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## Senate

The Senate met at 3 p.m. and was called to order by the Honorable ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

### PRAYER

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

Almighty God, our purpose is to glorify You by serving our Nation. We all want to express an energetic earnestness about our work this week. Help us to know what You want and then to want what we know; to say what we mean and mean what we say. Give us resoluteness and intentionality. Free us to listen to You so intently that we can speak with courage and boldness. Keep us in the battle for truth rather than ego-skirmishes over secondary issues.

You have told us that to whom much is given, much is required. Thank You that You also have taught us that of whom much is required, much shall be given. Lord, You require a great deal of the women and men of the Senate. Provide them with an extra measure of Your strength, wisdom, and discernment for the crucial work of this week. And this afternoon, we particularly want to pray for U.S. Capitol Police Security Aide Aliou Terry and his family, after the unexpected death of his daughter last week. Father, comfort them and bring them to Your supernatural peace. In Your all-powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ERNEST F. HOLLINGS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 6, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. HOLLINGS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

### SCHEDULE

Mr. REID. Mr. President, this afternoon the Senate is going to resume consideration of the Andean Trade Act. There will be no rollcall votes today. Tomorrow, the Senate will begin consideration of the conference report on the farm bill, under a 12-hour time agreement—6 hours of debate tomorrow, 6 hours of debate on Wednesday—prior to a vote.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### ANDEAN TRADE PREFERENCE EXPANSION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Daschle amendment No. 3386, in the nature of a substitute.

Dorgan amendment No. 3387 (to amendment No. 3386), to ensure transparency of investor protection dispute resolution tribunals under the North American Free Trade Agreement.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

### JUDGES AND JOBS

Mr. REID. Mr. President, there have been a lot of rumors around here in the Senate—and I hope this is just a rumor—but I have heard that the Senate minority, the Senate Republicans, are threatening to shut down the Senate on Thursday or some time this week. The reason given is that the President, this past Friday, talked about there being 11 vacancies in the circuit courts.

Now, that is interesting. I have spoken on the Senate floor for long periods of time, in effect, defending the Judiciary Committee because these same vacancies they cry about are vacancies they created. They would not fill the vacancies during the 8 years President Clinton was in office, and now they are complaining because there are vacancies.

As we have spoken about on a number of occasions, Chairman LEAHY has done his very best to move these along. In the Senate, we have been led by Senator DASCHLE, as majority leader, and the various Democratic chairmen for less than a year. During that period of time, we have had one Senate office building closed for months, we have had September 11, and lots of problems. But in spite of that, we have approved 52 judges already.

But if they do decide they want to interrupt this very busy schedule, I think

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



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they will reveal just how out of touch they are with the American people.

They want to focus attention on judicial nominations and what they portray as a delay in reviewing nominations. In fact, under Democratic leadership, the Senate has dramatically and rapidly accelerated the pace of reviewing and confirming judicial nominations.

We have confirmed more judges in the past 10 months than were confirmed in the first 10 months of 1995, when Republicans controlled the Senate, and more than during the 12 months of 1996, 1997, 1999, and 2000.

As you can see from this chart I have in the Chamber, it is not even a close call. We have done extremely well. The Judiciary Committee should be complimented for the work they have done.

We have acted to confirm these nominees quickly. The average number of days needed to confirm circuit court nominees has dropped from well over 300 days—that is almost a year; the levels when the Republicans in the Senate delayed action on President Clinton's nominations—to just over 100 days since the Democrats have controlled the Senate.

I think that is something Chairman LEAHY and the Judiciary Committee should feel good about. I think we, as Senators, should feel good about this.

I think the work that has been done is exemplary. So if they focus on this issue, I think we can easily make a convincing case for how much improvement the Senate has made under the leadership of Senator DASCHLE and Senator LEAHY as it relates to judges. But it gives one pause to think that they are pushing these 11 vacancies on the same day there was an announcement that the unemployment rate is the highest it has been in 8 years. We have not had an unemployment rate this high since the O.J. Simpson trial. It is at 6 percent now.

The President is shifting attention to a handful of jobs for judicial nominees instead of speaking about jobs for millions of unemployed Americans.

There are now almost 9 million people in America who are unemployed. There are 8.6 million Americans who are desperately seeking a job and are unable to find one.

We have a high unemployment rate in Nevada. I have heard the Presiding Officer talk about the jobs that have been lost in South Carolina, for example, in the textile industry, over the last several years. When I heard the junior Senator from South Carolina talk about the job loss in South Carolina, and the number being in the tens of thousands of people, I thought there was a mistake made. I could not believe that one industry could lose that many people in such a short period of time. But those facts are absolutely right. They have been verified many times.

So there are 8.6 million unemployed people all over the country. Many predict that unemployment will continue

to rise. Unemployment seems to affect everyone, but some groups get hit hardest.

Women, for example, suffered most of the increase in joblessness last month. Their unemployment rate rose another four-tenths of 1 percent to 5.4 percent. The unemployment rate for Blacks climbed to 11.2 percent. More than 1 out of every 10 Black American men and women are out of work. For Hispanics, the unemployment rate is 8 percent. So it would seem to me that we want to do a good job in filling these 11 vacancies for circuit court judges, but it would also seem that we should focus on the 8.6 million—almost 9 million—people out of work in this country and spend a little bit of time on that.

We have to take action to provide assistance for workers who have been displaced and help them find jobs—full-time jobs. Not only are millions of Americans unemployed, but there are also millions who are underemployed. They have jobs, but they are not very good jobs. This is especially true of workers being paid the minimum wage.

So on Friday, the President talked about 11 circuit court vacancies, but not a single word about the almost 9 million people who are unemployed, and not a single word about the minimum wage.

It seems to me those two issues may be a little more important than these 11 judicial vacancies which they created.

Millions of Americans are being paid the minimum wage. In Nevada, and throughout the country, many working families struggle to make ends meet. The minimum wage remains at \$5.15 an hour. It hasn't been raised in 5 years. The low minimum wage is a key reason why poverty has doubled for full-time year-round workers since the late 1970s—from about 1.3 million to 2.4 million in 2000—and it has contributed to Nevada's 9.7 percent poverty rate. There are 2.4 million people who work full time and are in poverty. A minimum-wage employee working 40 hours a week, 52 weeks a year earns \$10,700. This is \$4,000 below the poverty level for a family of three.

The majority of people drawing the minimum wage are women. Sixty percent of the people who draw the minimum wage are women. People think these minimum-wage employees are at McDonald's flipping hamburgers, a bunch of teenagers. They are not. Sixty percent of the people who draw the minimum wage are women. For 40 percent of these women, that is the only money they get for themselves or their families.

Every day the minimum wage is not increased, it continues to lose value and workers fall further and further behind. Minimum-wage workers have lost all their gains since they last raised the minimum wage in 1997. The current purchasing power of the minimum wage remains more than 32 percent below the 1968 level. If the minimum wage had kept up with inflation, it

would be up to about \$8 an hour. No one is asking it be kept up with inflation. We are just asking for a modest increase.

According to a survey by the U.S. Conference of Mayors, 38 percent of those seeking emergency food in the United States are employed, compared with 23 percent in 1994. Local government officials cite low-paying jobs as the most common cause of hunger in their communities. Many people wrongly think of the typical minimum-wage worker as being some teenage kid working to earn extra money to buy compact disks or to go snowboarding. In fact, many minimum-wage workers struggle to care for their families.

The Fair Minimum Wage Act would increase the Federal minimum wage by \$1.50 over 2 years. We are not asking it be kept up with inflation from when it was first established. About 80,000 Nevadans and about 9 million Americans would get a raise up to \$6.65 during the next 2 years. This modest proposal would bring the real value of the minimum wage within a penny of the value it had in the 1980s.

This raise is critical to the economy of people all over America who are low-wage earners. A worker earning the minimum wage would have to work 114 hours per week in order to afford a two-bedroom apartment in Las Vegas, NV. That would be the equivalent of almost three full-time jobs.

America is a great country, the land of opportunity. One of our core values has been a strong work ethic. Workers have been responsible for our great economic success. Americans who work full time should not live in poverty.

Going back to Friday when the President gave his plaintive plea for filling the 11 vacancies on the circuit court of appeals, the rumor is—rumors usually have some basis in fact—that they are going to shut this place down to get those 11 circuit court judges. They should get to shutting then.

The business we have to do is not for Democrats. It is for Republicans and Democrats and Independents. It is for the executive branch of Government, the judicial branch, and the legislative branch. We can only do what we can do. If they want to shut down the Senate, that is the power they have because this is the Senate of the United States. If they believe 11 circuit court judges are worth more than the 8.6 million unemployed and worth more than the minimum wage that has not been increased in over 5 years, let them go to it.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANDEAN TRADE PREFERENCE  
EXPANSION ACT—Continued

Mr. THOMAS. Mr. President, I wish to speak a few minutes about trade and the several bills on trade that have been pending for some time.

Trade promotion authority is the central element of what we are seeking to do. Trade is one of the most important issues with which we have to deal. Transactions are made around the world in the billions of dollars every day, and we need the authority to negotiate trade agreements that fit us into world trade and, at the same time, are favorable to the United States, which is a basic issue.

The Senator from Nevada was saying a moment ago that we ought to be doing something about unemployment. I suggest doing something with trade promotion authority. This is one of the basic issues with which we have to deal in augmenting employment and stimulating employment.

Agriculture is very big in my part of the country and 40 percent depends on foreign markets because we produce more than we consume in this country. I wish to comment a moment on where we are and what I hope can happen.

The Andean Trade Preference Act has been amended to include three bills. It deals only with Bolivia, Colombia, Ecuador, and Peru, and it has expired. It needs to be reauthorized so we can deal with those four nations in terms of imports and exports. It was originally passed in 1991 to provide an economic benefit to help those countries such as Colombia with which we have such concern about their internal conflicts, drug activities, illegal drug production and trafficking, and a number of issues that are of great importance to us.

Time is running out to reauthorize the Andean Trade Preference Expansion Act. I hope we can reauthorize it. It is the underlying bill. But I have to tell my colleagues, in my view at least and I think in most everyone's view, trade promotion authority is really the basis of our concern. I am a member of the Finance Committee, and trade issues are handled in the Finance Committee. We handled these three issues not as one but as separate issues. I suggest that is what we ought to be doing: dealing with each bill separately.

We found ourselves, however, in a position where those who are skeptical of trade promotion authority are insisting on much more in the trade adjustment bill as leverage for their support for trade promotion authority. On the other side, people who want trade promotion authority are saying: We will not do that unless you give us a little less on trade adjustment. So we find ourselves in a conflict.

Trade promotion authority is generally known as fast track, which was passed by the committee in December by a 19-to-3 vote, a very strong vote. The discussions about all the aspects of the bill were held in committee, as they should be.

Basically, trade promotion authority falls into two categories: One, the President's authority to proclaim changes in tariffs resulting from negotiations of reciprocal trade agreements; two, procedures for implementing provisions of such agreements which provide for changes in the U.S. law, basically known as fast track.

Trade promotion authority is a process for the President or his representatives to negotiate, guided by rules that are in law. They bring those agreements back to the Senate when they are completed for an up-or-down vote. It is really the only reasonable approach we can take to accomplish negotiations. Obviously, 535 Members of Congress cannot do the negotiating for the country. The bill does provide a framework, an outline of how this can be done. Its purposes are:

Obtaining more open and equitable market access; reducing or eliminating trade barriers and other trade-distorting practices; strengthening the system of trading disciplines and procedures, including dispute settlement; promoting full employment in the United States.

It is true that every industry is not always treated the same. Some are very successful; others find it more difficult. That is, I guess, the reality we have in trade of any kind. That is part of it.

This bill requires Presidential consultation with the Congress before, during, and after a trade negotiation. Without that, why, we will not have any agreements, and we have, indeed, fallen behind. This has been out of the system since 1994. Other countries have negotiated their agreements among themselves, particularly in South America, and we have not. We have negotiated relatively few.

To the extent we can agree that trade is necessary, trade is good for us overall, then we have to have a system for negotiating and not sit back while the rest of the world negotiates agreements and expect that we are going to benefit from that situation.

As I indicated, it does provide for Senators to be more involved. It provides legitimate opportunities for the Congress and others to express their concerns, which is proper.

It provides for ongoing consultation and debate during the process of agreements.

It creates an oversight group of Congress that is broad based and bipartisan.

It sets up this system that gives input by the Congress and yet allows the President to make agreements and then bring them back to the Congress for acceptance or rejection.

So we hear they are going to give him all the authority and have nothing to do with it. That is not the case. We still do have something to do with it. We do still have final approval as to what is done. So we need to be doing some of those things.

A lot of the U.S. products, for instance, in agriculture still have very

high tariffs in other places. Our good friends from Japan have very high tariffs on beef, for example, which comes partly from my State. So we need to be involved and protect our interests as well as be fair with others and participate in this whole business of trade. So it is important.

As I mentioned, in agriculture, one out of every three acres planted is basically for export because we produce more. Under the farm bill that is pending, we will be producing even more if we do not run into a conflict with trade because of the farm bill itself. We will be talking about that starting tomorrow.

In 2001, American farmers exported \$55 billion in agricultural products. That supports a great number of jobs. I know people have different views about it. The fact is it is there and we need to participate. We can argue about how we do it and what the outcome is, but it is pretty apparent we need to participate actively in deciding how these things are going to be done. The European Union, for example, has 15 free trade agreements in which we are not involved. Mexico has signed 28 trade agreements; the United States has signed 3. So we are kind of being left behind in terms of what we are seeking to do.

One of the problems which we are going to have to deal with—it has already been discussed a great deal, and I think it is being discussed now in terms of hoping to come up with some agreement—is the trade adjustment authority, which is a legitimate concern about being able to deal with people who might be put out of work and to have some kind of a program that would be helpful to them. There was a program in place, but it has expired. But we basically need financial and training assistance for workers displaced by import competition or for firms that face a significant adjustment. Those things were done in conjunction with NAFTA, and they increase the number of weeks adversely-affected employees could receive assistance.

Now the question is: Are those made to be entitlements? Are those to be made welfare programs that are everlasting? How do we define who is available, who should be receiving those benefits? I think those are things we have to be concerned with when talking about upstream and downstream employees, people who are feeding into this industry who are affected. Where do we stop? How far do we go? How far do we go on the retail side? Without some definition, it could be a huge sort of welfare program, when it is designed to be an assistance program that helps people be trained and available to move back into the workplace. That is what it is for, and that should be our goal. I hope it will be the goal.

We have had some unusual things happen since the bill has left the committee. It left the committee in one form, and now it has been amended