President of the United States, to join with us in a serious effort—not words, not efforts that look as if they do something on paper but do not really solve the problem—but to join with us in a serious effort to provide a comprehensive prescription drug benefit under Medicare that is long overdue, and to join with us in a number of issues and a number of strategies to lower the costs of prescription drugs for every American.

I find it extremely frustrating, when we know that American taxpayers underwrite much of the research—certainly the initial basic research through the National Institutes of Health for new prescription drugs, new technologies, new cures—and I certainly support that. I support the fact that we allow research tax credits and deductions. And taxpayers subsidize those efforts as well. It is important for us.

But I am very frustrated that after we have patents that are given for 15 years, 20 years, to companies to recoup their costs, when they do not have to have competition, we create a way for them to come up with these new, wonderful drugs that are lifesaving, and yet, at the end of the line, Americans pay more than anyone in the world—and that is not an exaggeration—for those drugs. If someone is uninsured, Heaven help them—which the majority of seniors are in this country—because when they walk into the pharmacy, they are paying the highest prescription drug price of anyone in the world.

Tomorrow, we are going to start Older Americans Month. And I say again, shame on us for not addressing this issue in a comprehensive manner.

I ask my colleagues to join with us in a number of efforts. One, we want to make sure that generic drugs are more available and that we close loopholes that are now used by the companies to change patents or do other things that stop generics from coming on the market even though it is the same—a very comparable drug—at a dramatically reduced price. We certainly have legislation right now in the Senate which Senator SCHUMER and Senator MCCAIN have put forward that needs to be addressed.

We also need to do something about the explosion of advertising. Since the FDA changed the rules a number of years ago on direct consumer advertising, I daresay you can't turn on your

television set in any 5-minute increment and not see at least one advertisement for a prescription drug. They are nice ads. Many of them are very pretty. But we pay a heavy price for that advertising.

We also pay a heavy price for the promotions that are going on in the doctors' offices and all of the effort that goes into this question of advertising rather than putting the money into research for more lifesaving drugs.

We want to address that in the Senate, and we ask our colleagues to join with us to stop this spiraling situation where right now there is twice as much being spent on advertising in this country, advertising and promotion of prescription drugs, than on research to create new lifesaving drugs. We intend to put forward proposals to do that in the next week.

I specifically wish to talk for a moment about S. 2244, an effort my colleague from North Dakota, Senator DORGAN, and many of us have joined in to provide another way of creating cost savings; that is, to open the border to Canada. I find it ironic that at the time we are creating open trade, fast track, a trade bill on the floor of the Senate, we have in place walls at the border of Canada. And coming from Michigan, where it is 5 minutes across the bridge, 5 minutes across the tunnel, this is a very real wall where we are told, based on legislation passed back in the 1980s, that even though you can get your medications made in America, FDA approved, safe drugs, my citizens in Michigan or those from Florida or anyone cannot go 5 minutes across that Ambassador Bridge or that tunnel and lower their cost because of a law that was put in place to protect our companies from competition.

We believe, those of us who have put forward S. 2244, that the wall needs to come down. If we are going to talk about open trade, we should not close trade. We should not be allowing lack of competition on prescription drugs. If we did that, we could see amazing changes immediately. It would not cost money other than probably a small amount as it relates to the FDA. We are not talking about any large sum of money to be able to open the borders and immediately we could lower costs 40 percent, 50 percent or more.

I took two different bus trips to Canada to demonstrate, as other colleagues have, the cost differences, working with the Canadian Medical Society, going through a Canadian physician and a Canadian pharmacy to demonstrate the differences in the prices for prescription drugs. I wanted to share with you some of those differences.

Zocor is a drug for high cholesterol. In Michigan, it is $109 a month for the prescription; it is $46.17 in Canada—$109 versus $46.

Even more dramatic is Tamoxifen. We had women on our bus trip with breast cancer. In Michigan, they are paying $136.50 a month for Tamoxifen. In Canada, they purchased it for $15.92—$136 versus $15.

There is something seriously wrong when our citizens are having to pay such a large amount of money when compared to other countries, particularly our Canadian neighbor to the north, and at the same time they are having to juggle all of the other expenses in their life, and many people are not being able to purchase Tamoxifen or Zocor or Prilosec, all of the other drugs where there is such a disparity.

I invite colleagues tonight to join with us in supporting S. 2244, to become cosponsors, to join with us in an effort to say that we are going to open the borders; we are going to create competition; and we are going to make sure Americans who underwrite so much of the cost of the new medications being developed every day have the opportunity to get the very best price.

We need to do that. It is long overdue. From my perspective, there is no excuse at this time not to proceed to support this effort to open the border, to create new opportunities for generic drugs, to make sure we are addressing the high cost of advertising and to put some sense around that, and promoting research rather than more advertising. These are all items that need to happen, and they need to happen now.

My biggest concern is that we don't have the same sense of urgency in the Congress that I hear from my own family, from neighbors and constituents I represent in Michigan. This is not a theoretical debate. This is real. This is about whether or not people will be able to live longer because they can benefit from the medications being developed with the help of taxpayers or whether they are going to struggle every day to decide whether to eat, to pay the utility bill, or to get their medicines they so desperately need.

We can do better. Our older citizens, our families, our children, our businesses wanting to cover their employees for health care costs deserve better. We have an opportunity to do that in the Senate and to say to everyone: We have really done something that will make a difference in the lives of the people we represent. I suggest the time is now.

I yield the floor.

(Ms. STABENOW assumed the chair.)

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wanted to echo the eloquent comments the Presiding Officer, speaking in her capacity as the Senator from Michigan, has spoken about, a problem that is so rampant today.

Medicare was designed 37 years ago in 1965. Think of the condition of health care at that time. It was centered around acute care in hospitals. Thus, as we designed the system which would be a health insurance system for senior citizens to assist with medical expenses, what were most of the medical expenses? In 1965, they were expenses that were attendant to hospital care and physician services that often occurred in and around the hospital. Medicare Part B was set up for additional expenditures, primarily physician expenditures. That has served our senior citizens so very well, as a health insurance system at the time that they knew they needed health care, when, as we get older, things don't quite work as they did when we were 21.

Over that 37 years we have had these wonderful, I call them, miracles of modern medicine that have occurred through technology, through research, through the ingenuity of American enterprise. And as a result, we now have a health care system that produces prescription drugs that can often cure our ailments when compared with the state of medical care 37 years ago.

I talk about that little bit of history to follow the comments of the Senator from Michigan because it is instructive for us as to why we need to modernize the Medicare system 37 years later and now provide a prescription drug benefit.

There is no question in the State of Florida, with our abundance of wonderful, vibrant senior citizens, that people want Medicare modernized with a prescription drug benefit. Clearly, in the election of 2000, I talked about it, and I know both of the candidates for President talked about it in the State of Florida—indeed, they had signed up to the idea that we were going to be spending—then the figure was $300 billion to $350 billion over a 10-year period. That is what was thought to be the expenditures to give a fairly substantial Federal Government investment for providing prescription drugs to those who were eligible as senior citizens under Medicare. And here we are, a year and a half after that election, and we still have not enacted it.

The administration has come forth with a proposal for $190 billion over 10 years. That is not going to cut it because that is not what was promised. With the explosion of the cost of prescription drugs, the cost of that prescription drug benefit over the next decade might well be in excess of the $300 billion to $350 billion that we talked about during the campaign of 2000. So we ought to be addressing it here.

In the meantime, the Senator from Michigan has pointed out other ways that we can start addressing the cost of prescription drugs. Why could we not address a system by which we could suddenly pool the various needs and start buying in bulk and, therefore, bring down the cost per unit? That is a common economic principle. So as we approach a discussion of whether we are talking about trade or whether we are talking about judicial appointments, we need to constantly remind people about the promises and the expectations in the election for President in the year 2000, and those statements were very clear in the State of Florida,

which became so critical for the outcome of the election.

ANDEAN TRADE

Madam President, since we are on the trade bill, I want to make a few comments about a tremendous dilemma that I have with regard to this trade bill. I am a free trader. I am for free and fair trade. That has basically been the kind of voting record that I have had in the last year and a half. I believe that a State such as my State, Florida, which is so affected by being not only a microcosm of America but now so much of a microcosm of the Western Hemisphere, will benefit economically by free and fair trade.

The dilemma in which I find myself, as does my colleague—my senior colleague, wonderful colleague, Senator BOB GRAHAM—is that the very premier industry of Florida, the citrus industry, the very industry whose symbol graces all of our license plates on our vehicles in Florida—the Florida orange—is threatened if we don't take action on an amendment in this bill.

What I have said is that I support free and fair trade. What we find is that, with the concentrated, frozen orange juice production, the country of Brazil has 50 percent of the world consumption of concentrated orange juice. Florida has 40 percent of the world's production, and that is primarily servicing the needs of the domestic market in the United States, a large part of which has been created as a result of the advertising over the last five decades by the Florida Citrus Commission, so that now orange juice is a regular staple of the diet at the breakfast table in America each morning. So it is 50 percent Brazil, 40 percent Florida, and the remaining 10 percent is spread throughout the rest of the planet.

The problem is that it is not free and fair trade if Brazil is allowed to undercut because of Brazil growers colluding into a cartel, undercutting the price of Florida, and dumping additional product on to the market. If there is not tariff protection for the Florida citrus industry, Brazil will be participating not in free and fair trade, but Brazil will have taken over the market and they will have a monopoly. A monopoly is exactly what we want to get away from in global economic markets. We want the crosscurrents of economic competition to bring the best product at the lowest price. That is not what is going to happen.

So the dilemma that my senior colleague, Senator GRAHAM, and I find ourselves in is wanting to support the administration on the trade promotion authority or, as some people call it, the fast track, where the administration can negotiate the agreement without every little detail having to be approved, except when the final agreement has to come back to the Congress, which I think is a step in the right direction, and facing the Hobson's choice that if we do so without an amendment that would protect this industry from a monopoly from foreign shores, our major citrus industry would be facing a life or death choice.

Now, that is not an easy choice for this Senator. So I call to the attention of the Senate the fact that Senator GRAHAM and I will be offering an amendment that doesn't specifically just speak to Florida orange juice but says that if there is an order by the International Trade Commission against dumping by companies or by a country, or if there is a countervailing duty as a result of an order by the Department of Commerce because foreign competition is subsidized by a foreign government and therefore it is not free and fair trade—if there is an order from either one of those two, whatever the commodity is, the tariff cannot be reduced until 1 year after that order by the Department of Commerce, or that order by the International Trade Commission has been removed, because that noncompetitive practice has been eliminated by that foreign country or those foreign corporations.

In other words, if we want to have free and fair trade and there is an order that another country is not being free and fair, we are not going to put the American industry at the disadvantage of having the tariff lowered so that anticompetitive action in that foreign country, against which there is already an order, is not able to protect that industry in America.

I am not just talking about orange juice. I am talking about steel. I am talking about salmon production in the Northwest. I am talking about honey production in Montana. I am talking about any commodity where organizations such as the Department of Commerce or the International Trade Commission say there is anticompetitive behavior, and therefore there is an order against that anticompetitive behavior; if that order is in place, then you cannot reduce the tariff.

That seems to me common sense. Therefore, there is no reason the administration should not accept Senator GRAHAM's and my amendment. Yet they will not. Just today Senator GRAHAM and I talked to the Secretary of Commerce: Well, we will look at it. I understand. That is a polite way of saying: No, we do not agree.

I have talked to people about this amendment until I was blue in the face. I have talked to the chief lobbyist for the White House as to why this is so important to Florida, which happens to be important to this administration. I have talked to members of the Finance Committee to get them to understand why this is so important, not only to Florida but to other States with regard to steel, salmon, and beekeepers in their honey production.

The fact is, the administration thinks it has the votes. In fact, it thinks it is filibuster proof; that it has more than 60 votes for this trade bill. Therefore, there is no willingness to engage in a discussion with Senator GRAHAM, me, and others about adding this amendment, as they did so vigorously in the House when, several months ago, they passed the trade promotion authority bill by the razor thin margin of one vote.

I can tell you, Madam President, it will not only be tonight, but I will continue to speak until my face, to use an old southern expression, turns blue. I will continue to speak every opportunity I have as we go about considering this trade bill over the course of the next 2 to 3 weeks.

I hope there are folks in the White House who are listening. The State of Florida has a great deal at stake in this debate. It is not that we are asking for any special protection; we are asking for free and fair trade. We do not want another country to have a monopoly of a single product that is so very important to our State of Florida.

Madam President, neither you nor I expected to be here at this late hour, but it was an opportunity for us to say something that is very important to this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise to speak on the pending business, the trade promotion authority bill. I will be brief.

I believe I am the only Member of the Senate who has worked in the Trade Representative's office. In 1991, I had a wonderful experience as we were negotiating several major treaties at that time. Without qualification, for the United States to engage in more trade negotiations and more trade agreements is positive.

There will be sectors in the United States that have difficulty. That is why we have trade assistance provisions, to make those transitions better. But overall, for the U.S. consumers and the U.S. economy, trade promotion, reducing barriers and tariffs—and tariffs amount to nothing more than taxes; tariffs are taxes—this is a positive action for U.S. producers and U.S. consumers. Not that it is uniform for everybody, but for the overall economy this is positive. It has been positive and remains positive.

Narrowly for my State, the State of Kansas, where we have a lot of agricultural exports, where at least 1 out of 3 acres goes to the export market, the international market is a critical market for us. A lot of our livestock goes to the international marketplace. It is a very important part of our business.

Aviation is a main part of our industry. Much of that goes into the international marketplace as well.

This is positive. It is probably the best thing we can do at this time, on top of the tax cuts, to stimulate the U.S. economy, and expansion of our broad-band access is a third issue that can stimulate the overall economy. Trade is a key one. It is broadly supported in this body. It is not supported by everybody, but overall it has a strong base of support and that is because our economy is built on trade

and so much of our opportunities to expand this economy are built on trade. The trade needs to be both free and fair.

I hope we can get a strong vote for trade promotion authority to encourage the President to engage in substantial trade agreements with key trading partners of the United States so we can aggressively move our economy forward and out of the sluggish position and the negative growth we had last year and continue strong, positive growth.

I wish to talk narrowly about a particular provision I would like to see us take up, and I will be putting forward an amendment with regard to this issue, and that is expansion of trade in central Asia. I am referring to those countries known as the ''stans,'' that were under the Soviet Union—Kazakhstan; Uzbekistan became more familiar to us in the war on terrorism; Turkmenistan, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan as well. We need to enter into permanent normal trade relations with these nations.

As we seek to engage them, as we seek to work closer with them in the battle on terrorism, as we seek to engage them internationally, particularly Kazakhstan on expanded oil production and gas production so we are not as dependent on the Middle East for oil, it is very important that we engage them in the area of permanent normal trade relations; that we are able to give to them the same status we give to virtually every country trading with the United States around the world.

They are key countries. They are key in the battle on terrorism, as we have already seen. They are key in our energy diversity. I am hoping we can get more of our energy production at home. That is what we debated over the last 5 weeks.

We also need to diversify our source of energy. One of the key areas to which we can go is Kazakhstan and also Azerbaijan. We need to have permanent normal trade relations to expand that energy supply and expand that energy exchange.

They want to grow with us. Some are trying to pull them into being a radicalized militant state against the United States. There are forces in several of these countries seeking to do that. One of the best things we can do with them is to broadly engage them economically.

We have the opportunity, but we do not have PNTR with these nations in the central Asian region. We do with Georgia, we do with Kyrgyzstan, but not the other countries I named.

I will be putting forward an amendment, hopefully with a number of cosponsors, that is going to be modeled after the Central Asian Trade Act of 2002. In this bill, we would like to bring up the issue of PNTR with these central Asian countries.

I hope my colleagues will look at this carefully, critically, and with an eye to what is best for this region and what is best for the United States.

In our battle on terrorism, it is best we be engaged with these countries. In our battle to diversify our energy sourcing, it is best we be engaged with these countries. For their stability in this region of the world long-term, it is best that we are engaged. One of the prerequisites for us being able to do that is PNTR.

I am quite hopeful we can take this up; that it will be a noncontroversial amendment; that it can be accepted, passed, and that we can move this on through so we can get PNTR for central Asia and we can start working so we are not engaged in this region militarily, pull out of the area, then we see more militant activity buildup and we have to go back in. Rather, let's be engaged in this region on a long-term basis so we do not have to go in episodically, with billions of dollars, and try to clean up a problem that evolved over a period of time.

This is one we can head off at the pass. We can deal with this, we should deal with this, and I am hopeful we are going to be able to take this amendment up on PNTR for central Asia during this debate.

I yield the floor.

Mr. WYDEN. Madam President, as the Senate debates the Andean Trade Preference Expansion Act, ATPEA, I wish to call attention to another issue vital to the long term success of the Andean nations in the world economy.

International arbitration was created in order to mitigate the risks of overseas investment due to political consideration and capricious changes that can affect legal institutions. It gives investors and sovereign nations an agreed-upon mechanism to resolve disputes. Arbitration is a key building block to attract foreign investment, promote modernized legal systems, and provide for the kind of legal economy that we are seeking to foster with this legislation.

For this reason, Congress stipulated in the recent Andean Trade Promotion Act, ATPA, that beneficiary countries were required to recognize as binding and enforce international arbitral awards in favor of U.S. citizens and companies. I am concerned that the U.S. Government has not done enough to ensure that one beneficiary in particular, Colombia, has lived up to this requirement. Before Congress passes new legislation on this matter, shouldn't we hold countries accountable for violating this criterion under the previous legislation?

Unfortunately, Colombia has a disturbing trend of disregarding binding arbitration rulings. The Colombian Government has refused to abide by rulings of arbitration tribunals that are unfavorable, launching aggressive campaigns to undermine arbitration. It has utilized the inefficiencies of its internal legal structures to avoid payment. This blatant disregard for arbitration harms companies that have already invested in Colombia, dissuades others from investing much needed capital, and violates the qualification criteria for ATPA and ATPEA.

In one case, a 22-month binding arbitration tribunal, agreed to by the Colombian Government, ruled that Colombia must pay $61 million due to what it defined as reprehensible behavior and breach of contract. Despite concerns raised by Members of Congress, the Colombian Government has refused to even discuss the issue with the American companies. The cost to the Colombia economy in lost international investment due to this lawless behavior may be greater than any aid that we can provide, and indeed, raises questions about U.S. aid.

For these reasons, I call on the President of the United States and the U.S. Trade Representative in particular to hold Colombia, and any other country that fails to uphold the qualification criteria for ATPEA, to the letter of the law under consideration today. The administration is seeking expanded trade benefits, but it should first require that Colombia implement the rulings of arbitration panels. To do otherwise would undermine the intended effect of this legislation in lifting these developing nations to the status newly industrial democracies governed by the rule of law.

Mr. ALLEN. Madam President, I rise today to address the House version of the Andean Trade Act (H.R. 3009). First, I strongly support fair and free trade. Second, I favor granting the President trade promotion authority. Third, I believe that certain improvements can be made to help workers who lose jobs due to international competition. And fourth, I do believe the current Andean Trade Act should be extended.

However, as currently drafted, this is an Act that could have an adverse impact on the people of Virginia. In particular, Southside Virginia has been especially hard hit the past few years by the loss of textile and apparel jobs. Textile manufacturers in the United States are finding it more difficult, if not impossible, to compete with the low cost of overseas labor and limited environmental protection laws.

We must fully consider the potential impact of this Andean Trade proposal rather than rush into a convoluted procedure for voting on unrelated, albeit important, issue. The men and women involved in the manufacturing and production of textile and apparel products are suffering. We need to find ways to help these individuals, not bring additional heartache. The House version of this bill unnecessarily increases the amount of non-U.S. yarn and fabric coming into our country. The existing law has been sufficiently beneficial.

The U.S. textile and apparel industry, which employs 1.4 million people and accounts for 8 percent of all workers in our country, has fallen on hard times. Over the past five years, the textile industry has lost about 180,000 jobs,

nearly one-third of the industry's workers. During this same time, there have been at least 220 textile plants that have closed their doors and ceased operations.

Last year alone, 116 mills closed in the United States. The workers at these locations lost their jobs as domestic producers struggled to compete with cheaply priced imports. As a matter of fact, almost 140,000 textile and apparel employees have lot their jobs in the last 15 months.

Just yesterday, DuPont Textiles and Interiors announced that it will be reducing its workforce by more than 2,000 employees worldwide. Unfortunately, 200 of those workers will be from Virginia.

Also in Virginia, we've lost Tultex, VF Imagewear, and Pluma. And, Burlington Industries in Pittsylvania County, which makes synthetic and wool products, has been forced to eliminate thousands of jobs.

As you know, the Andean nations are well known for their production of these products as well. Burlington and others will no doubt be impacted by the increase of products into our nation from these Andean countries.

My vote to oppose cloture is to take a stand for the right of Senators to fully consider the House version of this bill and offer amendments. As I have stated, I am a firm believer in free and fair trade agreements that will, on balance, benefit millions of Americans. But what has been happening in the textile and apparel industry is not desirable for the people of Virginia.

One aspect of trade is that some workers will almost inevitably have to move to other jobs. When workers are displaced, we must reasonably help ease the impacts of international competition. A bill I introduced last year, the Homestead Preservation Act (S. 1848) can assist these workers who have lost jobs due to international competition. This proposal would provide workers who have been displaced from their jobs because of international competition to become eligible for a secured loan so that they my continue making their mortgage payments on their home for up to one year while they find new employment.

In summation, I strongly support trade promotion authority to tear down tariffs and barriers to American products, goods and services. But trade promotion authority ought to be considered separately from the extension of the Andean Trade Act. I, nevertheless, look forward in the next few weeks to working with my colleagues to fully examine the House passed version of the Andean Trade Act and am hopeful that the Senate will pass a version that is not so harmful to U.S. textile jobs. My vote on procedure is to allow Senators the opportunity and right to calmly review, debate and revise the House passed version of the Andean trade bill without the confluence and distraction of other issues that should be addressed separately.

In the end, we need to pass three separate bills dealing with trade promotion authority, trade adjustment assistance, and the Andean Trade Act. Each of these measures should be accorded individual scrutiny, amendment and ultimate passage. Indeed, the tactic of merging these issues together can result in the House rejecting the most important of all three—trade promotion authority. This ploy to join all these items together can culminate in the unfortunate failure to pass any of these measures this year.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, what is now before the Senate?

The PRESIDING OFFICER. The motion to proceed to H.R. 3009.

Mr. REID. I ask unanimous consent that I be allowed to speak as in morning business and the time run against the 30 hours.

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

TERRORISM INSURANCE

Mr. REID. Madam President, I have used this illustration on other occasions—I hope not too many, but I know I have used it before—and the reason I do it is, for me, it is illustrative of what is taking place in the Senate.

When I was a little boy, I lived in a small town in southern Nevada. I had a brother who was 10 or 12 years older than I, and he got a job with Standard Stations one summer. That was a big deal for us. He was out of high school, and they transferred him to Las Vegas to be an assistant manager to a service station in Ask Fork, AZ. As a little boy, I never traveled anyplace, and he agreed to take his little brother to Ask Fork, AZ. Oh, I was excited about going there. I do not know how long he spent there, probably about a week or 10 days, but just the anticipation of the trip was really amazing because I had never been anyplace.

So I went to Ask Fork, AZ. It was a little railroad town in Arizona, very large compared to where I was raised, in Searchlight. When I arrived there, I learned my brother had a girlfriend. I thought he was going to be taking me every place, but he did not take me anyplace because he had this girl with whom he was involved.

He did take me to meet her little brother, who was about my age. So I spent a lot of time with him. I have never forgotten that because it was his house and they were his games and his equipment. Every game we started to play, I could beat him; it did not matter what it was. But I never won anything because he kept changing the rules so I could never win.

I went home, having seen a lot of the world, at least in my eyes—Ask Fork, AZ—having spent a week or 10 days with this boy about my age, and had never been victorious in anything because, I repeat, every time he would change the rules in the middle of the game anytime I was beginning to win.

I bring that to the attention of the Senate because that is what we have going on in the Senate now is the same kind of a deal with terrorism insurance. It does not matter what we do; it is not good enough. We start with this, we try that. Okay, that sounds good. We offer it in the form of a unanimous consent agreement. Well, that is not quite right; I think we had better change this. No, we cannot agree to allow you to bring that to the floor.

Weeks have gone by, and we now have no legislation in the Senate to deal with the serious problem the country is having. I will bet the Presiding Officer has had people call her and come to see her—realtors, people from banks and other financial institutions, insurance people, developers—saying: Senator, why have you not done something about terrorism insurance? My construction job cannot go forward. The insurance companies will not write me insurance.

They have come to me, and I have responded the way I think we all have: Well, this is something we should try to do something about.

Senator DASCHLE has been trying to get something to the Senate. He has worked with Senator DODD, he has worked with Senator HOLLINGS, he has worked with Senator SARBANES, and we have agreed to bring legislation to the floor. Last Thursday, I offered a unanimous consent agreement. I am not going to do that tonight—there is no one present for the minority—but I would like to, and I should. I would like to have them again object to the unanimous consent request to bring this legislation to the floor. We have also gone to the extreme. We first started out by saying: Why don't we have two amendments? They said: We want more than two. We said: How about four? Now we are at four amendments.

I cannot understand why we cannot do that. There is something about the bill that people do not like, have an up-or-down vote with an amendment.

We attempted to move the Dodd-Sarbanes-Schumer bill last December. There was no disagreement about the base bill, but over the amendments offered and the time to dispose of the amendments. On April 8, we tried to get another agreement to take up the legislation, and there was no objection to base text. The Republicans always agreed to the underlying Dodd-Sarbanes as the vehicle to bring to the floor. Now the objections are no longer about the number of amendments and the time agreements, but they are opposed to bringing it up.

A strange thing happened last June. The Democrats took control of the Senate. It is a slim margin, but we still have control of the Senate and we control the agenda. The minority might

not like that but that is the way it is. That is the rules of the Senate. Therefore, Senator DASCHLE has a right to determine what legislation is going to be brought forward. The majority leader determines what bills are brought to the floor. If the minority is opposed, they have a right to offer amendments and attempt to modify the text of the bill. When it comes to terrorism insurance, this does not seem acceptable.

I want the world to know—because I don't want anyone from Nevada to think I am doing anything to hold up this legislation, or that any Democrat is doing anything to hold up this legislation; we are not—we are ready to legislate on terrorism insurance. As I have said, we have offered to bring up the bill with four amendments on each side. It gives everybody an opportunity to make the changes they seek. They object to this. The legislation is must-pass legislation. We need to get it out of here and get it to conference.

The White House says publicly they desperately want us to do something. They should weigh in with the Republican Members of this Senate and help move something forward. Treasury Secretary O'Neill testified today that the lack of terrorism insurance could cost 1 percent, at least, to gross domestic product because major products will not get financing due to lack of insurance.

It is not just insurance companies increasing their policies or changing them. Banks are refusing to finance large projects because they lack insurance coverage. Policies are going through the roof or they are excluding terrorism from the coverage. This has a devastating effect on the economy, and it will get worse.

I encourage my friends on the other side of the aisle to review today's testimony from Secretary O'Neill before Senator BYRD and the Appropriations Committee. The time to act is now. We can take up this legislation and move it very quickly or we can continue to keep changing the rules in the middle of the game and wind up with nothing. That would be very bad for our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is my understanding we are in a period of morning business; is that right?

The PRESIDING OFFICER. Not yet.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators allowed to speak during that period for not to exceed 5 minutes each.

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

ADDITIONAL STATEMENTS

INVESTING IN STUDENTS

● Mr. BAUCUS. Mr. President, I rise today to respond to a recent recommendation by the Administration to end fixed-rate consolidations of federal student loans in order to address a $1.3 billion shortfall in Pell Grant funds.

I fully agree with the President that we need to fund the Pell Grant program. But, as a constituent of mine in Montana recently said, ''It makes no sense to rob Peter to pay Pell.'' Pell Grants are just one of the federal government's efforts to help students afford the rising costs of a college education. Moreover, Pell Grants are only available to low-income students.

Importantly, the federal government offers a variety of student aid, often in the form of subsidized or low-interest loans, to extend help to low- and middle-income students and families that don't qualify for Pell Grants. In fact, many Pell Grant recipients must also apply for loans in order to meet their education costs. These loans offer hope to students as they seek the advanced education, exposure to new ideas, and acquisition of new skills they require to secure good paying jobs.

We need to be consistent in sending that message of hope to students. In fact, we need to be more vigilant in sending that message in states like Montana, where the average cost of attending a public university has increased by 228 percent for in-state students and 257 percent for non-residents over the past 10 years. Those increases mean larger student loans, larger student debt, and greater student sacrifice. And I am very concerned about the kind of sacrifices Montana students must make to pay back an $18,000 student loan in a state whose average per capita income barely surpasses $20,000.

Simply put, we need to do more to help students invest in themselves, not less. Offering a fixed-rate interest on consolidated loans helps students; eliminating that option places additional financial stress on students. Good common sense tells me that we can not close this door on our students.●

NATIONAL CHARTER SCHOOL WEEK

● Mr. GREGG. Mr. President, last Thursday I joined my colleagues, Senators LIEBERMAN, HUTCHINSON, CARPER and BAYH, in introducing S. Res. 254, a resolution to designate the week of April 29th through May 2, 2002 as National Charter Schools Week. This year marks the 10th Anniversary of the opening of the nation's first charter school in Minnesota. In the last ten years, we have come a long way since that auspicious moment when one teacher collaborating with parents started a school specifically designed to meet the needs of the students in the community.

Today, we have well over 2,000 charter schools serving approximately 579,000 students. Charter schools are immensely popular: two-thirds of them report having waiting lists, and there are currently enough students on waiting lists to fill another 1,000 charter schools.

Charter schools are popular for a variety of reasons. They are generally free from the burdensome regulations and policies that govern traditional public schools. They are founded by principals, teachers and parents who share a common vision on education. Perhaps most importantly, charter schools are held accountable for student performance.

Since each charter school represents the unique vision of its founders, these schools vary greatly.

For example, in South Central Los Angeles, two former union teachers founded the Accelerated School, a charter school designed to serve students from the community. Students attending the school outperform students from neighboring schools. In fact, student performance at the Accelerated School exceeds district-wide average performance levels. Originally a K–8th grade school, the founders are now planning on adding a high school.

In Petoskey, Michigan, the Concord Academy provides an arts-focused curriculum that infuses the arts into the overall curriculum. The school has a 100 percent graduation rate which exceeds the graduation rate for the suburbs. The Concord Academy also spends an average of $2,500 less per student than traditional public schools. Like many charter schools, they are getting greater results using less money.

These are but a handful of the success stories in the charter school movement.

I expect that we will see the popularity of charter schools continue to grow. Last year, the President signed into law the No Child Left Behind Act, which gives parents in low-performing schools the option to transfer to another public school. The Act also provides school districts with the option of converting low-performing schools into charter schools. I believe these provisions will strengthen the charter school movement by creating more opportunities for charter school development. And, as parents exercise their right to school choice, the call for charters schools will grow.

I commend all those involved in the charter school movement. They have led the charge in education reform and have started a revolution. A recent study found that charter schools have had a positive impact on school districts. Districts with a large number of charter schools reported becoming more customer service oriented, creating new education programs, many of