

rights as a condition of entering into a franchise agreement. These franchise contracts are presented by the automobile manufacturers as a "take it or leave it" proposition, without any room for good faith negotiations. It is wrong for one party to take advantage of its raw negotiating power to limit the legal rights of another party.

This bipartisan bill amends the Federal Arbitration Act to right this wrong by simply reserving voluntary arbitration to resolve disputes between the dealers and manufacturers.

Senator JOHNSON and I have heard from many automobile dealers in South Dakota who agree with us that this is an important piece of legislation. They have had enough of being forced into accepting mandatory binding arbitration clauses as part of their franchise contracts. They are just small business owners trying to keep their legal rights and make a living. South Dakota automobile dealers tell me they just want to be treated fairly, and they should be treated fairly.

I hope the minority will soon allow the Senate to consider the bipartisan act. This matter is a matter of basic fairness for thousands of small business owners across the country. The time has come for the majority of the Senate to be heard on this important issue.

Mr. President, I see no one who is seeking recognition, so I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Mrs. HUTCHISON. Mr. President, I ask the pending amendment be set aside for the purpose of introducing an amendment.

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

AMENDMENT NO. 3441 TO AMENDMENT NO. 3401

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3441 to amendment No. 3401.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit a country that has not taken steps to support the United States efforts to combat terrorism from receiving certain trade benefits, and for other purposes)

Section 204(b)(5)(B) of the Andean Trade Preference Act, as amended by section 3102, is amended by adding the following new clause:

"(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism.

"Section 4102 is amended by striking the matter preceding paragraph (1) and inserting the following:

"(a) ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended by striking the period at the end and inserting "or such country has not taken steps to support the efforts of the United States to combat terrorism."

"(b) DEFINITION OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—"

Mrs. HUTCHISON. Mr. President, I am introducing an amendment to the trade package that is currently before us. I strongly support the intent of both the Andean Trade Preference Act and the Generalized System of Preferences. These programs seek to help the Andean countries of Bolivia, Colombia, Ecuador, Peru, and other developing nations, by applying preferential treatment to their exports. We agree to reduce or eliminate tariffs on imports from these countries in order to help them develop a stronger economy.

These programs benefit both sides. They improve the lives of the exporting countries' citizens through improved economic opportunities that result from open access to the U.S. market—the best market in the world.

For example, since the Andean Trade Preference Act went into effect in 1991, the Andean nations have experienced \$3.2 billion in new output and \$1.7 billion in new exports. This has led to the creation of more than 140,000 legitimate jobs in the region.

But this act expires, and we must renew it. These programs help the United States by developing better markets for our exports. If we can help developing countries increase economic growth and prosperity, they, inevitably, will demand more imports, which provide U.S. manufacturers with more consumers for our products. This, of course, is good for the U.S. economy.

Another important benefit from the Andean Trade Preference Act is that by providing people of these regions with employment opportunities in legitimate businesses, they will, hopefully, not participate in the narcotic business that is rampant in parts of those areas. This will contribute to the stability of their region and the stability of our hemisphere.

It is clear that the Andean Trade Preference Act and the Generalized System of Preferences help both sides. Since we are giving a benefit to these countries, we are also asking something in return, to ensure that we do

not help any country that works against our interests in other ways.

For this reason, we have established, in the underlying bill, conditions that a country must meet in order to qualify as a beneficiary. Conditions we have required in the past include that a beneficiary not be a Communist-controlled country. We have insisted that a country not be one that has or will expropriate the property of U.S. citizens. There must be a rule of law so that if an investment is made in that country, they will be safe from having it expropriated.

In the Andean trade bill before us, we add several new conditions. For example, we require that the President consider the extent to which countries are committed to the World Trade Organization and are participating in negotiations for a Free Trade Area of the Americas. This will ensure their commitment to free trade.

The President also must consider the extent to which they have helped us in our counter-narcotics efforts and anti-corruption efforts before providing these trade benefits. These and other conditions play an important role in ensuring we do not help countries that may turn around and work against us or our citizens in the future.

As I reviewed the list of criteria we have established, I noticed a glaring omission. We are in the middle of a war on terrorism, yet there is no requirement that a country support our efforts in this battle for freedom. It is clear we cannot win this war alone. We need the help of our friends around the world to track down terrorists and cut off funds. More than \$100 million in assets of terrorists and their supporters have been frozen around the world. The United States has frozen about \$30 million of this money. The rest has been cut off by various allies.

We need cooperation like this to defeat this enemy. Therefore, I am offering an amendment to the trade package that establishes a requirement that a country support our efforts in the war on terrorism in order to receive beneficiary status under the Andean Trade Preference Agreement or Generalized System of Preferences.

The kind of help each country can give to us will vary, and it may depend on the circumstances a particular country faces and the opportunities presented to that country. Some will help us militarily. Some will help cut off funds. Others will share intelligence. Some may do so publicly, others privately. It is even possible that a country might not have the opportunity to provide us with anything but moral support. So I do not think it is appropriate to specify the kind of help a country must give. But I do believe we must make it clear that we expect any country receiving these preferences to do what they can, and what they are requested to do, and that the President take that into consideration when determining these preferences.

I hope my colleagues will support this effort to ensure that we are able to

prosecute this critical war effectively with the help of nations that will benefit from our preferential treatment.

Also, as we increase commerce with these countries—which we surely will because of these good trade agreements—we want to make sure they are cooperating so that they will help us keep any contraband product out of America, as we would also expect not to take contraband into their country.

So I think these are good additions to this bill. We have certain conditions already. We are in the fight for our life for the freedom of our country, and we want every country with whom we have commerce, and where there is an ingress and an egress, to work with us to make sure we do not have any kind of terrorist activity in our country or in our hemisphere.

We have already suffered enough. September 11 has changed our way of life. It has changed our attitude. It has changed so much about what is necessary to protect our country. So we must ask every country—especially countries in this hemisphere, but every country—that we will have trade with, and commerce with, countries where we will go in and out, and work with them on a basis of trust, to help us in whatever way we request.

I think it is little to ask, and certainly it will be in their best interest, as well as ours, for terrorists not to come in and be active in their countries. That will hurt them in their efforts to represent their people and have free markets in their countries.

So I hope that my colleagues will support this amendment at the appropriate time. I will certainly speak later as we move on with this bill.

I certainly hope we are going to pass this bill. The Andean Trade Preferences and the General System of Preferences are so important to our country. There are 130 free trade agreements in the world. The United States is party to only 3. That hurts our exporters. It hurts our jobs market. And it hurts countries that we could do more trade with if we did not have the tariffs that would keep prices from being as low as possible for all of our consumers.

So we need this bill. We need to give the President the ability to promote trade and to make trade agreements. I hope we will move on toward finishing this bill next week and giving the President another tool to open markets and strengthen our economy and help other countries strengthen theirs.

Mr. President, I ask unanimous consent that my amendment be laid aside so that we can have other amendments offered through the day.

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

The Senator from North Dakota.

AMENDMENT NO. 3442 TO AMENDMENT NO. 3401

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3442 to amendment No. 3401.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the United States Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board)

At the appropriate place, insert the following:

SEC. ____ . TRADE REMEDIES WITH RESPECT TO CANADIAN WHEAT.

(a) FINDINGS.—Congress makes the following findings:

(1) On February 15, 2002, the United States Trade Representative issued an affirmative finding under section 301 of the Trade Act of 1974 that the acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States commerce.

(2) In its section 301 finding, the United States Trade Representative expressed a desire for long-term reform of the Canadian Wheat Board. However, since concluding on February 15, 2002, that the Canadian Government and the Canadian Wheat Board are engaged in unfair trade practices, the United States Trade Representative has not undertaken any initiative to seek reform of the Canadian Wheat Board. Moreover, the United States Trade Representative has not imposed any trade remedy that would provide United States wheat farmers with prompt relief from the unfair trade practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should identify specific trade remedies that will provide United States wheat farmers with prompt relief from the unfair trade practices of the Canadian Wheat Board in addition to efforts to seek long-term reform of the Canadian Wheat Board.

(c) REPORTING REQUIREMENT.—No later than October 1, 2002, the United States Trade Representative shall report to Congress a specific plan for implementation of specific trade remedies to provide United States wheat farmers with prompt, real relief from the unfair trade practices of the Canadian Wheat Board, and a specific timetable to seek long-term reform of the Canadian Wheat Board, ensuring that there is no undue delay.

Mr. DORGAN. Mr. President, I will describe this amendment very briefly. It deals with the wheat trade dispute we have had with Canada.

Wheat growers in my State, on behalf of wheat growers all around our country, brought a Section 301 case alleging unfair wheat trade by Canada.

Following an investigation by the International Trade Commission, the U.S. Trade Ambassador's office came to the following conclusion, and I quote:

The [Canadian Wheat Board] has taken sales from U.S. farmers and is able to do so because it is insulated from commercial risks, benefits from subsidies, has a protected domestic market and special privileges, and has competitive advantages due to its monopoly control over a guaranteed supply of wheat. The wheat trade problem is long-standing and affects the entire U.S. wheat industry.

That is from the U.S. Trade Ambassador's office.

When the U.S. Trade Ambassador decided that our farmers were victims of unfair trade from Canada, his office said they were committed to four trade remedies, but they would explicitly not impose tariff rate quotas as a penalty on the Canadians. They said, instead, that they would pursue other approaches.

First, they say they will take the Canadians to the WTO. Of course, that means years and years and years of talk, and likely no action.

Second, they said they would examine the possibility of initiating U.S. countervailing duty and antidumping petitions. They can self-initiate those cases. I don't think they will. They seldom ever self-initiate countervailing duty or antidumping cases. I hope they do. I would encourage them to do it. But I am not holding my breath. I expect they will—as most trade officials have over decades and decades—fail to self-initiate such a remedy.

Third is to identify specific impediments preventing United States wheat from entering Canada and present these to the Canadians. Well, these impediments have been around for a long while. I have seen them firsthand in a trip I took to the Canadian border, riding in a little orange truck with a friend of mine. We were stopped at the border and couldn't take the durum wheat into Canada. We did it just as a demonstration. All the way to the border, we found Canadian 18-wheel trucks bringing wheat south, but you couldn't get any wheat into Canada. I think the Canadians know all about the impediments they have erected they don't need to have the U.S. trade ambassador coming to them with a list.

Fourth, the trade ambassador hopes to seek a solution to the problem of the WTO agricultural negotiations, which are scheduled to be completed by 2005. A fair number of farmers will be out of business by then. My amendment today says what we would like is that a remedy be provided sooner than that.

You know, when the U.S. Trade Ambassador announced that he was not willing to impose tariff rate quotas at this time, here is what the president of the Canadian Wheat Board president said: "Since the United States did not impose tariffs, we have successfully come through our ninth trade challenge." In other words, he said that the fact that the United States found them guilty of violating trade rules meant nothing, because no tariffs have been imposed.

Well, that does not sit right with me. My amendment expresses the sense of Congress that prompt action is in order. And it sets forth a reporting requirement: No later than October 1, 2002, the United States Trade Representative shall report to the Congress, first, a plan for implementation of specific trade remedies to provide United States wheat farmers with prompt relief from the unfair trade

practices of the Canadian Wheat Board and, second, a specific timetable to seek long-term reform of the Canadian Wheat Board, ensuring there is no undue delay.

It is just not acceptable for the U.S. Trade Representative to tell U.S. farmers who put together their own money to file expensive 301 petitions: Yes, you are right that Canada is playing unfairly, but we are not going to do anything about it anytime soon.

This amendment says we demand action. We will expect a report on October 1 from the trade ambassador about what specific remedies he will propose on behalf of American farmers who are now victims of this unfair trade.

I yield the floor and 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. 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, I ask unanimous consent that the pending amendment be set aside so I might offer amendments on behalf of other Senators, and that in each instance the amendments to be set aside and, once the amendment has been reported by number, the reading be dispensed with.

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

AMENDMENT NO. 3430 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator KERRY, I call up amendment No. 3430.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KERRY, proposes an amendment numbered 3430 to amendment No. 3401.

The amendment is as follows:

(Purpose: To ensure that any artificial trade distorting barrier relating to foreign investment is eliminated in any trade agreement entered into under the Bipartisan Trade Promotion Authority Act of 2002)

Section 2102(b) is amended by striking paragraph (3) and inserting the following new paragraph:

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade distorting barriers to trade-related foreign investment. A trade agreement that includes investment provisions shall—

(A) reduce or eliminate exceptions to the principle of national treatment;

(B) provide for the free transfer of funds relating to investment;

(C) reduce or eliminate performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) ensure that foreign investors are not granted greater legal rights than citizens of the United States possess under the United States Constitution;

(E) limit the provisions on expropriation, including by ensuring that payment of com-

pensation is not required for regulatory measures that cause a mere diminution in the value of private property;

(F) ensure that standards for minimum treatment, including the principle of fair and equitable treatment, shall grant no greater legal rights than United States citizens possess under the due process clause of the United States Constitution;

(G) provide that any Federal, State, or local measure that protects public health, safety and welfare, the environment, or public morals is consistent with the agreement unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against foreign investors or investments, or demonstrates that the measure violates a standard established in accordance with subparagraph (E) or (F);

(H) ensure that—
(i) a claim by an investor under the agreement may not be brought directly unless the investor first submits the claim to an appropriate competent authority in the investor's country;

(ii) such entity has the authority to disapprove the pursuit of any claim solely on the basis that it lacks legal merit; and

(iii) if such entity has not acted to disapprove the claim within a defined period of time, the investor may proceed with the claim;

(I) improve mechanisms used to resolve disputes between an investor and a government through—

(i) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(ii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iii) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(J) ensure the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—
(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and
(III) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, nongovernmental organizations, and other interested parties.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3415 TO AMENDMENT NO. 3401

Mr. REID. On behalf of Senator TORRICELLI, I call up amendment No. 3415.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. TORRICELLI, proposes an amendment numbered 3415 to Amendment No. 3401.

The amendment is as follows:

(Purpose: To amend the labor provisions to ensure that all trade agreements include meaningful, enforceable provisions on workers' rights)

On page 244, beginning on line 19, strike all through page 246, line 15, and insert the following:

(A) to ensure that a party to a trade agreement with the United States does not fail to

effectively enforce its environmental or labor laws;

(B) to ensure that parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-up;

(C) to ensure that the parties to a trade agreement ensure that their laws provide for labor standards consistent with the ILO Declaration of Fundamental Principles and Rights at Work and the internationally recognized labor rights set forth in section 13(2) and constantly improve those standards in that light;

(D) to ensure that parties to a trade agreement do not weaken, reduce, waive, or otherwise derogate from, or offer to waive or derogate from, their labor laws as an encouragement for trade;

(E) to create a general exception from the obligations of a trade agreement for—

(i) Government measures taken pursuant to a recommendation of the ILO under Article 33 of the ILO Constitution; and

(ii) Government measures relating to goods or services produced in violation of any of the ILO core labor standards, including freedom of association and the effective recognition of the right to collective bargaining (as defined by ILO Conventions 87 and 98); the elimination of all forms of forced or compulsory labor (as defined by ILO Conventions 29 and 105); the effective abolition of child labor (as defined by ILO Conventions 138 and 182); and the elimination of discrimination in respect of employment and occupation (as defined by ILO Conventions 100 and 111); and

(F) to ensure that—

(i) all labor provisions of a trade agreement are fully enforceable, including recourse to trade sanctions;

(ii) the same enforcement mechanisms and penalties are available for the commercial provisions of an agreement and for the labor provisions of the agreement; and

(iii) trade unions from all countries that are party to a dispute over the labor provisions of the agreement can participate in the dispute process;

(G) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 13(2));

(H) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(I) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(J) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(K) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3443 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator REED of Rhode Island, I call up amendment No. 3443.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. REED, proposes an amendment numbered 3443 to amendment No. 3401.

The amendment is as follows:

(Purpose: To restore the provisions relating to secondary workers)

On page 9, beginning on line 24, strike all through page 10, line 9, and insert the following:

“(11) DOWNSTREAM PRODUCER.—The term ‘downstream producer’ means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.”

On page 12, beginning on line 19, strike all through line 24, and insert the following:

“(24) SUPPLIER.—The term ‘supplier’ means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term ‘supplier’ also includes a firm that provides services under contract to a firm or subdivision covered by such certification.”

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3440 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator NELSON of Florida, I call up amendment No. 3440.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. NELSON of Florida, proposes an amendment numbered 3440 to amendment No. 3401.

The amendment is as follows:

(Purpose: To limit tariff reduction authority on certain products)

At the end of section 2103(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3445 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I call up amendment No. 3445, offered by Senator BAYH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAYH, proposes amendment No. 3445 to amendment No. 3401.

The amendment is as follows:

(Purpose: To require the ITC to give notice of section 202 investigations to the Secretary of Labor, and for other purposes)

At the end of title VII, insert the following:

SEC. 702. NOTIFICATION BY ITC.

(a) IN GENERAL.—Section 225 of the Trade Act of 1974, as added by section 111, is amended to read as follows:

“SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation.

“(b) NOTIFICATION OF AFFIRMATIVE FINDING.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately notify the Secretary of that finding.”

(b) INDUSTRY-WIDE CERTIFICATION.—Section 231(c) of the Trade Act of 1974, as added by section 111, is amended by adding at the end the following new paragraph:

“(5) INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a petition under subsection (b)(2)(E) on behalf of all workers in a domestic industry producing an article or receives 3 or more petitions under subsection (b)(2) within a 180-day period on behalf of groups of workers producing the same article, the Secretary shall make a determination under subsections (a)(1) and (c)(1) of this section with respect to the domestic industry as a whole in which the workers are or were employed.”

(c) COORDINATION WITH OTHER TRADE PROVISIONS.—

(1) RECOMMENDATIONS BY ITC.—

(A) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking “, including the provision of trade adjustment assistance under chapter 2”.

(B) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by striking “, including the provision of trade adjustment assistance under chapter 2”.

(2) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2252(a)(1)(A)) is amended to read as follows:

“(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

“(i) the President shall take all appropriate and feasible action within his power; and

“(ii) the Secretary of Labor, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate, shall certify as eligible for trade adjustment assistance under section 231(a), 292, or 299B, workers, farmers, or fishermen who are or were employed in the domestic industry defined by the Commission if such workers, farmers, or fishermen become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the date on which the Commission made its report to the President under section 202(f).”

(3) SPECIAL LOOK-BACK RULE.—Section 203(a)(1)(A) of the Trade Act of 1974 shall apply to a worker, farmer, or fisherman if not more than 1 year before the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 the Commission notified the President of an affirmative determination under section 202(f) of such Act with respect to the domestic industry in which such worker, farmer, or fisherman was employed.

(d) NOTIFICATION FOR FARMERS AND FISHERMEN.—

(1) FARMERS.—Section 294 of the Trade Act of 1974, as added by section 401, is amended to read as follows:

“SEC. 294. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the ‘Commission’) begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation.

“(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing an agricultural commodity, the Commission shall immediately notify the Secretary of that finding.”

(2) FISHERMEN.—Section 299C of the Trade Act of 1974, as added by section 501, is amended to read as follows:

“SEC. 299C. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

“(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the ‘Commission’) begins an investigation under section 202 with respect to fish or a class of fish, the Commission shall immediately notify the Secretary of the investigation.

“(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing fish or a class of fish, the Commission shall immediately notify the Secretary of that finding.”

The PRESIDING OFFICER. The amendment is set aside.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the record remain open today until 2:00 p.m. for the introduction of legislation and the submission of statements.

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

MORNING BUSINESS

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

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

AFGHAN SECURITY FORCE

Mr. BIDEN. Mr. President, I rise to speak on a matter at the very heart of our war on terror: the deteriorating security conditions in Afghanistan. If current trends continue, we may soon find that our hard-won success on the battlefield has melted away with the winter snow.

In the eastern part of the country, brutal warlords are openly defying the authority of the central government and slaughtering innocent civilians.

“Kill them all: men, women, children, even the chickens.” Those were the orders of warlord Bacha Khan when