

(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

a rival drove him out of the city of Gardez in January. Three weeks ago he returned, and rained 200 rockets on the sorry city. About 30 civilians were killed and 70 others wounded, most of them women and children. Today, this thug's tanks still occupy the streets of Gardez, his bandits terrorize the inhabitants of nearby Khost, and the central government can do nothing but watch.

Chairman Karzai, the legitimate leader of Afghanistan, sees his authority openly flouted, while his Defense Minister weighs the pros and cons of obeying his superior's lawful orders. Meanwhile, the helpless governor of the province warns that the chaos is rapidly turning the local population against both the Karzai administration and America. He's hardly alone: journalists quote many local residents blaming the United States for the deterioration of security, and even longing for the order of the Taliban period.

"America has replaced the Taliban with the warlords," one villager told the *New York Times*, "and what we have is the death of innocents."

Nor is Gardez an isolated example. In Mazar-e Sharif, at the other side of the country, clashes between two rival warlords killed half a dozen people earlier this month. Both of these warlords were, and still are, on the U.S. payroll, but that hasn't brought a cessation of violation. Just last week, the airport at Jalalabad came under missile attack, for the first time since the Taliban vacated the city in November.

What is going on? What happened to the images of Afghans dancing in the street that we all remember from the liberation of Kabul last fall? What happened to the widespread joy and optimism that I encountered during my own visit to Afghanistan in January? Why are people actually looking back on the Taliban era with nostalgia rather than horror? It is simple: the very same conditions that enabled the Taliban to come to power in the mid-1990s are rapidly emerging again. Let's remember why the Taliban were able to make their regime stick. It wasn't their military prowess—we found that out in November. It wasn't the popularity of their oppressive ideology—we found that out last fall as well. What enabled the Taliban to hold power was simply that, for a critical mass of the Afghan people, they represented the least-bad option. For many Afghans, the cruel order of the Taliban was preferably to cruel of warlords.

And now this same disorder is overtaking Afghanistan once again. Not only is the United States failing to rein in the warlords, we are actually making them the centerpiece of our strategy. Unless we take a serious look at our policy, I greatly fear we may be setting the stage for a tragic replay of recent Afghan history.

Why do the people of Gardez blame America for the vicious actions of warlords like Bacha Khan? Well, maybe it is due to the fact that this killer is on the U.S. payroll. He has been taking

our money since December, when his troops stood by and let al-Qaeda terrorist escape from Tora Bora; many U.S. military sources believe that Osama bin Laden himself escaped, due to the double-dealing of Bacha Khan and his comrades. Granted, the war effort in Afghanistan forces us to rely on some unsavory characters. I am under no illusions here. Sometimes, in warfare, you have got to make a deal with the Devil. But sometimes the Devil just takes your money and laughs. Bacha Khan is a perfect example. After letting al-Qaeda troops escape from Tora Bora, he conned the U.S. military into bombing his personal rivals—by labeling them al-Qaeda.

He, and other warlords like him, are supposedly helping us hunt down Taliban remnants, but with allies like than, who needs enemies? I regret to say that this is exactly the question many Afghans are asking about us. The United States, and the world community, have pledged billions of dollars to the recovery of Afghanistan. But all the money in the world won't do much good without one overriding thing: security.

Anyone knows that without security, very little else is possible; humanitarian workers can't move around, internally displaced people won't go back to their homes, refugees won't return to the country, the Afghan diaspora won't be willing to send money in and send in themselves to try to help put structure back into that terribly war-torn nation.

This is not just my opinion; it is a direct quote from Secretary of State Rumsfeld, on April 22. So why does the administration steadfastly resist any expansion of the U.N.-mandated International Security Assistance force, or ISAF?

Afghan leader Hamid Karzai, U.N. Secretary-General Kofi Annan, and just about every expert on the map has called for an expansion of ISAF, in both scope—it is currently confined to Kabul—and tenure. Its mandate expires long before the transition to democratic government is scheduled to take place.

The long-term solution is to rebuild Afghanistan's army and police force, and we have taken our first steps in this process. But it can't happen overnight: it will take at least 18 months, more likely several years, just to train and equip a barebones force capable of bringing basic order to the country. In the meantime, there are only three alternatives: having American troops to serve as peacekeepers, building up a robust international force, or permitting Afghanistan to revert to bloody chaos.

The first option can be described as status quo-minus. U.S. forces are currently imposing a rough order in the country, but, as the current chaos in Gardez shows, not on any consistent basis. They are spread thin, and they are not officially tasked to perform this function. "Our mission here is to capture or kill al-Qaeda and senior Taliban," said a U.S. military spokesman, as the rockets fell on Gardez,

"But particular factional fighting? I don't think it's for us to get into."

In the coming months, U.S. forces will be even less able to serve as de facto peacekeepers. As large scale offensive operations shift to smaller scale Special Forces deployments, the number of U.S. troops available will drop accordingly. There are currently about 7,000 American soldiers in Afghanistan—far too few to serve as peacekeepers as well as warfighters—and the assets are already being redeployed. In April the Pentagon cut its naval force commitment to Operation Enduring Freedom in half, to one carrier and 2,000 marines afloat. This month, eight B-1 bombers based in Oman began returning home to Dyess Air Force Base in Texas. The redeployment says good things about our success against al-Qaeda—but does not signal a strong commitment to stay the course.

Soon the crunch time could come in a matter of months and our policy will be put to the test. As local warlords keep probing our resolve, we will either have to re-task more and more U.S. troops to de facto peacekeeping operations, or we will have to retreat. Wouldn't it be better to let allies share the burden? An international security force is clearly in our national interest: if we want our military presence in Afghanistan to be focused on fighting al-Qaeda and Taliban holdouts, we should be eager for other countries to take the lead in peacekeeping. We should be lending our full support to ISAF expansion, to view it as a force-multiplier. Instead, the administration treats it as an impediment to ongoing operations. One administration source even described ISAF expansion as a "cancer that could metastasize" throughout the country. Is it any surprise, given this attitude, that other nations are reluctant to help fill the security void? Without strong, decisive U.S. leadership, including, but not limited to, an ironclad commitment to back up our allies militarily if their troops come under enemy attack, no international force can possibly succeed.

So what about option three—placing our trust in the hands of the warlords? Maybe we can bribe and cajole them into turning themselves into good citizens. Maybe they will behave better in the future than they have in the past, better than they are behaving today. Maybe—but I wouldn't bet on it. Yet this bet—the wager that the warlords will halt their deprivations during the 2 years before an Afghan army can be trained—seems to be the totality of the administration's strategy.

Three weeks ago, on April 22, Secretary Rumsfeld essentially admitted as much: "How ought security to evolve in that country depends on really two things," he said. "One is what the interim government decides they think ought to happen, what the warlord forces in the country decide they

think ought to happen, and the interaction between those two." I must disagree with the Secretary on this: we should let out policy be dictated by "what the warlord forces think ought to happen."

Did we put American troops in harm's way merely to do the bidding of "the warlord forces"? Did we spend \$17 billion in military expenditures in the Afghan campaign merely to serve the interests of "the warlord forces"? Did we decimate al-Qaeda and remove the Taliban from power merely to hand power over to "the warlord forces"? Brutal, bloodthirsty, barbaric warlords are not the solution to Afghanistan's problems. These "warlord forces" are the source of Afghanistan's problems.

Does this matter to America? What about the option of letting Afghanistan degenerate into the state of lawlessness that made way for the Taliban? That is obviously not in the interest of Afghanistan, but is preventing it a national priority for the United States? I submit that it most certainly is.

After the Soviet withdrawal from Afghanistan in 1989, America turned its back as the country disintegrated into chaos. The President was right when, in his speech at the Virginia Military Institute last month, he promised not to repeat this mistake. The brutal disorder of the early 1990s created the Taliban—and if we permit this condition to return, the cycle will almost certainly repeat itself. Let's not forget why we went to war in the first place: Afghanistan had become a haven for the mass-murderers who attacked our homeland on September 11. Without internal security, the country will again become a den of terrorists, narcotics traffickers, and exporters of violent insurgency. The President was right to say, "We will stay until the mission is done"—but I hope he understands what our mission really is. In concrete terms, our mission, in addition to ferreting out remnants of al-Qaeda and the Taliban, is ensuring basic security for the fledgling Afghan Government—providing it protection from the vast array of internal and external threats to its very existence.

For the immediate future, probably 2 years, that means an international armed presence, whether U.S. troops or an expanded ISAF. I believe ISAF makes much more sense, but however the force is constituted it must have the following components: It must be deployed throughout the country, controlling the five to seven major cities and the main highways connecting them. It must have robust rules of engagement, and the weapons to impose order on unruly warlords. These must be peacemakers as much as peacekeepers. It must have the full diplomatic, financial, and military support of the United States.

Whether or not American troops are part of this force—they currently are not, but we shouldn't rule this option out—we must provide an unquestionable commitment to back up ISAF as

it fulfils its mission. Other nations are willing to take on the dangerous work of patrolling the front lines—but not unless they know that the cavalry stands ready to ride to the rescue. It must have the assurance that the world community—and particularly the U.S.—will stay the course. We can't cut and run if resistance increases. The greater the uncertainty about American commitment to security, the greater incentive our enemies will have to challenge our resolve.

Secretary of Defense Rumsfeld has suggested that \$130 million of funds previously appropriated to the Defense Department be devoted to a fund for quasi-diplomatic endeavors related to the war against terrorism. I suggest that the best use of this money would be to support peacekeeping efforts in Afghanistan, whether conducted by the Defense Department directly or by our coalition partners operating under an expanded ISAF. Funding an effective international security force in Afghanistan would not only free up American military assets for warmaking missions, it would also deter terrorist forces from reclaiming the ground they have so decisively lost. With the Loya Jirga process scheduled to start in mid-June and Afghanistan's nascent government under daily attack by enemies both internal and external, I can think of no better or more urgent use for these funds.

We must, I submit, lead the way in guaranteeing the security of Afghanistan for the relatively brief period before it can stand on its own. We must do this to honor the promise that President Bush made, on behalf of all Americans. We must do this to demonstrate our values to the wrest of the world. We must do this to safeguard our own national security interests, to make sure that our military gains since September 11 are not all wiped away. We must do this because it is smart, because it is necessary, and because it is right.

I believe that the best way to achieve this goal is through an expansion of ISAF. The immediate devotion of \$130 million, money which the Defense Department stipulates that it does not require or want for the costs of war-fighting operations, would be an excellent place to start.

#### TRAGIC TOLL

Mr. LEVIN. Mr. President, in just the last 16 weeks, tragically ten children have been murdered in metro Detroit. Eight of these kids have died after being shot. The oldest was 16 years old and the youngest was a mere 3 years old. Three years old, Mr. President. According to the Detroit Free Press, in the last four months in metro Detroit nearly as many children have been murdered by guns as in all of last year. These are truly horrific events made even more so by their randomness. Many of these kids were simply in the wrong place at the wrong time.

Destinee Thomas, one of the youngest victims, only 3 years old, was killed while watching television in her own bedroom when someone fired an AK47 into her home. The Detroit Police Department and the people of Detroit were so outraged by her death that the police department launched Project Destinee, a special effort by law enforcement to aggressively investigate and pursue gang members involved in the shooting.

Eight year old Brianna Caddell was also killed by an AK-47 when an unknown gunman opened fire on her house. This little girl was in bed sleeping.

Another victim, 16 year old Alesia Robinson, was killed by a single gunshot to the face. According to police, her 19 year old boyfriend was playing with a gun on the front porch, firing it into the air. When Alesia asked him to stop, police said, he pointed the gun at her and fired. The 19 year old has been charged with first-degree murder.

These horrific events underline the need for the vigorous enforcement of our gun laws and the overwhelming need for common sense gun safety legislation. In light of these tragic events, I once again urge my colleagues to support gun safety legislation.

I know my colleagues join me in extending our thoughts and prayers to all of those who have lost their friends and family members to gun violence.

I ask unanimous consent that the article from the Detroit Free Press be entered into the RECORD.

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

[FROM THE DETROIT FREE PRESS, MAY 14, 2002]

#### 10 LIVES CUT SHORT

This year, 10 children ages 16 and younger have died as a result of homicides in the metro area—all of them in Detroit.

JANUARY 13—JAMEISE SCAIFE, 3 DAYS OLD

Doctors performed an emergency cesarean section to deliver Jameise after his pregnant mother jumped from a burning apartment building set ablaze by an arsonist. Jameise died three days later from bleeding in the brain.

FEBRUARY 11—JOSEPH WALKER, 16

Died of multiple gunshot wounds in the parking lot of the Budget Inn on Plymouth Road. Police say Walker and a 19-year-old friend allegedly planned to rob two men as they left the motel. But when they announced the holdup, one of the men pulled out a gun and shot Walker, police said.

FEBRUARY 21—BRENNON CUNNINGHAM, 3

Died of strangulation. Brennon was found dead in a bedroom, wet from a bath. Police allege that his mother, Aimee Cunningham, 34, tried to make authorities believe Brennon drowned. She is charged with first-degree murder.

FEBRUARY 25—AJANEE POLLARD, 7

Fatally shot in the head when a gunman opened fire on her family's car as they were about to go shopping. Her brother, Jason Pollard Jr., 6, lost his pancreas and suffered other internal organ damage from gunshots. Her two sisters, Aerica, 6, and Alyah, 4, also were wounded, as was their mother, Aelizabeth Niebrzydowski. Two men, Joel