

So the idea is the principal support for parks and public lands is provided through taxes from everyone, and then some small contribution made by those visitors. We are trying to avoid the idea of each park having various charges.

Eighty percent of the funds that come from the fees are used in the park where they are collected. Some parks cannot collect, so 20 percent is reallocated generally. But a major part of the fee goes to the park where the fee is collected.

We modified it some. We are making a permanent fee, rather than the demonstration fee which expires. We made provisions and criteria for the charging of the fee. We have a business management plan on the park and determine the feasibility of this program. Not all parks will be involved. We will do away with the nickel-and-dime fees where you pay for every little thing.

This provides a great opportunity. We talk a lot about the lack of funding for parks. Particularly in the infrastructure, that is probably true. This administration has made it clear they intend to increase the funding for the infrastructure, particularly of larger parks such as Yellowstone or Yosemite where there are millions of people visiting, where we have highway problems, sewer problems, facility problems. We have introduced a bill that makes this permanent. It helps fund our parks and keep them strong.

We have over 385 national parks in America. In addition, there are heritage sites and other parks administered by the Park Service. That is one of the real treasures of the United States, our national parks—whether they be in Florida, in the Everglades or elsewhere.

We are working on a fee demonstration program for national parks. The purpose is to keep them the valuable asset they are. They have to be preserved. We changed some concessions so they contribute more, yet make them competitive. We are seeking to get business management in the larger parks. They are big business, operating in millions of dollars each year. Times change. We are seeking to change with it. The purpose is to effectively manage the resources so they are available to their owners to visit.

We look forward to the passage of the fee demonstration project.

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. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The assistant 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:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Dorgan amendment No. 3442 (to amendment No. 3401), to require the U.S. Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board.

Reid (for Reed) amendment No. 3443 (to amendment No. 3401), to restore the provisions relating to secondary workers.

Reid (for Nelson of Florida/Graham) amendment No. 3440 (to amendment No. 3401), to limit tariff reduction authority on certain products.

Reid (for Bayh) amendment No. 3445 (to amendment No. 3401), to require the ITC to give notice of section 202 investigations to the Secretary of Labor.

Reid (for Byrd) amendment No. 3447 (to amendment No. 3401), to amend the provisions relating to the Congressional Oversight Group.

Reid (for Byrd) amendment No. 3448 (to amendment No. 3401), to clarify the procedures for procedural disapproval resolutions.

Reid (for Byrd) amendment No. 3449 (to amendment No. 3401), to clarify the procedures for extension disapproval resolutions.

Reid (for Byrd) amendment No. 3450 (to amendment No. 3401), to limit the application of trade authorities procedures to a single agreement resulting from Doha.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3401), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3452 (to amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

Reid (for Byrd) amendment No. 3453 (to amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

Boxer/Murray amendment No. 3431 (to amendment No. 3401), to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers.

Boxer amendment No. 3432 (to amendment No. 3401), to ensure that the U.S. Trade Representative considers the impact of trade agreements on women.

Reid (for Durbin) amendment No. 3456 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3457 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3458 (to amendment No. 3401), to establish and implement a steel import notification and monitoring program.

Reid (for Harkin) amendment No. 3459 (to amendment No. 3401), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

Reid (for Corzine) amendment No. 3461 (to amendment No. 3401), to help ensure that trade agreements protect national security, social security, and other significant public services.

Reid (for Corzine) amendment No. 3462 (to amendment No. 3401), to strike the section dealing with border search authority for certain contraband in outbound mail.

Reid (for Hollings) amendment No. 3463 (to amendment No. 3401), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid U.S. income tax.

Reid (for Hollings) amendment No. 3464 (to amendment No. 3401), to ensure that ISAC Committees are representative of the producing sectors of the U.S. economy.

Reid (for Hollings) amendment No. 3465 (to amendment No. 3401), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a U.S. Government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act.

Reid (for Landrieu) amendment No. 3470 (to amendment No. 3401), to provide trade adjustment assistance benefits to certain maritime workers.

Brownback amendment No. 3446 (to amendment No. 3401), to extend permanent normal trade relations to the nations of central Asia and the south Caucasus, and Russia.

Grassley modified amendment No. 3474 (to amendment No. 3446), to express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002.

Reid (for Jeffords) amendment No. 3521 (to amendment No. 3401), to authorize appropriations for certain staff of the U.S. Customs Service.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. shall be for debate only, with the time equally divided and controlled by the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Madam President, we have had 3 good weeks of debate on this bill. I urge my colleagues now to think about voting to invoke cloture so we can get past this bill and get on to other business. We have already disposed of 19 amendments. A number of other proposed amendments have been addressed through colloquies and will also be included in the managers' amendment at the end of this legislation.

I might say, early in the debate we were able to forge a historic compromise on trade adjustment assistance which expanded the program to deserving groups of workers and, for the first time, provided health care adjustment to TAA recipients.

That is an extremely important development. Currently, trade adjustment assistance—that is, assistance to workers displaced because of trade—is paltry. It doesn't help workers very much. It only applies to primary workers anyway. We made huge, significant improvements to help develop a consensus on trade; that is, so more people

get in on the benefits of trade or at least are not harmed when there is natural change in our economy because of globalism and economic readjustment.

This trade adjustment assistance part of it, it should be understood, I might say unpretentiously, is an extremely important part of this bill. As it stands now, I believe this bill is the most forward-looking and significant trade legislation to be considered by this body in over 15 years.

The fast-track extension included in this bill provides authority for the President to negotiate trade agreements, both multilaterally and unilaterally. Using fast track, the President will be able to open new markets for U.S. exporters and for the benefit of U.S. consumers.

As I have noted before, this section of the bill is also the most progressive ever to gain serious consideration by the Congress. Not only is the trade adjustment assistance provision most progressive, but also the fast-track TPA portions of the bill are most progressive. For the first time, labor and environmental issues are part of the core of any future trade agreements. That is monumental.

I cannot tell you, Madam President, the number of years that issue has been debated. Those who did not want labor to be included at all in the negotiating objectives of trade agreements, who did not want environmental issues at all considered, won the day. But, frankly, I think it was the breakdown of the ministerial in Seattle; that is, the trade ministers' meeting in Seattle, which could not cope with all the changes in the world, including the necessary inclusion of labor and environmental provisions, that has now brought this to where, in this legislation, we are doing so.

This bill for the first time includes labor and environmental issues. It also continues U.S. priorities such as opening agricultural markets. We all know one of the biggest challenges we face as Americans is knocking down agricultural trade barriers worldwide. The European Union is one of the greatest offenders.

We also know we want to preserve our U.S. trade laws, such as section 201 of our countervailing duty laws or antidumping, which are there to help keep other countries honest; that is, to help prevent other countries from dumping in America, from subsidizing their production and sending it over to America. We need those laws to help keep those other countries honest because our borders are significantly more open than are the borders of other countries.

So we need our trade laws to help them do what they know is the right thing to do. If we do not have our trade laws, they are unlikely to do it.

The legislation before us, as I mentioned, extends and expands trade adjustment assistance. It is critically important. This is long overdue. Let me just explain in some detail, although not much detail, what that provides.

We extend coverage to ensure workers can complete job retraining. That is an extension. We have a whole new pilot program on wage insurance, so a lot of people who are dislocated on account of trade have the option not to take the trade adjustment benefits but, instead, can take wage insurance, which essentially compensates the employee for half of the difference between his old job and his new job, the beauty of this being it helps people work again; they are back at a job working, as opposed to just receiving benefits.

We also expand coverage to secondary workers—not just primary workers.

For example, if an auto plant lays off employees, what about the supplier of windshields or the supplier of engine parts? They get laid off, too. Those are the secondary workers who are now covered under this bill. It is a huge benefit. We expand it to farmers and to fishermen. They get displaced because of trade many times.

As I mentioned, it is extremely important. For the first time, we provide health insurance for displaced workers. It is critically important in these days where, unfortunately for many people, it is hard to get health insurance anyway.

When you are displaced and lose your job, what are you going to do about your health insurance? You are going to need health insurance. We provide health insurance under trade adjustment assistance.

These matters should not be taken lightly. They are extraordinarily important. Those trade adjustment assistance provisions will be available to people who are displaced because of trade irrespective of whether it was a consequence of a fast-track bill, irrespective of whether that dislocation was a consequence of some trade agreement not subject to fast track—most trade agreements are not subject to fast track—irrespective of whether there is any agreement of any kind because the world economy is so fluid and some changes are almost chaotic. Those benefits in the legislation will be available to anybody who qualifies and loses a job on account of trade, irrespective of any fast track or any trade bill. It is vitally important.

The bill also extends and expands two very vital preference programs. One is the Generalized System of Preferences, GSP, and the other is the Andean Trade Preference Act, which is very important, particularly if we want to increase trade in South America. European countries and others have trade with South America. We need to get moving and have a better trading relationship with at least the Andean countries in South America. This bill extends those preference programs for 5 years, and also rebates tariffs paid since expiration which was the end of last year.

The two I mentioned are also improved. The Andean Trade Preference

Act now includes a petition process for reviewing the progress of Andean countries in meeting the objectives set out in the bill. And the GSP Program has been updated to take into account the definition of core worker rights promulgated by the ILO's 1998 declaration. That is an update. It helps to bring ILO standards up to date.

Further, in this debate on this bill, Senators have improved the legislation through their amendments. Senator KENNEDY, for example, won an amendment to ensure that the global AIDS crisis is properly recognized in trade legislation. Senators DAYTON and CRAIG contributed an important amendment to ensure U.S. trade laws are not needlessly treated as bargaining chips in trade negotiations. I intend to see to it that this issue is properly addressed as this legislation moves forward.

Senator EDWARDS added an amendment to ensure that the interests of textile companies and their workers are treated fairly in trade negotiations, and under trade adjustment assistance.

I congratulate each of these Senators for their contributions and hope they will help us in moving their amendments and the entire legislative package forward.

We have had a good and full debate on this trade bill. I plan to continue to work with Senators to see to it that their concerns are addressed.

But it is time to begin to think about passing this bill. It is time to wind down the debate. It is time to invoke cloture. There are always going to be further amendments that some Senators wish to offer. But at some point we need to declare that enough is enough and move this process forward. I believe we are at that time. For the sake of American workers, for the sake of American business, for the sake of every American farmer and rancher, particularly American workers and employees, and because a very important part of this bill is to help those who are dislocated on account of trade, I urge my colleagues to vote for cloture.

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

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

Mr. GREGG. Mr. President, I will speak briefly on the pending legislation, which is the trade promotion authority, the trade adjustment authority, the Andean trade agreement, the general agreement on tariffs language.

There is that old adage: If there are two things you do not want to watch being made, one is sausage, the other is law. Regrettably, that applies to this undertaking.

For reasons which still escape me but which appear to be necessary from the

standpoint of the administration, there was a negotiation which occurred which involved how this bill would come to the floor. The majority leader decided to, out of the course which is typical, hook three major pieces of legislation together: Andean trade, trade adjustment, and trade promotion.

Traditionally, trade promotion, which has historically been noted as fast track, has been taken up as a single issue. It was not linked to trade adjustment nor with another treaty, which in this case would be the Andean trade promotion agreement. But the majority leader decided to bring the three to the floor, and the administration, working through the leadership on the Republican side of the aisle, working with Senator GRASSLEY, Senator LOTT, and Senator GRAMM, entered into extensive negotiations as to the makeup of the final package.

The result of that was, as I mentioned, something you probably should not watch, whether it is the making of sausage or the making of this piece of legislation because within this bill there are major new initiatives which have very little to do with trade, but a great deal to do with bad public policy, as we try to address issues such as health care and people losing their jobs.

There is no question but that the trade adjustment concept is a very important one. I have used it extensively in my role in public policy. There have been instances in New Hampshire where people have been put out of work because of what appeared to be unfair trade activity, and we have used trade adjustment to assist those individuals. It has been very successful.

Its purpose—the original concept of trade adjustment—was to train people, to give them new talents, new abilities, new capabilities, so they could go back into the workforce after losing their job because the job which they lost no longer existed because trade, competition had basically left it behind. We helped those people get back into the workforce and actually have more talent, more ability, and thus be more productive and actually end up being citizens who have a better earning capacity.

That is the goal of trade adjustment, a very laudable goal, appropriate goal, and something which actually has worked rather well, at least in my experience as it has been applied in New Hampshire. I used it aggressively both as Governor and since then, on occasion, I have had the chance to use it to help people in my role in the Senate.

But this bill takes the trade adjustment concept and moves it into an entirely different exercise. It moves it into an exercise of what basically amounts to welfare, in many instances, and to social engineering, in other instances, and into an attempt to address a health care need which is significant but which, when addressed in the manner in which it is addressed in this bill, puts us on a path which could lead to a

radical expansion in the cost of health care for the taxpayers of America who have to bear the burden of these types of initiatives.

The bill has in it two major new entitlements, something called wage subsidy, which is a European model program that essentially says you are going to pay people to take less productive jobs. Somebody who is out there working hard, earning money, paying taxes, they are going to take their tax dollars and pay somebody who is out of work to take a job where that person will be less productive, encourage them to move into a less productive job—just the opposite of what the original purpose of trade adjustment was—a concept which is purely reflective of what is done in our European neighbors' economies, where they basically pay people to be nonproductive citizens.

That is the first entitlement initiative called wage subsidy: A person gets \$5,000 to make up the difference between what they were being paid in the job they lose and the job they take. There are no limitations on this. There is no requirement of necessity. There is no requirement that there be an arm's length agreement. There is no requirement, if there is a similar or substantially similar job out there that the person could have taken at an equal amount of pay or better, that the person take that job. There is no requirement the person stay in the community.

There are none of the requirements that are the concepts built around trade adjustment, which are a person should basically be retrained, given new talents, new opportunities to find a new job within the marketplace where they lost their job. None of those protections are there. There are no protections against fraud and abuse, mismanagement of this brand new entitlement. And it opens the door to a massive expansion of this concept, which we see.

It is not as if that is a concern that is not relevant. We see that course of action being followed in our sister states, sister economies around the globe, where you have this concept of: If you pay people to do less and be less productive, that is actually an appropriate government policy where you take taxpayer dollars out of one person's pocket and put them in another person's pocket and don't ask that person to be more productive. You actually ask them to be less productive.

That attitude of governance, which is paternalistic and which is what dominates the continental European economies, has huge impacts on your productivity as a society and, therefore, on your creation of jobs and wealth and, as a result, on your creation, maintenance, and improvement of a standard of living.

There is an interesting article by Paul Johnson, one of the great historians of the last 20 or 30 years, on this specific point which is contained in a

book entitled "Our Times." It is one of the reasons he views the European economy as having failed to maintain itself, because the European economy pursued this paternalistic approach toward economic activity on which we are embarking as a result of choosing this type of brandnew entitlement.

The second major entitlement in this bill is the health care entitlement, much more complex and difficult. The wage subsidy is just a pure outrage. If you have any interest in marketplace economics, it is an affront. If you happen to believe in a paternalistic approach to governance, it is a great program. But if you believe in the marketplace, it is an affront.

The health care entitlement in this bill, which has no place in trade promotion—it should be debated in the context of major health care reform—is much more complex but equally problematic because it creates a brandnew major entitlement. Basically what this says is, if you lose your job because of a trade-related activity, the Federal Government will come in and pay you 70 percent of the cost of buying health care under the terms with which you held health care prior to losing your job or under some sort of pooling agreement. It doesn't say you can go out and buy health care in the private marketplace or that you can join some other group such as an association and buy health care through that. It says you have to buy this new health care through your old health care provider or some new pooling agreement, a State-sponsored pooling agreement.

This concept is a prefunded tax credit, essentially a welfare payment. That is a new title for it, such as when someone comes up with a term to try to avoid the real meaning of what is happening. In this instance, what we have is a welfare payment which is being made to an individual who loses their job.

It is perfectly reasonable that we try to figure out some way to give reasonable health care coverage to people who lose their jobs. That is perfectly reasonable. But to do it in this narrow band of activity outside of a more substantive reform of the health care arena is to step us off on a path which is slick and which is clearly downhill and which will probably lead to incredible mismanagement of our health care initiatives and our attempts to correct the health care problems.

Right on the face of it, this creates an unbelievably difficult situation for people who are working and don't have health care. If you are working and you don't have health care today, you are now going to be paying taxes, probably increased taxes, to pay for somebody who is going to get health care who is not working. How fair is that? You can't afford health care. You are paying taxes. Your taxes go up so that somebody who doesn't have a job but who has a variety of different support mechanisms, including an additional 2 years of unemployment, significant

benefits in the area of retraining, significant other benefits which are tied to trade adjustment—that person will also now get a 70-percent payment from you, the working American who does not have health care, to that person, the nonworking person who does not have health care, which creates a perverse incentive in the marketplace for the person who doesn't have health care, who is out of a job, to stay out of a job or maybe the person who needs health care who has a job to give up their job in order to get health care coverage.

It is very bad policy. It is unfair. It is extremely unfair to the person paying taxes who does not have health care coverage.

The second problem with it is, by demanding that the person who is getting this new coverage, the 70 percent of tax dollars to pay for that health care insurance—how many people in America today have 70 percent of their health care paid for them by the Federal Government? I guess the Part B premium on Medicare is the only people who will be competitively in the same situation; about 75 percent of your Part B premium under Medicare is paid for by other taxpayers. But in this instance, that 70-percent subsidy which comes from other taxpayers will now have to be used to purchase the highest cost health insurance that is probably out there, which is the health insurance left over from the job you just lost.

You can't buy anything other than a COBRA-based health policy or this new State pooling concept which does not exist. I am willing to almost guarantee it is not going to exist in most States because most States don't have enough people who are affected by trade adjustment to create a pooling agreement which would be viable through which to buy that health care insurance. They would have to set up an entirely different group of people to participate in the agreement. Maybe they will do that, but most States are not going to set one up just for trade adjustment.

As a result, a person will have a 70-percent subsidy to buy the most expensive health care rather than allowing that person to go out in the marketplace and make an intelligent and thoughtful decision as to where they will buy their health care.

You have immediately created an entitlement which is going to be driven perversely in the amount of cost it will incur and where the dollars are going to flow in order to purchase health care, instead of creating an atmosphere where the person without health insurance, who is out of a job, becomes an intelligent consumer of health care where they go out in the marketplace and say: What do I really need? What can I really afford here? And what do I really need in health care insurance? They look around and figure out what their best options are.

You are instead saying to that person: You must go out and buy the highest end insurance out there. You may

not need it, but you have to buy it. Of course, 70 percent of it will be paid for by the poor person working down the street who has a job and doesn't have health care at all.

It makes no sense. If you wanted to throw a door open and look out over an abyss of massive complication, this is it. To step into the uninsured health care issue in this manner is to do exactly that. It is a massive new entitlement in its own right but a colossal mistake from the standpoint of health care policy and a major entitlement initiative as it expands from here.

This is going to basically become a roadmap for the future. It will be a rut that is going to be very hard to get out of intelligently as we move down the road of health care reform, especially for uninsured Americans. This is a big issue, something that has to be handled with a little more thought and foresight.

These are the two huge entitlements from a public policy standpoint. Financially, they are not scored that aggressively in this bill. But from a public policy standpoint, these are the two massive new entitlements in this bill. They represent an explosion of new entitlement activity that is incurring in this Congress and under this administration. The farm bill, scored at \$80 billion when it first came through here over budget, is now somewhere over \$100 billion, probably more than that, and most of it is in a new entitlement program.

There are a variety of other ones in the wings coming at us, whether they are mandated private sector activities or whether they are going to be something such as a drug benefit which now has a floor on it of \$350 billion with no ceiling in sight.

When I came here in 1992, having just served as Governor of my State, my focus was mainly on two things. In fact, it was the main focus of four or five of us as new members, as Republicans, including Senators Coverdell, BENNETT, Kempthorne, HUTCHINSON, and later CAMPBELL. The focus was on unfunded mandates that were being put on the States. The second was the explosion of entitlement costs. We took aggressive action because we were facing a significant deficit and had been through many years of it, to try to get entitlements under control. We aggressively pushed that as new Members of the Senate.

It is sort of like "deja vu all over again," to quote Yogi Berra. Here we are facing a deficit, and we don't know how severe it is going to be. We are piling on entitlements, and the most difficult spending to get under control in Government is entitlement spending because it is automatic. It creates interest groups and basically is not capable of being reined in efficiently or effectively in public bodies that go up for election every 2 and 6 years.

I think the trades made in this bill are difficult, to say the least. To get fast-track authority—a procedural

process for the President to have an opportunity to make his points on trade agreements, which cannot be amended by the Senate, that is a very important point on administrative prerogative, but it is procedural. In exchange for that procedural right, we are trading away very significant new entitlement initiatives which have explosive potential and are bad public policy.

As a result, I have deep reservations about this package. I regret it has been negotiated in the manner it has been by our leadership in the Senate.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, we will be conducting a vote on cloture at 11:30. Prior to the time we have that vote, I want to make some final comments about what I consider to be the importance of bringing debate on the bill to a close and making sure that we have a good vote on cloture this morning.

We opened the debate with a recognition of how critical it is in this country, with this economy, that we recognize especially the importance of our globalized markets and the need to be competitive in them. Under the strong leadership of Senator BAUCUS and with help from Senator GRASSLEY, we put together a historic package of trade legislation that dealt first with the Andean Trade Preference Act, an act that has already proven itself to be invaluable to not only those countries in South America that have benefited directly from increased trade with the United States, but this country as well—a recognition that this trade partnership ought to be extended, a recognition that it is not only an economic partnership but a strong political one, and that if we can continue to provide political communication and coordination in a way that allows us better economic return, we are going to strengthen those countries politically as well as economically.

That is what ATPA does. It is an opportunity for us to reaffirm our recognition of a partnership of South American countries and our confidence that economic trade is good for both.

Secondly, we added legislation to this package that, for the first time, addresses meaningful assistance to those workers who are displaced as a result of trade. My view has always been that there are far more winners than losers in expanding our trade around the world. But we also recognize that there are some losers and some who, for whatever reason, may have been dislocated. When those occasions occur, I think our country owes those workers a future, owes those workers some safety net to ensure that their health needs and, hopefully, their short-term unemployment needs are addressed.

The Trade Adjustment Assistance Act that we have put into this package addresses that need. It does so very effectively. For the first time, trade adjustment assistance will help those

who have lost their jobs get coverage for health care under COBRA at 70 percent of the cost of the program itself. Seventy percent is an unprecedented statement about our commitment to those workers who have lost something as a result of changes in the environment that have been created as a result of job loss because of globalized market development.

We also provide new wage insurance legislation that helps older workers who may just be on the verge of retirement but not quite there. They are too old, perhaps, to get training for job relocation. They may be much closer to retirement than to the possibility of a better job through new training and the acquisition of new training skills. So this wage insurance is something the Heritage Foundation supports, something that trade study groups and think tanks have supported for many years, something that the U.S. Trade Representative also signed onto as an effective tool for assisting those who are also adversely affected.

So there is no doubt, when you look to the first two components, the opportunity for us to address workers who are adversely affected and the opportunity for us to extend the trading partnership with South America, I have no doubt that on that basis alone we have all the reasons we need to pass this legislation.

Finally, let me say the bill itself—the base bill—the TPA, trade promotion authority, provides us with yet another reason we should be supporting cloture this morning. We not only started with a good package; in my view, we improved upon it. We added the Dayton-Craig amendment on trade law that gives Congress an additional role, an opportunity for us to enhance the role as new trade agreements are presented.

We added the Dorgan amendment on transparency for the North American Free Trade Agreement, and the Kennedy amendment which helps us fight the AIDS epidemic all over the world. There were other efforts I supported that didn't become part of the bill, such as the Rockefeller amendment on steelworkers.

I must say that overall we have debated more than a dozen amendments, many of them very consequential. We have adopted eight of them. I believe the Senate has had the opportunity to work its will. There comes a time when the debate has run its course and we are called upon to bring that debate to a close and move on to final passage and other issues. I remind my colleagues that even after cloture we will have 30 hours of debate.

Senator BAUCUS just noted to me that there are a number of amendments still pending that will be debated and voted upon prior to the time we come to final passage of the bill. But this is our opportunity to say as strongly and unequivocally as we can that, first, we recognize the extraordinary importance of U.S. participa-

tion in global markets, and we are going to give this President—and any President—the tools with which to ensure that we have the framework in place to do so effectively.

Secondly, we recognize particularly the important partnership we have created with Latin America. We want to extend that partnership not only for economic, but political and diplomatic reasons as well.

Finally, we recognize there are those who are ultimately going to be adversely affected. And while they may be in the distinct minority of all workers affected and the greater realm of good created in this legislation, we cannot ignore them. We are going to provide them health benefits, wage insurance, and the kind of safety net that they deserve when this kind of circumstance befalls them.

This is a good package. This warrants our support. I hope my colleagues will join in a bipartisan effort to support cloture this morning in an effort to move to the final phase of consideration of this legislation prior to the vote on final passage. I urge my colleagues to support cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, all Senators should recognize the very hard work the majority leader has put into this legislation, particularly, in my judgment, the underlying strongest piece, and that is trade adjustment assistance. The majority leader, along with the occupant of the chair, Senator BAYH, both pushed very effectively to address a large gap, frankly, in American trade policy, and that is the inadequate attention given to those who lose their jobs as a consequence of trade. They built up the trade adjustment assistance.

All American employees who may in the future lose or who have lost a job as a consequence of trade should recognize the efforts of the Senate majority leader, Mr. DASCHLE, as well as the present occupant of the chair, Senator BAYH of Indiana, who were the primary movers in drafting the cornerstone part of this bill. We all owe them a great debt of gratitude.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will tell my friends and colleagues, both the majority leader and chairman of the Finance Committee, that I join them in urging our colleagues to vote in favor of cloture so we can move this bill on, so we can finish it. We have been on it now for almost a month. We have considered a lot of amendments.

That having been said, I do not agree with the process. The Senator from Montana knows that well. There are three bills that have been jammed into one. It is a very complicated bill. Two of the bills were reported out of the Finance Committee. We marked up those bills. They were included with trade

adjustment assistance which was rewritten on the floor. It did not come out of the Finance Committee. So I objected to that, and I objected to some of the amendments that colleagues tried to add. We fought those battles. We have had some good debate. We have won some; we have lost some.

Now is the time to have a cloture vote so we can bring this bill closer to passage and end the debate on trade promotion authority, which I happen to think is the most important provision in the bill.

I also believe the Andean Trade Preference Act needs to pass. Its authorization expired months ago, and tariffs were supposed to be imposed last week on four Andean countries that really need our help, tariffs as high as 15, 25, 30 percent on countries that have not had to pay those tariffs for the last 10 years. We need to assist those countries. It is not fair to Colombia, Bolivia, Peru, and Ecuador. They are our friends and allies. They have negotiated in good faith with the U.S. Government for a reduction in tariffs.

We have abided by that agreement for the last 11 years, and we said we were going to extend it. We have not done so. It is up to the Senate. That is our constitutional responsibility. We need to get that done.

I do not think the Andean Trade Preference Act should be in that package. I lost that debate. Senator DASCHLE and Senator BAUCUS decided to put it together. The only way we can help those countries is to pass this bill. If we do not get cloture, I am afraid the list of amendments will continue and never cease.

The only way I see getting to closure is to vote for cloture. I urge our colleagues, Democrats and Republicans: Let's vote for cloture; let's address those amendments that are still remaining that are germane postcloture. There will probably be a few. There is no reason we cannot finish this bill either later tonight or tomorrow sometime and get it to conference.

It is going to have a difficult conference because there are big differences. Frankly, the majority insisted on including trade adjustment authority and insisted on adding brandnew entitlements we have never had before in trade adjustment authority, including items such as wage insurance, which is almost anathema to the free enterprise system, but that is in this bill. We have to negotiate that with our House colleagues.

We have to negotiate a whole new tax credit to provide health care benefits that has never been a part of trade adjustment assistance. I am sure that is going to be debated extensively.

Anyway, it is going to be a very difficult conference. We need to begin that conference as soon as possible and hopefully come up with a bill that actually will promote trade, increase jobs, make us competitive, and help us to comply with international agreements.

I urge our colleagues to support this cloture motion.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Parliamentary inquiry, Mr. President. I believe we have about 6 or 7 minutes remaining. Five minutes. I yield myself some time under my leader time. That will still leave the final 5 minutes for the chairman and ranking member to speak.

I urge my colleagues to vote for cloture. We have been on this legislation for quite some time. I believe this is the fourth week we have been working on it, at least part of the time. We have had a number of amendments. We have won some, we have lost some, depending on your point of view. It has been a good debate. Senators have had a chance to offer amendments. It is time we bring it to a conclusion.

We need trade promotion authority for this President. We needed it for our previous President. I was for it when President Clinton was President. I think it is irresponsible for us not to have this authority to allow our Presidents, our administrations, to negotiate trade agreements that will help America and help our trading partners.

I do not want to get into a philosophical argument, but clearly it is the way America needs to go. We need to open markets, not be closing markets or closing our own markets. We can compete in the world trade market. We can produce more goods and more commodities. Our farmers need these markets, and this is the way to do it.

The second part of this legislation is the Andean Trade Preference Act. These countries in the northern tier and western side of South America are trying very hard to move toward economic growth, democracy, and freedom. They are doing a great job under very difficult circumstances—Ecuador, Bolivia, Peru, and of course Colombia.

It is very unfair that we have not already acted on this legislation. We are in an extension of time right now. Clearly, we need to pass this legislation. We need to separate the Andean Trade Preference Act and move it on in an expeditious way.

Last but not least is trade adjustment assistance. Different people will argue it is too much, it is not enough, but we have had trade adjustment assistance in the past. We do need to give some assistance to our workers, a bridge to the next job, maybe some training. There are health benefits. You can argue whether this is the best way to do it.

The bottom line is, we have done it. We have significant legislation in this area. When you put all of them together, it is time we bring it to a conclusion. If we vote for cloture now, we can finish this bill not later than tomorrow, and it would be a very high note for the Senate to finish up work before we go to the Memorial Day recess.

I urge my colleagues on both sides of the aisle: We have done a good enough

job. We should move to invoke cloture, stop the extraneous amendments, and then move to a conclusion.

I yield the floor, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. GRASSLEY. Three?

The PRESIDING OFFICER. Three and a half.

Mr. GRASSLEY. Mr. President, with today's vote on cloture on the trade bill, we move one step closer to reestablishing the United States global leadership and credibility in trade.

We move one step closer to being better able to advance this country's economic interests in this hemisphere. And we will be one step closer to bringing greater economic prosperity to every American family. That is because with today's vote, the President will be one step closer to getting one of the most important tools he needs to strengthen the American economy, and to create new American jobs.

American leadership in trade has floundered for the last several years. We have seen over 130 preferential trade agreements signed by our trading partners in the last few years, none of which included the United States. This proliferation of preferential trade agreements among other nations—including major U.S. trading partners such as Canada and Mexico—is harmful to U.S. trade interests. These agreements provide their members with preferential access to one another's markets—while disadvantaging American agricultural products, manufactured goods, and many services.

Some American companies overcome these barriers by producing overseas. Many small- and medium-sized companies can't do this however, and because they are less competitive, they lose opportunity after opportunity to their foreign counterparts. This loss of competitive ability by our export-dependent firms, as well as our farmers, means fewer jobs.

It means lost wages or income. It means that hard-working American families aren't able to pay the mortgage, or the farm loan, or provide better education or other opportunities for their children.

Today, as we speak, the United States is engaged in new global trade negotiations in the WTO. We played a central role in launching these negotiations. Last year, we helped draft a Ministerial Declaration—a roadmap for the new round of trade talks—that contained nearly every one of our priority

negotiating objectives, particularly in agriculture. As a result, we are poised to win unprecedented new market access for American agricultural products around the world.

In my State of Iowa, we know how important trade is to the family farmer. We export more than \$1 billion worth of everything we grow or produce on the farm, accounting for more than one-third of total Iowa exports to the world. Our farmers, our pork producers, our soybean growers all depend on the income they earn from exporting to take care of their families and their communities. And the plain fact is, they would have more export-related income if world agricultural tariffs were lower, and other trade barriers were reduced.

Restored United States leadership in free trade will benefit other as well. An aggressive, American-led effort to open world markets will mean more jobs for our highly competitive manufacturing sector. At the John Deere plant in Waterloo, IA, for example, one out of every five tractors built in the plant is exported, accounting for over 800 export-related jobs. If we gain access to more overseas markets through lower tariffs, we could sell a lot more of these tractors and create more jobs. Our service sector, which provides nearly 8 out of every 10 jobs in the United States, is even more reliant on open world markets.

Because we are so competitive internationally, we have an \$83 billion trade surplus in services. Liberalization of trade in services is only 5 years old. The potential to build even more American export growth in services is tremendous. TPA will help us realize this potential. With today's historic vote, America's days on the sidelines are numbered. America is almost back in the game.

I want to commend Senator BAUCUS and his staff for all they have done in moving this bill forward, and for working on a bipartisan basis to help restore America's leadership in world trade.

Mr. President, I strongly urge my colleagues to vote "yes" on cloture.

I ask unanimous consent to have printed in the RECORD a letter from the White House.

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

THE WHITE HOUSE,  
Washington, May 22, 2002.

Hon. MAX BAUCUS,  
Chairman, Senate Committee on Finance.

Hon. CHARLES GRASSLEY,  
Ranking Member, Senate Committee on Finance,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN BAUCUS AND SENATOR GRASSLEY: On behalf of the Administration, I wanted to thank you for all of your efforts to produce a bipartisan trade package. Those efforts appear to be nearing a successful conclusion with this morning's cloture vote.

It is our hope that a substantial majority of the Senate will vote to close off what has been a full and fair debate and then proceed to final passage of the bill. In that vein, I wanted you to know that the Administration

is opposing all further amendments to the bill. We hope that you will join us in order to ensure prompt passage of the bill.

Sincerely,

NICHOLAS E. CALIO,  
Assistant to the President for  
Legislative Affairs.

The PRESIDING OFFICER. The Senator from Montana has 37 seconds.

Mr. BAUCUS. I yield back the remainder of my time.

#### CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Baucus-Grassley substitute amendment for Calendar No. 295, H.R. 3009, the Andean Trade Preference Act.

Max Baucus, Chuck Grassley, Orrin Hatch, Zell Miller, Blanche L. Lincoln, John Breaux, Mitch McConnell, Chuck Hagel, Robert F. Bennett, Christopher Bond, Ron Wyden, Ben Nelson of Nebraska, Patty Murray, Jeff Bingaman, Pete Domenici, Pat Roberts, and Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment 3401 to H.R. 3009, an act to extend the Andean Trade Preference Act to grant additional trade benefits under that act, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New Jersey (Mr. TORRICELLI) are 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 "no."

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

The yeas and nays resulted—yeas 68, nays 29, as follows:

[Rollcall Vote No. 122 Leg.]

#### YEAS—68

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Collins    | Inhofe      |
| Allard    | Craig      | Jeffords    |
| Allen     | Crapo      | Johnson     |
| Baucus    | Daschle    | Kerry       |
| Bayh      | DeWine     | Kohl        |
| Bennett   | Domenici   | Kyl         |
| Biden     | Edwards    | Landrieu    |
| Bingaman  | Enzi       | Lieberman   |
| Bond      | Feinstein  | Lincoln     |
| Breaux    | Fitzgerald | Lott        |
| Brownback | Frist      | Lugar       |
| Bunning   | Graham     | McCain      |
| Burns     | Gramm      | McConnell   |
| Campbell  | Grassley   | Miller      |
| Cantwell  | Gregg      | Murkowski   |
| Carper    | Hagel      | Murray      |
| Chafee    | Hatch      | Nelson (FL) |
| Cleland   | Hutchinson | Nelson (NE) |
| Cochran   | Hutchison  | Nickles     |

|            |          |           |
|------------|----------|-----------|
| Roberts    | Snowe    | Voinovich |
| Santorum   | Stevens  | Warner    |
| Smith (NH) | Thomas   | Wyden     |
| Smith (OR) | Thompson |           |

#### NAYS—29

|          |          |             |
|----------|----------|-------------|
| Boxer    | Ensign   | Rockefeller |
| Byrd     | Feingold | Sarbanes    |
| Carnahan | Harkin   | Schumer     |
| Clinton  | Hollings | Sessions    |
| Conrad   | Kennedy  | Shelby      |
| Corzine  | Leahy    | Specter     |
| Dayton   | Levin    | Stabenow    |
| Dodd     | Mikulski | Thurmond    |
| Dorgan   | Reed     | Wellstone   |
| Durbin   | Reid     |             |

#### NOT VOTING—3

|       |        |            |
|-------|--------|------------|
| Helms | Inouye | Torricelli |
|-------|--------|------------|

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, Senator NELSON from Florida is ready to go with his amendment. I ask unanimous consent that it be in order for Senator NELSON to call up his amendment No. 3440.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is now pending. The Senator from Florida is recognized.

Mr. NELSON of Florida. Thank you, Madam President.

May I inquire of the chairman of the Finance Committee, it is my understanding that the number of the amendment that you just asked me to call up—I want to make sure that is applicable postcloture, because I have amendment No. 3454 that I understand is in order. It is the same subject matter, but there was some technical scrivener's reason of why there had to be two amendments instead of one.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Florida has the floor on pending business before the Senate. Please take your conversations off the floor to the cloakroom.

The Senator from Montana.

Mr. BAUCUS. To answer my good friend from Florida, it is my understanding that either of the two could properly be called up at this time.

Mr. NELSON of Florida. I thank the Senator.

Mr. GRASSLEY. Reserving the right to object, I want to have a further un-

derstanding of where we are parliamentary-wise. The Senator from Florida is asking to take up a different amendment than the amendment that dealt with citrus?

Mr. NELSON of Florida. No. The amendment is the same. It is my understanding that for a technical reason, postcloture, it was to be divided into two amendments instead of one. It is the same amendment. I am just asking, before we start debating the amendment, to make sure we have the proper one called up.

Mr. BAUCUS. Madam President, further answering the basic question of the Senator from Florida, the amendment we have on the list that is ready to be brought up is No. 3440. That was my understanding; that is the amendment to be brought up.

Mr. NELSON of Florida. That is fine with me. I wanted to make sure we were in the proper legal structure because I had filed two other amendments that were the same subject matter that would be correctly drawn to the bill. As long as the chairman indicates that the one we had filed originally is OK, that is fine with me. The subject matter is identical.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have to temporarily object until we have an opportunity to study the amendment.

Mr. BAUCUS. Madam President, the order was already entered and no objection was heard. Amendment 3440 is the amendment that is pending.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I raise a point of order against the pending amendment. It has a drafting error and it amends the bill in two places and is therefore out of order. I raise a point of order.

Mr. NELSON of Florida. The present amendment does not amend the bill in two places. The one that has been called up by the chairman of the Finance Committee is the original one. The junior Senator from Florida is purely trying to get the issue out so that we can discuss it. I was told that postcloture it had to be drafted in a separate way. It is an identical amendment.

I will proceed with the amendment on the reliance of the statement by the chairman of the Finance Committee.

The PRESIDING OFFICER. The point of order is well taken. The amendment as drafted to amend the bill in two places is out of order on its face.

Mr. NELSON of Florida. Madam President, do I have the floor?

The PRESIDING OFFICER. The Senator from Florida does have the floor.

Mr. NELSON of Florida. Madam President, I will continue to speak on the amendment, and for whatever reason you all are objecting, I wish you would find out what technical reasons you have for an objection. I assure everyone, this is the identical matter.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think we can clear this up. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I do not want to relinquish the floor. I yield to the Senator from Nevada without losing my right to the floor.

Mr. REID. Madam President, I ask unanimous consent that we go into a quorum call with the Senator from Florida recognized when we come out.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3454 TO AMENDMENT NO. 3401

Mr. NELSON of Florida. Madam President, pursuant to the discussions we have had, I call up amendment No. 3454 and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. GRAHAM, proposes an amendment numbered 3454.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

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

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.

Mr. NELSON of Florida. Madam President, I rise today to address the Senate on trade promotion authority and the opportunity this country has before it to participate in free trade.

I am a free trader. I believe it is a net benefit for both my State and the country to reduce tariff barriers and open markets to other nations.

We must do this in a manner that respects fair trading practices by important industries in the United States that are the engine of our economy. Need I remind everyone that in the war against terrorism, it is not only that

we have to be politically and militarily strong, but we have to be economically strong as well?

There is some debate over our last free trade agreement with Mexico and Canada. I was a supporter of NAFTA and believed it was an important part of the economic growth the United States experienced in the decade of the 1990s. But NAFTA arranged for side agreements relating to certain industries our trading partners did not live up to. One of those clearly affected Florida. It was a side agreement that was going to be protective of winter vegetables, specifically tomatoes. That side agreement was not lived up to with regard to the importation of Mexican tomatoes, with the result that whereas Florida used to have a huge percentage of the national market of winter vegetables, we now supply only 30 percent. You can imagine what that has done to some of the fruit and vegetable farmers in Florida.

As we open our markets to all of the countries of the Western Hemisphere, we must consider how we can learn from and prevent these kinds of situations we have had in the past with things such as NAFTA and how we can prevent that from occurring in the future. That is why Senator GRAHAM and I have introduced this amendment to the TPA legislation that cuts right to the heart of free and fair trade.

This amendment says tariffs may not be reduced on commodities on which there is an existing antidumping order or an existing countervailing duty order. What does that mean? Well, I am going to explain it, if I may. When the executive branch, the Congress, or particular industries believe a certain nation is engaging in some kind of unfair trade practice on a particular commodity, then they go out and petition the International Trade Commission to investigate the trade of that particular commodity. That is what has happened with the recent steel case. If a thorough investigation by the International Trade Commission finds that an important product is being sold below fair market value and that a U.S. producer is thereby being harmed, it is considered dumping, an anti-competitive practice. Dumping is, in essence, price discrimination against U.S. consumers.

Now, there is another kind of order. This is an order that if a foreign government is subsidizing a particular commodity—a foreign government subsidizing a particular commodity—then that order would provide that those foreign manufacturers, or exporters—because they have that unfair competition because their government is subsidizing their particular commodity, and they are going to have an unfair competitive advantage; therefore, the Department of Commerce would issue a countervailing duty order.

So it follows that if a country or company is found by the International Trade Commission, or the Department of Commerce, to be actually engaging

in unfair trade practices in such a clear-cut manner that it is issued either an antidumping or countervailing duty order, then under this amendment, while those orders are in place, those tariffs would not be reduced on those commodities until that dumping, or subsidizing, had ceased and the order had been removed. That is just as common sense as you can make it.

If you have anticompetitive behavior by a foreign government or foreign countries and there is an order out there put in place by the Department of Commerce or the International Trade Commission, as long as those orders are in place, you are not going to let the tariff be reduced that protects the U.S. consumer because it simply doesn't make sense to reward countries by further opening U.S. markets to commodities that are currently being dumped in the country by our trading partners until the dumping has ceased.

Now, some may argue that this amendment is not compliant with the World Trade Organization, the organization that administers trade agreements among nations, the organization that acts as a forum for trade organizations, the organization that settles trade disputes, and the organization that reviews trade policy. Well, some may argue that this amendment doesn't comply with that. I disagree.

First of all, the World Trade Organization's compliance should be judged based on the substance of trade agreements. This legislation is not the substance of trade agreements; rather, this legislation states the terms by which Congress will consider providing fast-track authority to such trade agreements. World Trade Organization compliance will be assessed later when a trade agreement is completed. So that argument doesn't wash as a counter to BOB GRAHAM's and my amendment.

Second, they might argue that this amendment provides a double penalty upon countries that practice anti-competitive behavior. Well, that argument is not accurate either. It is widely understood that antidumping orders are not viewed by the WTO as punitive. Instead, they are viewed as remedial.

Finally, some would argue against this amendment and act as if tariff reductions are a divine right. Tariff reductions are not a divine right. Tariff reductions should be viewed and approved on their face after consideration of all the facts. They should be viewed as mutually beneficial in a bilateral or multilateral scenario. Withholding a benefit should not be considered assessment of a penalty.

I might also add that this amendment of Senator GRAHAM's and mine does not violate the core basis of the Uruguay Round of tariff negotiations, and ultimately that Uruguay Round created the World Trade Organization. WTO compliance is not an issue in this debate. Instead, it is being used as a red herring to try to defeat this amendment.

For all of these reasons, I submit that this legislation doesn't violate the norms of the WTO and, actually, should strengthen the administration's hand at the negotiating table. Let me say that again to my friends in the administration, who have fought Senator GRAHAM and me tooth and toenail on what is free and fair trade. This amendment will actually strengthen your hand at the negotiating table by being another instrument to help you make sure there is free and fair trade, as we want to open up free and fair trade.

While the \$9 billion Florida citrus industry is a concern to this Senator and my senior Senator from Florida, this amendment clearly affects many other commodities, including honey, steel, preserved mushrooms, Atlantic salmon, and sugar, and a whole number of other items I am going to list. We must not reward countries that engage in anticompetitive, predatory trading practices.

Madam President, my concern that we not undermine our antidumping procedures does not make me any less of a proponent of trade promotion authority in the best interests of my State and the country. Florida is an exporting State, and exports mean good jobs. According to the Department of Commerce, 11 greater Florida metropolitan areas posted exports of more than \$120 million in 1999: Miami; the Tampa Bay area; Fort Lauderdale; Orlando; the West Palm-Boca area; Jacksonville; Melbourne, my hometown in the Brevard County area; Lakeland; Sarasota; Panama City; and Daytona Beach. Florida exported goods worth \$24 billion in that year to more than 200 foreign markets.

These goods include computers, electronic products, machinery transportation equipment, chemical manufacturing, electrical equipment, appliances, and agricultural products. Trade promotion authority has the potential to open markets to Florida's entrepreneurs and small businesses and farmers.

I have been contacted by many Floridians asking me to support TPA, and I have by voting for cloture so we can move on with this bill. I helped out the Senator from Texas yesterday when there was an amendment that was threatening the stability of the bill. I ask my colleagues to support TPA, and I also ask our colleagues to support this amendment of Senator GRAHAM and me that improves the underlying legislation and would ensure we have free and fair trade.

I will tell my colleagues how important this is—other than to Senator GRAHAM and me for frozen orange juice concentrate, of which Brazil has 50 percent of the world market. If that tariff protecting the Florida citrus industry, the California citrus industry, and the Arizona citrus industry from unfair competition by dumping a product is taken away, Brazil, with 50 percent of the market, will take over 100 percent of the market, and that is not free and fair trade.

I do not know why the Senator from Texas and others—we talk about the purity of the legislation. I helped him yesterday. I cannot understand. We are talking about free and fair trade. We are not talking about monopoly trade which will occur to the detriment of California, Arizona, and Florida unless this amendment is adopted. There are plenty of other States, I say to Senators, that better be forewarned and forearmed that if they do not protect this legislation with this amendment, then those orders protecting the commodities from their States are not going to be protected in the future.

Let's talk about some of them. How about Indiana, Ohio, Pennsylvania, New York, Maryland, and Illinois with regard to steel products—steel products including barbed wire, welded carbon steel pipe, line and pressure pipe, oil country tubular goods, hot-rolled carbon steel flat products—all of those products that are manufactured in Senator LUGAR's State of Indiana.

The two Senators from the State of Ohio, Senators DEWINE and VOINOVICH, and the two Senators from Pennsylvania: Are you paying attention?

The Senators from New York: Are you paying attention?

Maryland, Illinois: You are going to lose the protection of your steel products and the orders that are out there protecting them unless you vote for this amendment.

Let's take honey. The Senators from Montana, North Dakota, South Dakota, and California—California has a big honey industry: You are going to lose your protection of those existing orders if this amendment is not adopted.

How about sugar? Sugar is going to be threatened by Belgium, France, and Germany, and I am talking about Louisiana, Hawaii, Texas, California, Idaho, Michigan, and Minnesota.

I inquire, Madam President, it is my understanding the side proposing the amendment has 1 hour; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. I thank the Chair.

I want to make sure those interests that are protecting sugar from the European Union, Germany, France, and Belgium, which include Louisiana, Hawaii, Texas, California, Idaho, Michigan, Minnesota, New Mexico, North Dakota, Ohio, Oregon, Washington, Wyoming, Nebraska, and Montana—do you realize that your commodities are threatened if you cannot protect them with your existing orders?

Let's talk about some of the steel products that would be threatened by Brazil. Carbon steel butt welded pipe fittings, iron construction castings, brass sheet and strip—and I could go through a whole list of steel products. Indiana, Ohio, Pennsylvania, New York, Maryland, Illinois, Wisconsin: Senators, are you listening?

How about fresh Atlantic salmon from the States of Maine and Alaska?

Senators from Maine, Senator COLLINS, and Senator SNOWE: Are you listening? Your orders protecting the dumping of products out of Chile are not going to protect your salmon.

Senator MURKOWSKI: Are you listening? You are not going to be protected from Chile's dumping of Salmon unless you protect those orders that are outstanding.

How about Oregon's mushrooms being protected from Chile? If they do not keep those orders and they allow those orders to be cast aside and the tariff to be reduced, it is not going to protect them.

How about Alabama, Georgia, Texas, and Kansas on the cement industry being protected from Mexico? Senators from Alabama, Senator SHELBY and Senator SESSIONS: You are not going to be protected on your orders that protect your cement industry unless you protect those orders from being undermined by the adoption of this amendment.

What about the State of New York? Antifriction ball bearings being protected from Singapore. There is an order there.

How about Montana, the Dakotas, and California, as I mentioned earlier on honey? The last time I mentioned honey, it was Argentina. Your products are not going to be protected.

Also in Argentina, they produce hot-rolled carbon steel flat products, and Indiana, Ohio, Pennsylvania, New York, Maryland, Illinois, Senator FITZGERALD, they are not going to be protected, those same States being protected from Brazil on a countervailing duty.

Earlier, I talked about the antidumping orders, honey from Argentina, hot-rolled carbon steel flat products from Argentina; steel products from Brazil has another kind of order against it, according to the Department of Commerce, because they have evaluated the situation and determined those two countries have unfairly subsidized those products I just listed—honey, affecting Montana, the Dakotas and California; Argentina, affecting hot-rolled carbon steel flat products affecting Indiana, Ohio, Pennsylvania, New York, Maryland, and Illinois; and Brazil, affecting a multiplicity of steel products; that the governments were, in fact, subsidizing those products; that the Department of Commerce of the United States would have an order to protect those products.

Folks, this is a foreign country subsidizing against the products coming from your States, the U.S. Department of Commerce issues an order, and that order is going to be in jeopardy of being ignored unless you adopt our amendment. It is a commonsense amendment. It is an amendment that simply states that as long as there is an order from either the International Trade Commission or the U.S. Department of Commerce protecting a commodity because it is being unfairly dealt with in anticompetitive behavior

in international trade, that as long as that order exists, this amendment says you cannot reduce the tariff.

Madam President, to retain the floor, since we have had some squabble, I yield to my colleague, and upon the finishing of his remarks, I seek to retain the floor. I yield to my colleague from Florida.

The PRESIDING OFFICER. Is the Senator seeking consent to that effect? Mr. NELSON of Florida. Yes.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. The Senator cannot control the floor.

The PRESIDING OFFICER. The objection is heard.

Mr. NELSON of Florida. Then, Madam President, it is interesting we are talking about free and fair trade. What we ought to have is free and fair debate. Earlier, because of some technical reason, people from that side of the aisle were trying to prevent me from offering my amendment that I have been waiting in the queue very patiently for weeks to offer. I have become a constant visitor with the chairman of the Finance Committee and with the ranking member, seeking to protect an industry from Florida facing life or death, an industry that is so important to the State of Florida that the license tag of the State of Florida has emblazoned upon it the emblem of that industry, the Florida orange.

I thought about free and fair trade we could have a free and fair debate. So, Madam President, I have said my piece. I will relinquish the floor. I hope others will accord me the privilege within the span of the hour, that should additional things arise, they will give me the courtesy of being able to speak. I thank the Senate for indulging us and giving us an opportunity in which to air an issue that is most important to all of these States and most important to the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, let me first respond by saying each Senator has a right to the floor. No one can prevent a Senator from having an opportunity to be recognized. Second, the Senator is offering this amendment now because of the willingness of the chairman and the ranking member and every Member of this body to allow him to jump ahead in line of literally dozens of amendments that were filed earlier and that could have been offered before his amendment.

If we had followed the rules of the Senate, instead of granting the Senator special privilege, we would have had a fairly substantial number of amendments that we would have had to deal with before he could have ever presented his amendment. I don't know if there is any perception of a grievance here. A, I am sorry; and, B, I don't think there is a basis for it.

Now, let me address the substance of this amendment. It always amazes me when people are free traders and all they can talk about is your commodities are threatened and you are losing protection. This amendment is a protectionist amendment. This amendment is an effort to take all those products the Senator mentioned off the table in terms of future negotiations, even if the negotiations have to do with eliminating unfair trade practices.

It is also based on a false premise. Every Member of the Senate should understand this false premise. The false premise is that if there currently is a countervailing duty or an antidumping order on a product from Texas—let me take honey; I don't know that there is such an order, and I am not seeking such an order, but for every honey producer I have, I probably have 500,000 honey consumers. So it always is amazing to me that everyone is willing to let consumers pay a higher price by preventing competition, but let me just take my example—say there was a countervailing duty on honey, that we concluded that honey was being sold too cheaply to schoolchildren. It is an excellent source of nourishment, an excellent product people like to eat. But it is being sold too cheaply. We don't want them to have it that cheaply. So we have a countervailing duty on it.

Listening to the Senator from Florida, one would assume that if there is a trade negotiation put into place and is consummated, and in that process we change the duty on honey, that it overrides the antidumping agreement. That is totally and verifiably false. Let me say that again. If there is a countervailing duty on honey, if there is an antidumping order on honey, and under this bill the President negotiates a trade agreement, say, with Chile, that affects honey—it does not override the countervailing duty, does not override the antidumping order—those orders would still stand until they are removed.

In listening to the Senator from Florida, you get the idea that the President can negotiate away these antidumping orders. Not so. They still stand until they are removed.

If you look at the language of the Senator's bill, it is clear his concern is not with countervailing duties and dumping, even if they are removed. Even if the cause of their imposition is eliminated, you cannot negotiate a trade agreement involving those items for 1 year after the problem is fixed. In the end, this amendment takes off the table in trade negotiations literally hundreds of items.

Let me argue why that should not be done. We are trying to promote trade. We are trying to see a benefit from trade through competition.

Second, how can the President negotiate with countries if we are taking all the things they produce—the things they are most sensitive about, the things they are most concerned about,

and the things they have a comparative advantage in—off the table? If this amendment were adopted, it would be a body blow to our whole effort to negotiate free trade agreements with countries such as Chile, countries that are major agricultural producers.

I remind my colleagues what the Senator's amendment does is deny the ability to negotiate a trade agreement containing these items, even though the fact they are contained in the agreement does not override a countervailing duty, if the agreement is ratified by the Senate, does not override a dumping order. We simply have this being used as a ruse to take numerous items off the table.

We are down to the point now where we have debated, for many weeks, the effort to give the President fast-track authority. The administration is adamantly opposed to this amendment because they believe it guts the very foundation of trade promotion authority and it does it in two ways. It takes off the table numerous items that are important to other countries, in terms of their negotiation and, quite frankly, important to us.

Part of a trade negotiation can be aimed at unfair trade practices where, if a country is subsidizing steel or some other product, part of the trade negotiation can be to require, as part of what they are giving in return for our opening their markets here, they are opening their markets there—part of what they can give up is these subsidies. But the amendment of the Senator would say: No, those negotiations cannot occur within the context of trade promotion authority, even if the negotiations occurred, unless the antidumping order were vacated. Unless the countervailing duty were overturned because the causes of it were changed, nothing in this new free trade agreement would have any impact.

If Chile is dumping honey—and, God forbid, because schoolchildren would be getting honey too cheaply and they would be harmed, I guess—but if Chile is dumping honey, under this amendment you could negotiate a trade agreement that involved honey, even though no trade agreement we could negotiate would overturn the countervailing duty. It would still be in place. Only if it is removed in the future because the underlying cause is removed, then the trade agreement would go into effect.

The Senator talks about life and death of his State. We already have in the bill a limitation on the ability of the President to negotiate in the area of frozen concentrated orange juice, one of America's great foods. Every child in America should drink orange juice every morning. Yet we have prohibited the President from having full power to negotiate with regard to frozen orange juice. Why? Basically because this industry wants protection. We have chosen between orange juice producers—and I have some in my State—and all the children in America

who ought to be drinking orange juice in the morning.

Talk about unfair trade practice, that is one of them. The point is, it is not as if we have not already given special protections to the very industries the Senator is talking about. What he is doing is trying to take off the table a massive range of items that, in reality, would say that you could vote for trade promotion authority knowing no trade is going to be promoted. This amendment would destroy the foundations of trade promotion authority and it should, and I believe will, be beaten.

But I finally want to address one point that I have just been dying to address throughout all these debates. Some people act as if you can have trade without having trade; that when you enter into a free trade agreement it is fine to have trade as long as your trading partner doesn't sell anything in your country.

I have been on the Finance Committee for some time now. The Senator from Florida mentioned tomatoes. When we entered into a free trade agreement with Mexico, they started selling a lot more tomatoes. I am a big tomato buyer. I speak with some authority on the subject. Why is Mexico selling all of these tomatoes? For two reasons. No. 1, they are better; they taste better. If you have not compared a Mexican tree-ripened tomato with a domestically produced tomato then you are making a bad mistake. I ask anybody in America to submit to the taste test. The Mexicans have sold more tomatoes for one simple reason—well, two, really, but one is dominant: It is a better product. It is a superior product. You can taste it and you can taste the difference.

The reason they can do it is they handpick these tomatoes and they put them in these cartons like egg cartons. They are ripened when they are picked, they ship them to market, and people buy them.

It is true that the people who were producing tomatoes before we entered into the agreement are not selling as many tomatoes, but what is trade about? If trade is not about letting superior products displace products that are not as good, what is the purpose of it?

The second reason they sell more tomatoes is they are cheaper. So how in the world can we claim we are for free trade, we want more trade, but then we protest, we are self-righteous, we are outraged, when our competitor, producing a better product at a lower price, is successful?

People are for free trade but they are not for trade. They are for opening markets as long as nobody sells anything in the United States. It is amazing to me, the convoluted way we see trade. If we could just send everything we own abroad, people would be happy. Exporting they love—just give it away, let it go—but if we bring anything to America, somehow, something is wrong with it.

I close with this point. It is interesting how differently we view the world today on this issue than it has been viewed historically. I go way back by quoting Pericles. When Pericles spoke in the funeral oration, and he was trying to sum up the greatness of Athens, it is interesting that the example he came down to was imports.

The luxuries of the world are as freely available in Athens as they are at those places in the world where those items are produced.

The greatness of America is that people we do not even know, who do not even know us, are working to produce things to bring to our market that we can consume. You have products coming on trains and boats, this whole effort, all aimed at bringing to our feet the benefits of trade. Because we are the one nation in the world that understands how we benefit.

Look, I am sympathetic. I have lots of people in my State who have lost from trade, who could not compete. But has the Nation lost? If I had tomato producers in the valley who lost their markets to Mexican tomatoes, they have lost. But has America lost if we have better tomatoes at a cheaper price? And what will Mexico do with that money? Every dollar they get, they are going to spend on American products.

We know from trade data that the wages in those industries where they are going to buy products are 16 percent above the norm.

I submit with all respect that when we focus on trying to protect people from losing from successful trade, rather than focusing on trying to develop more winners, we miss the genius of the product.

Finally, provisions in this bill—which I do not support but are in the bill and I voted for cloture and I am going to vote for the bill—say that if you are a tomato producer and you lose your job, you get 2 years of unemployment benefits, you get 70 percent of your health care cost, you get a wage guarantee. Whereas, if other people lose their jobs because a terrorist blew up a plant they worked at, they get 26 weeks of unemployment and nothing else. So it is not as if we are not trying to cushion people who happen to lose from successful trade.

I submit that this amendment is protectionist and that it aims at protecting industries from competition. It is based on the false premise where it tries to get people to believe that by letting the President negotiate in areas where we have antidumping and countervailing tariffs, somehow those negotiations overturn those tariffs and those countervailing duties. They do not. Those stay in effect until they are removed, even if there is a free trade agreement.

I have not proposed—and I don't know anyone who has proposed—that they be removed because of the free trade agreement. The source of unfair trade has to be eliminated for those

countervailing duties and for the anti-dumping measures to be repealed.

But to simply say, even though they will not be changed by free trade agreements, that you can't even negotiate a free trade agreement that would involve products that are currently subject to these penalties, even if the negotiations are aimed at eliminating the subsidies, and then saying even if you eliminate the penalties, even if you find they have stopped dumping for a year after there is no problem, you still can't negotiate an agreement—it seems to me that the sole purpose of such an amendment is to prevent the President from negotiating agreements.

The problem with it is that we want to negotiate because we want everybody in the world to have an opportunity to fly on a great airline or to use the finest computers or to buy things we produce. But in order for people to be willing to let our products into their markets, we have to let their products into our market. There is no such thing as a single-entry book-keeping system where people say: Well, whatever is great for you we agree to, but then nothing that is great for us can be considered.

I urge my colleagues to reject this amendment.

Let me tick off some of these States. If you were from Texas—and I am, and I thank God for it every day—and we have honey producers—and I thank God for them, too—and they were subject to protection under antidumping, and the President under this bill negotiated a free trade agreement with Chile—which I hope he will, and I am for it—it would help Chile, and it would help America; it would be good for the world.

Please understand that will not overturn countervailing duties against honey. It will not overturn antidumping measures against honey.

The same is true for steel from Pennsylvania. The same is true for avocados from Arizona or from California. Nothing in our bill gives the President the power to negotiate eliminating antidumping measures or countervailing duties. He can negotiate tariff reductions that go into effect once those problems have been solved. But a treaty negotiated under this bill does not override those measures. Since it doesn't override those measures, why in the world would you want to ban the President from negotiating in these areas?

It seems to me there are two reasons. One is you are confused—I don't believe any Member of the Senate is confused—or you want to protect these items from competition. It would be great if you had this view of the world and would not let people competing with us sell anything. We sell everything. That is a strange view of the world. But some people have it. But nobody else will do that.

If you implement all of these restrictions, just understand, when the Senator from Florida went through that

long list of things that could not be negotiated—it was a long list; I am sure he has more—and asking if Senators were listening—how would you ever negotiate a trade agreement if you couldn't negotiate any of those items? Those are all items we import. I can assure you that Chile or Europe or whoever is negotiating with us is very interested in those items.

So I urge my colleagues to reject this amendment. We have shown by an overwhelming vote that we want to give the President trade promotion authority. To go back now and enact a gutting amendment that would destroy the whole trade authority for the bulk of items that America buys on the world market would mean it is not useful. It would be like giving the President a car without an engine or wheels. You could say you gave him 90 percent of a car; it just doesn't have a starter. What good is it? You can look at it, you can sit in it, but you can't do with it what cars are supposed to do.

If we give the President this trade authority but we don't let him enter into any agreement in all these different areas, what have we given him? Something nobody will let us use in negotiating with them.

I urge my colleagues to reject the amendment and vote for the motion to table.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Florida.

Mr. NELSON of Florida. Madam President, it is my understanding that the Senator from Iowa wants to speak. I would simply defer if he would like to speak. But in light of the fact that he is not seeking recognition, let me address some of the points the Senator from Texas, my friend, has just raised.

The Senator from Texas said the President can negotiate. The fact is that this amendment will help the President in his negotiations, for addressing the question of the existing orders in trade negotiations is ultimately going to foster that negotiation. The question is not whether the President and the administration can negotiate. Clearly, the President is unimpeded in that ability to negotiate. The subject of this amendment is whether or not, when there are orders existing, they have to be taken into consideration in the negotiations with regard to the reduction of a tariff.

Mr. GRAMM, the Senator from Texas, asserts that clearly 100 items with existing orders and protection from anti-competitive behavior would be taken off the table. He is right.

The Senator and I agree on two things. First of all, we support the overall legislation as free traders. We certainly agree that there are lots of items. All of these items are covered by antidumping orders or countervailing duty orders. This amendment forces the President to address the anti-competitive behavior that led to the order being issued in the first place.

Who issues the order? If it is anti-competitive behavior through dumping

of a product onto a market and trying to drive the U.S. competitor out of business, then it is the U.S. International Trade Commission. If it is the anti-competitive behavior of a foreign government that is subsidizing the product to the disadvantage of the American product, then the order is issued by the U.S. Department of Commerce.

So this amendment does not deny the ability to negotiate. It does assist the negotiations. I think in this arcane language of trade promotion, and so much of which we refer to by acronyms—TPA, and TAA, and whatever the acronym is for the Andean Trade Act, which I support—it is often lost over the bottom line of what is free and fair trade. We, of course, want international trade. We want competition.

So as I see my colleague from Florida in the Chamber, who wants to speak on this amendment, I will just again reiterate the points that I made before in rebuttal to the Senator from Texas.

First of all, in relation to World Trade Organization compliance, whenever anybody says this is going to mess up the process of the WTO, well, the WTO compliance should be judged based on the substance of trade agreements. With this particular amendment, the substance of the trade agreement is not harmed, but, rather, this amendment states the terms by which the Congress will consider providing the fast-track authority to such trade agreements. The World Trade Organization compliance will be assessed later when a trade agreement is completed. It does not impede the President's ability to negotiate at all.

Second, when the opponents of this amendment say this amendment provides a double penalty upon countries that practice anti-competitive behavior, that is not accurate. It is widely understood that antidumping orders are not viewed by the WTO as punitive, that they are viewed as remedial.

Third, let's understand that tariff reductions are not a divine right. Tariff reductions should be viewed as mutually beneficial as we go about the process of bilateral and multilateral negotiations. Withholding of a benefit should not be considered assessment of a penalty. Rather, what we should try to strive for is the goal, at the end of the day, of free and fair trade, not the running of a particular business or industry out of business just for the sake of doing that, when, in fact, there are existing orders to protect them against anti-competitive behavior.

Madam President, I yield the floor and look forward to the comments of my distinguished senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, I am very pleased to join this afternoon with my colleague, Senator NELSON, in offering this amendment to the trade legislation.

I am a strong supporter of expanded trade. I believe in the principle that if

the world trades with each other, it will not only give us greater assurance that competition will be in commercial areas, not in military areas, it also gives to the world the opportunity to get the best quality and priced products that are available.

I believe in competition and that the United States will, in the future, as it has in the past, fare very well if that competition is fair. Free trade does not mean trade with rules of anarchy. Free trade is associated with fair trade, trade that is under a rule of law that sets certain standards of behavior for the participants, whether they be nations or individual economic entities in that trade.

Madam President, as you will recall, we spent a considerable amount of time last week debating what is known as the Dayton-Craig amendment. That amendment, offered by our distinguished colleagues from Minnesota and Idaho—one a Democrat, one a Republican—essentially said this: That while we were granting, with the Trade Promotion Act, broad authorities to the President to negotiate, and we were giving to the President our future right to amend those negotiated agreements by accepting the fact that whatever is negotiated we could either provide a green light of "yes" or a red light of "no," but we could not offer a yellow light of "caution" or "modification," but that we were going to exclude certain items. We voted, therefore, for the Dayton-Craig amendment, which said that from that general policy of providing the President broad negotiating authority, we were going to exclude certain items and require that they be brought back to the Congress for a vote on those items, specifically without the protection of fast track.

First, what was it that we protected? We said if our negotiators were to negotiate and alter the basic laws that this Nation has developed over the years, which give us greater assurance that trade will not only be free but fair, those matters would require specific and individual congressional approval.

The first provision was the anti-dumping provision. Antidumping is where a specific commercial entity is alleged to be trading in a product at a price which is below that company's cost of production in the country in which it produced the product. So that whether it is an agricultural product or an industrial product, America is not going to become the ultimate target for predatory marketing practices, where an entity that has a product of which it cannot otherwise dispose dumps it on the United States market at a price below what it cost them to produce, therefore threatening the survival of American enterprises which have to sell their product at least at what it cost them to produce or they will be out of business and their workers will be out of jobs. That does not seem to be an unreasonable provision.

The second provision that the Dayton-Craig amendment gave special

treatment to was countervailing duties. What is that? Those are directed at nations which have practices that subsidize a particular product, so that when it is sold, it is effectively sold at less than what should have been the cost of production. That is where a government provides special benefits that distort the competitive marketplace.

Those are the two areas that were protected from fast track by the Dayton-Craig amendment. Those were adopted by the Senate by a substantial majority. We have done this because we recognize the importance of protecting the international marketplace of commerce from these trade practices which could be so distorting and which would defeat one of the basic principles of free trade which is that you encourage competition on a level playing field and whoever can prevail on that is the victor. This tilts the playing field toward one company or one country because of practices that distort that level playing field.

The amendment that Senator NELSON and I are offering today is the implementation of the objective of the Dayton-Craig amendment. Dayton-Craig intends to assure us that we will continue unless the Congress—and I think it is unlikely—would vote to eliminate our current laws against dumping and against providing government subsidization at below the cost of production—but assuming that those basic principles of fair trade prevail, what our amendment says is that the reduction in tariffs that are provided under the Trade Promotion Act “shall not apply to a product that is” at that time “the subject of an antidumping or countervailing duty order . . . unless”—and the Senator from Texas, my good friend whom I respect and refer to as my Teutonic cousin, did not mention the provision—“unless the agreement”—that is, the trade agreement which purports to change the tariff on a particular product—“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.”

Under our amendment, our negotiators would be authorized to negotiate tariff concessions, but at the same time they would have to negotiate appropriate conditions or qualifications that would assure to the United States that those concessions would not be implemented until 1 year after that country or that company has met the requirement to rid itself of the antidumping or anticountervailing duty provision, which means that they had stopped the predatory practices that had disrupted the level playing field of international commerce.

I do not find that to be a radical or extreme position. If you believe we should have these methods of enforcing

fair trade, antidumping and countervailing duties, then certainly you have to believe we should have the means of protecting ourselves against a country which has violated those laws, is under a sanction for that violation, and is now trying to get tariff concessions to increase their ability to act in a predatory way against the United States.

This issue should not be partisan. It should not be regional. It should not be a provision which divides the Senate, in my judgment, particularly based on the vote we took last week on Dayton-Craig. It ought to be a unifying amendment.

This issue has been a unifying issue in our State of Florida. I will submit for the RECORD a letter which was sent today by our State Governor, Jeb Bush, to both Senator BAUCUS and Senator GRASSLEY. I will submit it for the RECORD, but let me read in part:

I fully recognize the importance of supporting free but fair trade for all concerned. However, Florida's citrus industry has been forced to compete for years with countries that implement unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agriculture products that have been subject to antidumping or countervailing duty orders before negotiations begin.

I believe this is a very important amendment, if we are dedicated to the principle of providing our President the capability to negotiate to expand trade in the United States. But we have reserved for the Congress the right to review specifically any changes that are made in that process that relate to our ability to enforce fair trade.

And now with this amendment, we would give real teeth to that sanction by saying, having preserved our ability to maintain a level playing field of fair trade through the ability to impose countervailing duties against a nation or antidumping orders against a particular commercial entity, now we can give strength to that by saying, if you are under those sanctions, either one, you would not be eligible for tariff concessions until you had purged yourself for 1 year of those predatory practices.

I believe we should send a very strong signal to our trade partners that if they are willing to play by the basic rules of fair international commerce, we are prepared to open our markets even further to them. But until they are willing to do so, until they are willing to give up their previous practices that have distorted that international market, they will have to pay the price of those actions in the form of their noneligibility to receive any tariff concessions from the negotiations by our President which will be eventually submitted to this Congress for its up-or-down vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank our colleagues from Florida, Senator GRAHAM and, in particular in this case, Senator NELSON. They are really good Senators. Senators are

elected to defend the interests of their State and defend their people and try to help economic growth and development in their States. We all do that, all of us as Members of the Senate. For those folks in Florida who may be watching and are interested in this subject, I want them to know that their two Senators are doing a great job. I hear from Senator NELSON and Senator GRAHAM constantly on this issue: What we can do; how can we work this out; how can we compromise; what can we do to help here. I commend the two of them for their very strong, valiant effort.

This is a subject with which we are wrestling. We have to make a judgment as to where we draw the line with respect to helping protect industries and products in our own country and States. The real question is, What about agricultural products which are by their nature sensitive? Under current law, the President does not on his own have the authority to reduce tariffs on such products. He has to get the approval of Congress. That is current law. The other body passed legislation which basically gives the President the authority to reduce tariffs on certain products by proclamation, up to 50 percent of the current tariff rate. The other body added that the President may not reduce tariffs by proclamation with respect to import-sensitive agricultural products; not only not by 50 percent, but not a single percentage point in reduction of tariffs for these products.

Our underlying bill has those same provisions; namely, the President has the authority, by proclamation, to reduce tariffs by up to 50 percent on most products, but not with respect to import-sensitive agricultural products.

There are other provisions in this bill which help address the concerns raised by the Senators from Florida. For example, the bill provides a special consultation procedure for negotiations on import-sensitive agricultural products. That is, before initiating negotiations on these products, the U.S. Trade Representative is required, under the provisions of this bill, to engage in special consultations with the Finance Committee and with the Ways and Means Committee in the other body and also with the Agriculture Committees in both bodies.

This measure is designed to help give that extra protection for those very sensitive industries. I know the Senators from Florida would like to go further. They would like the legislation to provide that the President may not come back to Congress with tariff reductions.

I ask unanimous consent to print the letter from which I quoted in the RECORD.

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

STATE OF FLORIDA,  
OFFICE OF THE GOVERNOR,  
Tallahassee, FL, May 22, 2002.

Hon. MAX BAUCUS,  
Senate Finance Committee, Dirksen Senate Of-  
fice Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: I am writing to bring to your attention an important issue concerning Florida citrus during your consideration of Presidential Trade Promotion Authority. It is critical that the Congress support the citrus industry's efforts to address unfair trade practices and dumping against Florida's agriculture interests.

As Governor of a state with a large agriculture base and a vibrant international trade sector, I fully recognize the importance of supporting free but fair trade for all concerned. However, Florida's citrus industry has been forced to compete for years with countries that implement unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agriculture products that have been subject to antidumping or countervailing duty orders before negotiations begin. The continued encroachment of unfairly traded imports will severely impact the citrus industry.

In seeking to create legislation that will help promote free but fair trade for our country's industries, I hope that you will take into consideration the need to support import sensitive products in pending legislation and future negotiations. I appreciate your consideration of my comments. Please do not hesitate to contact me should you have questions or concerns.

Sincerely,

JEB BUSH,  
Governor.

Mr. BAUCUS. Under the Nelson amendment, not only can the President not proclaim tariff reductions on import-sensitive agricultural products, he cannot even negotiate a new agreement reducing tariffs on those products. To be truthful, that presents a lot of problems. It violates the principles of MFN—most-favored-nation trading status—which is, whenever we grant a tariff reduction to one country, it is granted to all countries. That is the basic underlying principle of GATT and WTO for all countries. What you give to one, you give to all. Otherwise, there would be this crazy system where it would be virtually impossible to trade.

This amendment would violate MFN, because, if the United States were trying to negotiate tariff reductions on a certain product in various countries, but at the same time there was an outstanding order on the same product with respect to one particular country, this amendment would say the President cannot reduce tariffs because of that one country. If one particular country were under restrictions, this amendment would prevent the tariff from being reduced on that product for all countries. Therefore, it violates the principles of MFN.

Madam President, I very much understand the efforts of the Senators. They make some good points. I just don't know that it is proper to tie the President's hands to such a great degree. This amendment will prevent the President from coming back to Con-

gress in negotiating tariff reductions when there is an outstanding order.

I urge Senators not to support this amendment. We have given a lot to import-sensitive agricultural products in this bill. The pending amendment goes too far. I think it should be rejected.

Mr. NELSON of Florida. Will the Senator from Montana yield?

Mr. BAUCUS. Yes.

Mr. NELSON of Florida. If there is no more debate, I am ready to put the question. If the Senator will instruct Senator GRAHAM and me when to put the question, we will request the yeas and nays.

Mr. BAUCUS. Madam President, in answer to the Senator's question, I know of no other debate. However, due to extraneous circumstances, we cannot have a vote until at least 2:05. We can get the yeas and nays and order the vote for an up-or-down vote on the amendment. The vote can begin at 2:05.

Mr. NELSON of Florida. Is it in order to ask unanimous consent to have the yeas and nays and a vote to occur at 2:05?

Mr. REID. Madam President, we would have no objection from the Republican side if that would be a motion to table rather than a straight up-or-down vote.

I amend the request of my friend from Florida by asking unanimous consent that we have a vote at 2:05 on this amendment, that it be on a motion to table that will be made, with no intervening amendment to this, and then we can set this aside and move to something else for the next half hour or so.

The PRESIDING OFFICER. Is there objection to the request?

Mr. NELSON of Florida. Reserving the right to object, I would like to put into the RECORD—and intended to do so earlier—a letter from the Florida citrus industry indicating their support for our amendment. I ask unanimous consent that this letter be printed in the RECORD.

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

FLORIDA CITRUS INDUSTRY,  
May 16, 2002.

Hon. BILL NELSON,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR NELSON: First we want to express the appreciation of the Florida citrus industry for all your work on behalf of the industry with respect to Trade Promotion Authority. The industry knows the time and effort you and your staff have devoted to ensuring additional safeguards are placed in TPA for Florida's citrus industry.

We would like to reiterate our support for the Nelson/Graham amendment with respect to anti-dumping and countervailing duties. We appreciate the efforts you and Senator Graham have made with Senator Baucus and the Administration in pursuing this language, and the counterproposals offered by Senator Baucus and the Administration. However, we believe the alternative presented does not adequately address the underlying concerns by the industry. As you recall in your meetings with the industry over the last several months, the growers are clear in their support for an exemption for

citrus. We understand the Administration and Senate leadership were clear in opposing those attempts and we are appreciative of your willingness to look for creative ways to provide additional steps in TPA to help our industry.

Again, thank you for offering the Nelson/Graham amendment. It is an important issue for our industry and we appreciate your efforts on this matter and look forward to working with you and your staff as negotiations move forward both in Conference and in FTAA.

Sincerely,

BOB CRAWFORD,  
Executive Director,  
Florida Department  
of Citrus.

ANDREW W. LAVIGNO,  
Executive Vice Presi-  
dent/CEO, Florida  
Citrus Mutual.

BARBARA CARLTON,  
Executive Director,  
Peace River Valley  
CGA.

DOUG BOURNIQUE,  
Executive Director, In-  
dian River Citrus  
League.

RON HAMEL,  
Executive Director,  
Gulf Citrus GGA.

RAY ROYCE,  
Executive Director,  
Highlands County  
CGA.

LISA YOUNG RATH,  
Executive Vice Presi-  
dent, Florida Citrus  
Processors.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Chair and thank the Senator from Nevada.

Mr. REID. Madam President, 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. BAUCUS. 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. BAUCUS. Madam President, we have a long list of amendments ahead of us, many of which are not germane, particularly since the invocation of cloture. Clearly, they are not going to get 60 votes to override the point of order that would apply to them.

In the greater interest of moving this bill, which I think is the desire of a very significant majority of Senators—witness the vote for cloture; 68 Senators voted for cloture—beginning 10 minutes from now, I am going to begin calling up amendments that are on the list which will be declared not germane. I will make a point of order against each of those amendments that it is not germane. If the Chair agrees, we will, therefore, dispose of a lot of amendments accordingly.

I give Senators 10-minute notice to come to the Chamber because if their amendment is yet to be called up and

they have not yet called it up, it will most likely be declared by the Chair as not germane. I am giving them an opportunity to come over and make their case publicly to the Chair for why they think the amendment should be germane. If they are not here within 10 minutes, I am going to, on behalf of Senators who have amendments, call them up and make a point of order.

Mr. REID. Madam President, will the Senator yield?

Mr. BAUCUS. I will be happy to yield.

Mr. REID. I say to Senators, this is not something Senator BAUCUS has gone around lobbying, suddenly making these nongermane or raise points of order because of the budget. This is something that has been done by the Parliamentarian.

As the Senator indicated, if it is a germane point of order, it takes a simple majority to override that point of order. As we learned in the past, they are not going to get 51 Senators to override germane points of order. It has created real tangles for the Senate in the past. That is not going to happen.

Those amendments relating to budget matters, if they can get 60 votes, fine. We will have to see how that happens. I hope to facilitate moving this bill. The chairman of the committee, the manager of the bill, is doing the absolutely right thing. It is going to happen at some time. As I indicated, those who are following their amendments know whether it is germane or not germane because the Parliamentarian made that decision a long time ago.

Mr. BAUCUS. In the interest of fairness and notice to Senators who I also hope are fair with respect to the rest of the body—and I know they will be—the amendments I have in mind are amendment No. 3445 offered by Senator BAYH; amendment No. 3447 offered by Senator BYRD; amendment No. 3450 offered by Senator BYRD; amendment No. 3451 offered by Senator BYRD; amendment No. 3452 offered by Senator BYRD; amendment No. 3453 offered by Senator BYRD; amendment No. 3431 offered by Senators BOXER and MURRAY; amendment No. 3432 offered by Senators BOXER, MIKULSKI, and DURBIN; amendment No. 3457 offered by Senator DURBIN, as well as amendment No. 3459 offered by Senator HARKIN.

They have about 6 more minutes. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Madam President, I call up amendment No. 3467.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, will the Senator indicate which amendment he is calling up?

Mr. WELLSTONE. This is the amendment on human rights and democracy which is germane. I am trying to get the amendment offered.

Mr. BAUCUS. Can we get a copy of the amendment?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3467

Mr. WELLSTONE. Madam President, I call up amendment No. 3467.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3467.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect human rights and democracy)

On page 246, between lines 15 and 16, insert the following new paragraph:

(12) HUMAN RIGHTS AND DEMOCRACY.—The principal negotiating objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect internationally recognized civil, political, and human rights.

Mr. WELLSTONE. Madam President, I thank my colleagues for their graciousness.

This amendment which I offer to the fast-track portion of the substitute is critical to ensuring fairness in this global trading regime. It will improve the majority of the lives of Americans and our trading partners.

The amendment adds a principled negotiating objective regarding human rights and democracy. It says to our negotiators that they should obtain provisions in trade agreements under which the parties to the agreements strive to protect internationally recognized civil, political, and human rights. These are rights guaranteed under existing international covenants.

This is not a debate about fast track, and again, I believe it is a profound mistake for us to give up our right to amend trade agreements because these trade agreements are going to have such a critical impact on the lives of the people we represent.

This amendment says: The rules of international trade ought to reflect American values. Our country ought to be a leader when it comes to promoting the values of democracy, when it comes to promoting the values of respect for human rights.

What we are saying is: U.S. trade negotiators, during your negotiations, we want you to obtain a provision in the trade agreement which makes it clear that the parties that they must make a commitment to strive to protect internationally recognized civil, political, and human rights.

I say to Senators, in some ways I do not think this amendment should be controversial.

There are some who say we have to be a part of this international economy. I agree. The international economy is a new reality. I agree. We should not put up walls on our border. I agree. Free trade—or I would argue fair trade—could work well for our consumers and make our businesses more competitive.

As we lead in this new international economy, let's lead with our values. We ought to at least say to our trading partners: We call on you to respect human rights and democratic principles. It is an important proposition and, at a minimum, we should demand countries try to do better. That is what this amendment says.

Here are some examples of the behavior of some of our trading partners. From the State Department Country Reports on Human Rights, 2001 for China: Police and other elements of the security apparatus employ torture and other degrading treatment in dealing with some detainees and prisoners. Former detainees and press reported that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and the list goes on.

Is it too much to ask that our trade agreements have a provision that calls upon our partners to strive to meet the standards of recognized international covenants meant to protect the civil, political and human rights of the citizens of the world?

Another example is Russia. Again, this is from our own State Department Country Reports, 2001. There were credible reports that some law enforcement officials used torture regularly to coerce confessions from suspects and that the Government does not hold most officials accountable. Torture that was recognized in the State Department report takes one of four forms: Beating with fists, batons, or other objects; asphyxiation using gas masks or bags sometimes filled with mace; electric shocks; or suspension by body parts.

Again, all I am saying is, if you have governments that engage in the practice of torture, when we enter into trade agreements with those governments, shouldn't we have as a goal of the agreement that the government will strive to protect internationally recognized civil, political, and human rights? Can't we make it a negotiating objective to get that commitment?

Another example is Colombia. From the Amnesty International Global Report of 2001: The human rights crisis continues to deepen. More than 4,000 people were victims of political

killings, over 300 “disappeared,” and an estimated 300,000 people were internally displaced.

The report notes that some of this was the work of the FARC, the radical left guerilla group, but it also reports that some of the mass killings were done by the paramilitary, often linked to the military.

My point is simple. It is un-American to allow an agreement to come to this body that we cannot change, that we may not even get a decent amount of time to talk about, that allows us to trade unconditionally with nations that torture their citizens, that summarize execute people for exercising their basic right to question the government, that practice forced abortion, and that arbitrarily arrest, detain, and exile their citizens.

I make the point again. It is un-American to allow an agreement to come to this body that we cannot change, that we may not even get a decent amount of time to talk about, that allows us to trade unconditionally with nations that torture their citizens.

We should include in this fast-track bill a negotiating objective that calls upon our trading partners to strive to live up to international civil, political and human rights standards. We ought to do that. We ought to lead with our values. We ought to say this should be a part of any negotiating strategy.

It is un-American to trade unconditionally with nations that deprive citizens of fundamental rights guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil Rights and Political Rights, such as the right to worship and the right to a fair trial.

If we are going to enter into agreements with countries that deny people the right of worship or the right to a fair trial or that torture their citizens, or that summarize execute people because they question these governments, at the very minimum, we should make it clear, the Senate should make it clear, that we want to have a provision in these trade agreements that at least calls upon these countries to strive to live up to these basic standards.

I also argue it is un-American to trade unconditionally with nations that intimidate their citizens and are so corrupt that public participation is out of the question.

It is important to lead with our values. We ought to be promoting human rights. What makes me most proud to be an American citizen, to be a first-generation American, to be a Senator from Minnesota, is the way our country stands for human rights and for democracy and for freedom. I am saying in mild, moderate language, that our trade negotiators should have a principle negotiating objective, like the ones already in this bill for intellectual property rights and agriculture, that calls upon our partners to strive to live up to international human rights

standards. Why not have the U.S. Government be part of that?

I am not saying don't trade with them. And my amendment doesn't say don't trade with them. I am saying trade in a way that lives up to American standards. Use trade agreement to get commitments out of trading partners to shape up—to respect the rights of their citizens.

In the January/February 2000 edition of Foreign Affairs National Security Advisor Condoleezza Rice said: “There are no guarantees, but in scores of cases from Chile to Spain to Taiwan, the link between democracy and economic liberalization has proven powerful over the long run.” In remarks made to the Society of American Business Editors and Writers last April, USTR Zoellick said: “. . . we have to ensure that trade policies are aligned with our society's values. Free trade is about more than economic efficiency. It promotes freedom abroad.” In an address to the Council of the America's earlier this month, he said: “Democracy is more than just holding elections. It is the Liberal idea embodied by the phrase, ‘The rule of law, not of men.’ It is a neutral, comprehensive framework of rules enforced impartially and justly.”

And Monday, when talking about Cuba, the President said:

Political and economic freedoms go hand in hand . . . Without major steps by Cuba to open up its political system and its economic system, trade with Cuba will not help the Cuban people. It's important for Americans to understand, without political reform, without economic reform, trade with Cuba will merely enrich Fidel Castro and his cronies. With real political and economic reform, trade can benefit the Cuban people and allow them to share in the progress of our times.

It seems the administration has the rhetoric linking political and economic progress—especially when it comes to embargoes. But where is the commitment? Where is the commitment to ensure this progress with our trading partners? It is with our trading partners that we can actually make a difference. How can we stand here and debate a bill that doesn't even demand that our trading partners try to do better when it comes to human rights and political freedom? Economic, political, and social progress have always gone hand-in-hand. If public participation in the political process, if transparency in government, if acknowledgment of the fundamental rights of man come second to trade—to economic property rights—it is exploitation. It is the text book definition of exploitation because someone owns those property rights—rights that affect everyone in society—but very few have had a say in their distribution. Today there are negotiators at the table at the WTO negotiating away rights over which the citizens of those respective nations have absolutely no say.

If that is the case, why does this fast track bill make anti-corruption in the trading regime and transparency at the

WTO, principal objectives for U.S. trade negotiators? Why do those advocating this bill think these things are important enough to demand them from countries in the trading arena, but not important enough to demand that these same nations allow such public participation in decisionmaking for their own citizens? Why? I will tell you why—it is because the current trading regime is all about protecting the rights of the investor regardless of the situation of the worker.

When I look at some of the statements made by the administration, in the abstract, there are some I absolutely agree with. We have to promote human rights and democracy. We must insist on it in our foreign relations. But this must be more than rhetoric. We must have a commitment. Including a principle negotiating objective calling upon our trading partners to strive to live up to these standards is a way to show that commitment.

I have been talking about values but I could talk about competitive disadvantages too. A lot of what is going on throughout the world puts our working people at a severe disadvantage. Whether I look at Mexico, Colombia, or many other countries around the world, the situation is the same. People, quite often, if they try to organize and bargain collectively to get a better wage and working conditions, wind up in prison. They end up being tortured.

Who pays the price? The people in the other countries pay the price for it. Our workers pay the price for it. It is hard for working people in our country to compete against a corporation that can go to another country, exploit children, work them 18 hours a day, and not abide by fair labor standards or abide by human rights standards. They can not compete against it and they should not have to. In my opinion, this treatment: persistent violations of human rights, payment of slave wages, exploitation of people at the workplace by making them work under the most uncivilized working conditions, is a trade barrier. I don't think our corporations and our companies and American businesses or American workers should have to compete with this.

Given the floor situation I will make my final two points. This amendment is about values and this amendment is about economics. We should lead with our values. If we are going to enter into trade agreements with other countries, can't we at least have a provision in the trade agreements that calls on them to live up to basic human rights standards? Should we be silent on these questions? Should we be doing business with countries all around the world without at least calling on them to live up to the international covenants respecting basic civil, political, and human rights? I think not.

The United States of America should not be silent when it comes to human rights. We should not be silent when it

comes to persecution against people trying to practice their religion. We should not be silent when it comes to people being rounded up and imprisoned for trying to organize a labor union and having decent working conditions and wages to support their families.

Finally, without at least some language dealing with democracy and human rights, we put American companies and American workers at a severe economic disadvantage. We find it very difficult to compete with companies located in countries whose governments violate basic human rights standards, that allow children to be worked to death, that allows slave wages, that allow uncivilized working conditions, and that crack heads when people try to organize and join a union in order to get a better standard of living. This human rights and democracy amendment strengthens this legislation and I urge my colleagues to support it. Since my colleagues were gracious enough to let me speak, I yield the floor and eagerly await their response.

AMENDMENT NO. 3445 WITHDRAWN

Mr. REID. Madam President, I ask unanimous consent amendment No. 3445 that was introduced by Senator BAYH be withdrawn. I have his permission.

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

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I do not want to interfere with other colleagues who might come out and offer amendments. If colleagues are not anxious to speak now, I would like to make another point or two. Senator GRASSLEY indicates that is fine.

I want to read from the International Confederation of Trade Unions Annual Survey of Violations of Trade Union Rights for 2001.

In Mexico:

Independent trade unionists faced difficulties in organizing during the year . . . there are frequent abuses in the country's 4000 or so maquiladoras; 1.3 million workers are paid less than six dollars a day to work in often deplorable conditions and only 40% of them stay more than 3 months in their job; unpaid overtime, sexual harassment, discrimination in employment, non-existent health and safety precautions and unfair dismissals are just a few examples of the daily lot of maquiladora workers.

In Colombia:

In 2000, more trade unionists were killed in Colombia than in the whole world in 1999! One hundred and thirty-five trade unionists, both leaders and members, were assassinated during the year, bringing the total number of trade unionists killed since 1991 to several thousand. At least another 1,600 have received death threats over the last three years, including 180 in 2000. 37 were unfairly arrested and 155 had to flee their home region; another 24 were abducted, 17 disappeared, and 14 were the victims of physical attack.

The 2002 International Labor Organization (ILO) Global Report on Child Labor has estimated that over 8 million children worldwide are trapped in

the unconditional worst forms of child labor—which are internationally defined as slavery, trafficking, debt bondage, and other forms of forced labor, forced recruitment for use in armed conflict, prostitution, and pornography, and illicit activities.

Madam President, 180 million children aged 5–17—or 73 percent of all child laborers—are now believed to be engaged in the worst forms of child labor, comprising hazardous work and the unconditional worst forms of child labor. This amounts to one child in every eight in the world. Of the 171 million children engaged in hazardous work, nearly ⅓ are under 15 and should be immediately withdrawn from this work and rehabilitated.

From an April 2002 Human Rights Report titled “Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador’s Banana Plantations”:

In 1994, according to government estimates, approximately 38 percent of all children in Ecuador between the ages of 10 and 17 worked, or roughly 808,000 children approximately ½ of these children were between the ages of 10 and 14; in the rural sector, roughly 59 percent of children between ages 10 and 17 worked, or approximately 568,000 children. In 1998, another government survey indicated that the percentage of children at work between the ages of 10 and 17 in Ecuador had risen to 45 percent. Child workers were exposed to toxic chemicals, handled insecticide-treated plastics, worked under fungicide-spraying airplanes in the fields, and directly applied post-harvest pesticides in packing plants. They described using sharp tools, including knives, short curved blades, and machetes, and lacking potable water and sanitation facilities. One child described his situation when he was 11: “I went under the packing plant roof until the [fumigation] plane left—less than an hour. I became intoxicated. My eyes were red. I was nauseous. I was dizzy. I had a headache. I vomited.”

Of course nations must be held accountable. But where is corporate accountability?

There are numerous reports that Coca Cola is not taking decisive public action to prevent the killing of union members at its plants in Colombia. You can be certain that if a Coca Cola plant in Colombia found a product defect there, it would call out the dogs. Coca Cola personnel would be on the first plane out of Atlanta and in Colombia doing immediate quality control, figuring out where the problem is and finding a solution. I am outraged there isn't the same response when it comes to credible reports of violence against union leaders and activists in its plants. Is a life worth less than a trademark? A recent investigative report into the closing of a Phillips-Van Heusen Corporation factory in Guatemala by the U.S./Labor Education in the Americas Project found that PVH closed the factory and busted the only union with a collective bargaining agreement in Guatemala in order to shift production to poverty-wage sweatshops that are in flagrant violation of Guatemalan labor law, as well as the White-House-initiated Apparel Industry Partnership code of conduct.

I have many examples of absolutely deplorable working conditions, people who are exploited, people who die at work, many of whom are children.

I will say it one more time: U.S. companies cannot compete with this. More importantly, they should not have to. We ought to at least call upon our trading partners to shape up when it comes to basic worker rights. We ought not be undermining our own economy. We ought not be undermining Americans with this trade policy.

I say to my colleague from Iowa, this is a perfect marriage of values and economics. There are a lot of governments in this world, at least 70, that systematically torture their citizens. If we know this is the case, and we are entering into trade agreements with these nations, shouldn't we at least have a provision in the trade agreement that calls upon them to strive to live up to internationally recognized human rights standards? How can anybody be against that proposition?

When it comes to economics, I will say it one more time, one of the reasons there is so much suspicion about these trade agreements, which can be very good, is that often times they are not in the best interest of working people. Workers in Minnesota understand this and workers across the country understand it. They know they cannot compete against workers who make \$6 a day, or \$3 a day, and who work under deplorable working conditions. They cannot compete a country that lacks respect for basic human rights standards, that lacks respect for basic economic conditions, that doesn't allow people to speak up and call for a different policy without ending up in prison and being tortured.

Colleagues, I have a democracy and human rights amendment on the floor. I am calling on the Senate to be its best. I am calling on us to support these values.

I did not say that, as a condition of trade, we should say to these governments that they must live up to these standards though that is my wish. Instead, I am saying, at the very minimum we make it a priority in our trade negotiations and in our trade relations with other countries to at least call upon those countries to strive to meet internationally recognized civil, political and human rights standards. This amendment ask only that countries try. I urge my colleagues to support it.

I yield the floor.

VOTE ON AMENDMENT NO. 3454

The PRESIDING OFFICER. Under the previous order, the question recurs on the amendment of the Senator from Florida, Mr. NELSON, No. 3454.

The Senator from Montana.

Mr. BAUCUS. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

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

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—60

|           |            |             |
|-----------|------------|-------------|
| Allard    | Domenici   | McConnell   |
| Allen     | Ensign     | Miller      |
| Baucus    | Enzi       | Murkowski   |
| Bennett   | Fitzgerald | Murray      |
| Biden     | Frist      | Nelson (NE) |
| Bingaman  | Gramm      | Nickles     |
| Bond      | Grassley   | Roberts     |
| Breaux    | Gregg      | Santorum    |
| Brownback | Hagel      | Sessions    |
| Bunning   | Hatch      | Shelby      |
| Burns     | Hutchinson | Smith (NH)  |
| Campbell  | Hutchison  | Smith (OR)  |
| Cantwell  | Inhofe     | Snowe       |
| Carper    | Kohl       | Specter     |
| Chafee    | Kyl        | Stevens     |
| Cochran   | Landrieu   | Thomas      |
| Collins   | Lincoln    | Thompson    |
| Craig     | Lott       | Thurmond    |
| Crapo     | Lugar      | Voivovich   |
| DeWine    | McCain     | Warner      |

NAYS—38

|          |           |             |
|----------|-----------|-------------|
| Akaka    | Durbin    | Lieberman   |
| Bayh     | Edwards   | Mikulski    |
| Boxer    | Feingold  | Nelson (FL) |
| Byrd     | Feinstein | Reed        |
| Carnahan | Graham    | Reid        |
| Cleland  | Harkin    | Rockefeller |
| Clinton  | Hollings  | Sarbanes    |
| Conrad   | Jeffords  | Schumer     |
| Corzine  | Johnson   | Stabenow    |
| Daschle  | Kennedy   | Torricelli  |
| Dayton   | Kerry     | Wellstone   |
| Dodd     | Leahy     | Wyden       |
| Dorgan   | Levin     |             |

NOT VOTING—2

|       |        |
|-------|--------|
| Helms | Inouye |
|-------|--------|

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the regular order?

AMENDMENT NO. 3474, AS MODIFIED, TO AMENDMENT NO. 3446

The PRESIDING OFFICER. The regular order is the Grassley second-degree amendment to the Brownback first-degree amendment.

The Senator from California.

Mrs. BOXER. Mr. President, if the Senator will yield, I want to do a unanimous consent request. I have an amendment that has been offered and is pending, amendment No. 3431. That amendment is not germane postcloture, but I do have a germane version of the amendment. The amendment deals with making sure that the truckdrivers who will lose their jobs when we start having trucks coming into this country driven by noncitizens through the NAFTA agreement would be eligible for help.

I ask unanimous consent to substitute amendment No. 3511 for amendment No. 3431 and that it be considered in the same order as amendment No. 3431.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I am not surprised that my friend would object to this. I will simply make one more unanimous consent request, and then I will yield the floor.

I ask unanimous consent that the pending amendments be set aside temporarily so I might call up amendment No. 3511. This would put my amendment that is germane on the list at the end of the list.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object. The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I am very sorry that we can't vote on this issue because I believe truckdrivers, who are some of the hardest working people in this country, are going to be thrown out of work. It is very sad.

Fortunately, I have talked to Majority Leader DASCHLE. He has assured me that we will have a vote on or in relation to this particular issue on the next bill that comes up that is not an appropriations bill.

I am very pleased at that. I thank the majority leader and thank my friends.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President. I rise to support the amendment that Senator GRASSLEY has offered to the Brownback amendment.

On the eve of the President's summit with President Putin, I join my colleagues in recognizing the importance of out ties with Russia and the Central Asian republics. These countries have been very reliable allies in our war on terrorism. They have shared intelligence with us, granted overflight and refueling rights, and cooperated in the stationing of U.S. troops. They also have supported our efforts in the United Nations to undermine terrorist organizations.

All of these efforts warrant our recognition and our gratitude. It is my expectation that President Bush will be conveying the sincere appreciation of the American people for Russia's close cooperation with the U.S. in recent months.

I want to draw attention to a key provision in the resolution. It states that the Senate "supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner."

Title IV of the Trade Act refers to the so-called Jackson-Vanik amendment. In order for Russia to have permanent normal trade relations—PNTR—with the U.S. we have to terminate application of Jackson-Vanik. Granting PNTR will be a requirement when Russia joins the WTO, which may still be a year or more away.

I want to be clear about what we mean when we say that PNTR should

be granted "in an appropriate and timely manner." It means that we should extend PNTR when we have a clear picture of the terms on which Russia will join the WTO.

That is the responsible thing to do. That is how we approached PNTR for China. It also is how we approached PNTR for other Jackson Vanik countries, including Albania, Bulgaria, Romania, Mongolia, Georgia, and Kyrgyzstan.

I look forward to the day when we can welcome Russia into the WTO, along with other countries covered by this resolution. At that time, I hope and expect that Congress will give its strongest backing for PNTR.

AMENDMENT NO. 3474, AS FURTHER MODIFIED, TO AMENDMENT NO. 3446

Mr. GRASSLEY. Mr. President, I send a further modification of my amendment to the desk. The purpose of the modification is to make some changes to satisfy the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment, as further modified, is as follows:

(Purpose: To express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002)

In lieu of the matter proposed to be inserted inset the following:

SEC. —. SENSE OF THE SENATE REGARDING THE UNITED STATES-RUSSIAN FEDERATION SUMMIT MEETING, MAY 2002.±

- (a) FINDINGS.—The Senate finds that—
  - (1) President George W. Bush will visit the Russian Federation May 23-25, 2002, to meet with his Russian counterpart, President Vladimir V. Putin;
  - (2) the President and President Putin, and the United States and Russian governments, continue to cooperate closely in the fight against international terrorism;
  - (3) the President seeks Russian cooperation in containing the war-making capabilities of Iraq, including that country's ongoing program to develop and deploy weapons of mass destruction;
  - (4) during his visit, the President expects to sign a treaty to significantly reduce deployed American and Russian nuclear weapons by 2012;
  - (5) the President and his NATO partners have further institutionalized United States-Russian security cooperation through establishment of the NATO-Russia Council, which meets for the first time on May 28, 2002, in Rome, Italy;
  - (6) during his visit, the President will continue to address religious freedom and human rights concerns through open and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia's revitalized and diverse Jewish community; and
  - (7) recognizing Russia's progress on religious freedom and a broad range of other mechanisms to address remaining concerns, the President has asked the Congress to terminate application to Russian of title IV of the Trade Act of 1974 (commonly known as the "Jackson-Vanik Amendment") and authorize the extension of normal trade relations to the products of Russia.
- (b) SENSE OF THE SENATE.—The Senate—
  - (1) supports the President's efforts to deepen the friendship between the American and Russian peoples;

(2) further supports the policy objectives of the President mentioned in this section with respect to the Russian Federation;

(3) supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner; and

(4) looks forward to learning the results of the President's discussions with President Putin and other representatives of the Russian government and Russian society.

Mr. GRASSLEY. Mr. President, on the eve of President Bush's European visit, it is appropriate to point out how attitudes have changed regarding the President's actions with respect to the Anti-Ballistic Missile Treaty. A little more than a year ago there was widespread concern over President Bush's decision to withdraw the United States from the ABM treaty. Recently there has been a general change of mind. It appears that many of Bush's biggest critics incorrectly guessed Russian President Vladimir Putin's reaction. Instead of renewing cold war tensions by increasing nuclear arsenals, the United States and Russia have continued to strengthen their friendship.

I ask unanimous consent to print a copy of an article in today's Washington Post that underscores President Bush's foresight in dealing with Russia and the ABM treaty.

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

CRITICISM SOFTENS ON ABM MOVE

(By Dana Milbank)

A year ago, on President Bush's first presidential trip to Europe, allies in Western Europe and congressional Cassandras worried about the administration's plan to abrogate the 1972 Anti-Ballistic Missile Treaty with Russia.

They argued that Bush's plans for a missile defense system, at the same time NATO was expanding to Russia's border, would throw the world into a nuclear arms race. "We need to preserve these strategic balances, of which the ABM Treaty is a pillar," said French President Jacques Chirac. German Chancellor Gerhard Schroeder joined Chirac in issuing a joint statement defending the ABM.

As Bush arrives tonight in Berlin for a seven-day overseas trip, European leaders still oppose the White House's policy on issues ranging from Iraq to global warming. But many concede Bush may have been right about Russia and the ABM.

The United States pulled out of the ABM Treaty, and NATO expansion in the Baltic nations is on track. Instead of an arms race and hostility resulting, Bush and Russian President Vladimir Putin became fast friends. They agreed on an accord reducing nuclear weapons and are pursuing new ways to cooperate in commerce, intelligence and defense.

"We were worried a year ago that Bush's position would create a terrible confrontation," a senior German diplomat said. "Maybe we underestimated Putin's creativeness and farsightedness."

Bush loyalists say the administration had a clearer view than Western Europeans did on Russia. Bush, like Putin, understood the conflict had shifted from one of East against West to a new struggle of wealthy democracies against dictatorial regimes and stateless terrorists. Bush also perceived that Putin wished to be on the side of the wealthy democracies.

"It has been a pattern for 50 years that people yell Chicken Little any time we ask the Russians to do anything," said Kenneth Adelman, who ran the Arms Control and Disarmament Agency in the Reagan administration. "It's all been wrong and predictably wrong."

In the new, "asymmetrical" warfare against rogue states, the Russians are allies, Adelman said. "They'll be with us on these issues probably more than France, and they'll be more important. They fear Islamic radicalism, they fear weapons of mass destruction, and they need Western investment and Western ways and means."

Officially, the Bush administration is not gloating. But Bush aides did compile a list of Chicken Little remarks made by politicians and commentators last year. Its title: "Quotes of Criticism on ABM Withdraw and National Missile Defense."

The list, mostly Democrats, includes Clinton national security adviser Samuel R. "Sandy" Berger saying Bush had put the nation on a "collision course" with Russia and NATO allies.

Senate Majority Leader Thomas A. Daschle (D-S.D.) declared: "I believe it would be a grave mistake for the United States to unilaterally abrogate the ABM treaty in order to deploy a robust national defense system. Unilateral actions will trigger reactions all around the world. Those reactions themselves could make our nation less secure."

House Minority Leader Richard A. Gephardt (D-Mo.) vowed to block any missile defense system that violated the ABM Treaty. "Europeans are worried," Gephardt said, saying the administration may "prevent us from seizing a historic opportunity for engagement with Russia."

And former president Jimmy Carter said Bush's missile defense plan, which required abrogating the ABM Treaty, was "technologically ridiculous" and would "re-escalate the nuclear arms race."

One Republican made the compilation. Sen. John W. Warner (Va.) said Bush should leave "some vestiges of the ABM Treaty in place" to assure allies.

Included in the collection of quotes was a press release quoting Washington arms control expert Daryl G. Kimball predicting Bush's missile defense idea and ABM position would "set off a dangerous action/reaction cycle, involving the United States, Russia, and China."

Gephardt spokesman Erik Smith, asked about his boss's old remarks, acknowledged that "the White House has made progress" with Russia. But he said Bush has yet to make progress with Russia on nuclear proliferation, Iraq and dismantling nuclear weapons. "There were several other points . . . that have not been addressed," Smith said.

Kimball was unrepentant about his earlier words. "I stand behind the quote," he said. "The potential for a dangerous action/reaction cycle remains, especially because the Bush administration has failed to lock in verifiable reductions of Russia's nuclear forces."

Bush aids dismiss such concerns.

"What keeps Russia and the United States from going to war today is not the number of nuclear weapons that they have on either side or the Anti-Ballistic Missile Treaty or some outdated notion of strategic stability," national security adviser Condoleezza Rice said. "It's that they have nothing to go to war about."

Mr. GRASSLEY. I move adoption of the amendment.

Mr. REID. Mr. President, I say to my friend, we are still waiting to hear

from one Senator. We should be able to do that momentarily, if he will withhold.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWBACK. Mr. President, I rise to speak briefly on the matter in front of the body, the Grassley substitute amendment on granting Russia and central Asian countries permanent normal trade relations. I am glad we have taken up the resolution itself, the sense of the Senate. It is a positive statement. We should take up PNTR. Otherwise, as I stated last night, I recognize that the votes are not here today to deal with that issue for Russia or some of the central Asian countries, but I want to take this opportunity to address the body on this particular point because we really need to recognize what has taken place and move with some speed in the near future to address this topic because of what is taking place in the world.

I realize we are a body that takes time, and it takes some time and effort to move some of these issues. But look at what has taken place. The President of the United States is going to Russia this week. Last week Russia announced a two-thirds reduction in nuclear missile capacity, an enormous agreement. Last week Russia joined closer and closer to NATO, the very organization that previously had been structured to defend against the Soviet Union. Now the successor organization of Russia is joining closer to NATO.

Jackson-Vanik, that is what PNTR is addressed toward—permanent normal trade relations is not granted until a Jackson-Vanik waiver is granted. Jackson-Vanik addresses the issue of whether you allow free immigration of religious minorities, particularly Jews, out of the former Soviet Union. That is what the particular bill was directed toward. That is taking place. There is no question but that is taking place in Russia. As we look to the future and as we seek to reduce dependence on Middle-eastern oil, Russia and central Asia are going to figure larger and larger into the picture, along with their own domestic production.

I make the point as well that we have granted China PNTR after a long, extended debate about that. Yes, we have granted China permanent normal trade relations. If we look at their human rights record versus that taking place in Russia—you have a number of abuses, a number of people not being allowed to leave China—that is occurring in Russia. But the different standard we are putting forward here is striking.

Even today, there are a number of North Koreans who have gone to China from North Korea, who don't want to go back to North Korea. Yet they are being forced to, by bounties given by the Chinese, to round them up and send them back to North Korea. That is not human rights and religious freedom in China. Yet we have granted permanent normal trade relations with them. I

voted for it. I thought we should because the overall issue is about us engaging these places in the world, engaging China.

Now, clearly, we should be engaging Russia. The President has developed a strong relationship with President Putin. President Putin is leaning forward a long way with his country in engaging the West in a remarkable fashion—a fashion that I think anybody here would have to say is nothing short of miraculous, about how far forward he is taking his country in a short period of time in working with the West. These are breathtaking results, really.

The notion that we would hold up and be slow about an issue of permanent normal trade relations when we granted it to China, which has missiles pointed this way, has human rights abuses, and is selling weapons technology to rogue regimes around the world—it is striking that it would be different.

As far as central Asia—and that is what else was in the base bill. In Uzbekistan, we have troops. In Kazakhstan, we have troops. In Azerbaijan, we have landing rights. In Armenia, Armenian Americans are seeking development. What we are talking about with PNTR is the ability of having normal trade relations with this country so they might grow with us.

Realizing the votes are not here today to grant PNTR to these countries, I think it is time we pick up the pace on doing this because of the speed of events taking place, and it is so important that we engage these areas. Hopefully, in the near future, we will reduce our dependence on oil in the Middle East and have more coming from U.S. domestic sources and countries such as Kazakhstan and Russia. There will be a closer economic tie that should be basic in the relationship.

We need to send a strong message of support from the United States to the Russian Duma and President Putin that we deeply appreciate and agree with the actions he has taken on behalf of Russia last week. He did incredible things last week. We are doing a sense of the Senate. It is a positive statement. We should do that. It is a right sort of statement for us to make to Russia. It pales in comparison to what the Russians have done themselves. All we are asking is that we put forward basically a normal trade relationship between the United States and Russia—a country that seeks to grow much closer to the United States. We should encourage that with a great deal of speed and effort on our part.

So I rise in support of the Grassley substitute for Russia and central Asia. The central Asian and south Caucasus nations are a part of this. We should be granting PNTR and engaging as they are with us. They are frontline for us in the war on terrorism. They were in the Afghan conflict when our men were based out of Uzbekistan to go into Af-

ghanistan. Without them, we would have a great deal of difficulty. This is a modest proposal for us to move forward. I support the Grassley substitute. I hope we can be more forward-leaning ourselves in engaging central Asia and Russia in this overall effort. I support the Grassley amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, 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. 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.

AMENDMENT NO. 3467

Mr. WELLSTONE. Mr. President, I am going to try to make the most efficient use of time. When colleagues are ready to do some other work, I will certainly be pleased to yield the floor. There is no surprise here. I say to Senator GRASSLEY, as I said to the Senator from Montana, I am going to speak for a few minutes. When we are ready to get back to business, I will be pleased to yield the floor. This is no 5-hour speech that I have planned right now.

Mr. President, I want to one more time discuss the human rights and democracy amendment. For the life of me, I actually do not understand the basis of opposition.

In the legislation before us, there is a listing of objectives. Believe me, one of the objectives is to do everything we can to protect property rights, to do everything we can to make sure patents are protected—you name it—intellectual property is protected. Fine.

What this amendment says is one of the listed goals of trade policy ought to be the promotion of human rights and democracy. It should be one of our goals. We should list this as a goal of trade policy and then call upon our trading partners to strive to meet these standards.

I want to say in not the hardest hitting way but in a little softer way at first that this is the greatness of our country. We should lead with our values. We should be promoting human rights in the world.

I gave examples of any number of different countries right out of our own State Department report where governments systematically torture citizens, where people who dare to speak up and challenge a government are imprisoned, where people who dare to organize a union to make better wages and support their families wind up in prison. There are at least 70 governments in the world that systematically still use torture against their citizens.

I am saying that I think it would make us a better Senate and would make each Senator a better Senator if we would say one of our goals—that is all this says—should be the promotion

of democracy and human rights and that we should at least call upon our trading partners to strive to meet internationally recognized civil, political, and human rights.

I do not understand the opposition. I know we are now in a situation where cloture has been invoked—this is a germane amendment—where we have a limited amount of time. That is why I came to the Chamber now. Other Senators have amendments, and I do not want to crowd out their amendments, but I certainly would like the opposition at some time before a vote to explain the basis of a “no” vote.

I believe as a first-generation American Senator from a human rights State, Minnesota, which has always been at the forefront in promoting human rights and has always been at the forefront in promoting democracy—and, by the way, many refugees who have fled persecution have come to Minnesota—I do not understand why the Senate would not go on record with a 100-to-0 vote that one of the goals of our trade policy should be the promotion of human rights and democracy and that we would call upon our trading partners to strive to meet those goals.

Haven't we read about enough reports dealing with deplorable child labor conditions? How many more children need to die? How many more brave men and women need to be tortured? How many working people in these other countries need to wind up in prison? How many workers need to die at an early age because of the carcinogenic substances they work with because there is no protection, and if they dare to speak out, they wind up in prison?

How many more men and women in our country are going to have to lose their jobs because we have no trade agreements that call upon governments to live up to these standards?

This is a values vote, and it is a working family vote. It is a values vote because we should lead with our values, and we should at least vote to make this a goal of our trade policy.

My colleagues know me. This is my pragmatic best. This is the most pragmatic language I can come up with: That we should list human rights and democracy as a goal and call upon our trading partners to strive to meet that goal.

Now, to be more serious, we should lead with our values. This is what I love about our country: Promoting human rights. I am in awe of the men and women I have met in my life. I do not know how they do it. You live in some of these countries, and you dare to speak up when you know it is not just that you might be rounded up and tortured—here is what is worse, Mr. President, here is how these governments silence citizens: They threaten that they will round up your children or your wife, your husband, your loved ones, and they will be tortured or they will be raped or they will be murdered.

I am saying today in this Chamber that we ought to at least vote to make a goal of our trade policy respect for human rights and democracy.

My second point is a working family point. I am positive that the families I represent with this vote are not lobbying furiously because they are not usually the ones with that much clout. The vast majority of people in our country and the vast majority of people in Minnesota are absolutely for good trade policy, but I think people would like some reassurance that we would strive in our trade agreements with other countries to establish some goals where they do not get put out of work because they are competing with a 13-year-old who has to work 19 hours a day at 30 cents an hour. It is not good for that 13-year-old, and it is not good for workers in our country.

I see colleagues in the Chamber. I will not belabor the point, but I will come back to this again. Frankly, I think opposition to this amendment, unfortunately, tells a larger story about what is profoundly wrong with this legislation. Legislation that does not establish that goal and is afraid to speak out on promoting the goal of human rights and democracy in the world is legislation that does not deserve support. I hope there will be support for this amendment.

I yield the floor.

ORDER FOR RECESS

The PRESIDING OFFICER. The acting majority leader.

Mr. REID. Mr. President, I ask unanimous consent that between 4:30 p.m. and 5:30 p.m. today, the Senate stand in recess and that the hour away from the Senate will be counted against the 30 hours postcloture. The reason for this is that Secretary Rumsfeld is here for a secret briefing and all Senators should go to it.

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

AMENDMENT NO. 3474, AS FURTHER MODIFIED

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I urge adoption of the Grassley second-degree amendment to the Brownback amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 3474, as further modified.

The amendment (No. 3474), as further modified, was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3446

The PRESIDING OFFICER. Is there further debate on the first-degree amendment, as amended?

If not, the question is on agreeing to amendment No. 3446, as amended.

The amendment (No. 3446), as amended, was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. 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. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, I have spoken to the managers of the bill. What we would like to do now is move off the Dorgan amendment No. 3442. Senator DORGAN is going to be here momentarily to deal with that amendment. We would like to move off that and move to amendment No. 3443, the amendment of Senator REED.

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

AMENDMENT NO. 3443

Mr. REID. It is my understanding now that we are on this amendment, the Senator from Rhode Island wants to ask unanimous consent for something. After having done that, we will deal with his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I have an amendment that is now pending that, prior to the cloture vote, would have been in order for consideration, but after cloture, at this point I ask unanimous consent I be allowed to substitute another amendment which is in order for consideration if accepted by the body.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Mr. President, I appreciate the point that has just been made. My amendment, if I was allowed to proceed, would have dealt with the issue of secondary workers, providing them the same types of protections which are available to workers in facilities that are directly affected by trade actions. This is an amendment that is cosponsored by Senator BINGAMAN, the Presiding Officer, Senator CORZINE, and others. It comes directly from the original legislation that Senator BINGAMAN submitted, S. 1209, which recognizes that the effects of trade are not discretely limited to individual companies but also affect those vendors, suppliers, and workers who support that company. I think that is a principle that is beyond debate.

When a factory closes, it is not just the factory workers, it is the truckers, it is the tradesmen who work in that facility who very often see their livelihoods completely exhausted by the effects of trade.

As a result, this legislation was originally proposed by Senator BINGAMAN. It was part of the proposal Senator DASCHLE made. It was part of the discussions. Unfortunately, regretfully, and I think unfairly, it was deleted from the provision which is in the underlying bill.

As a result, I would have offered either the substitute amendment or, indeed, would offer the amendment now which would have included the effects of the trade adjustment benefits for those secondary workers. Again, I think it makes quite a bit of sense.

Our definition of a secondary worker is someone who must have supplied a service or contract to the firm that has been certified as going out of business due to the direct effect of international trade. Perhaps the most compelling examples are those individual teamsters who service businesses that might, in fact, go out of business because of trade. They, too, lose their livelihood.

I know my colleague, Senator BOXER of California, has offered an amendment that deals directly with the issue of truckers and teamsters. My amendment would apply to any worker who could validly make the claim of being, as I said, by contract or some relationship, related to a factory that is being closed down.

The point I should also make is this provision would only give the workers or their representatives the opportunity to apply for these benefits because they have to be certified. It has to be shown that they have lost their job because of the effects of trade. The certification process, as we all know, is a rather difficult one. It is not presumed. It has to be proven. In this context, we are not opening up the floodgates. We are merely giving people who have lost their livelihood because of trade a fair chance.

The most compelling point I urge in this whole area is we did precisely this under the NAFTA agreement. We provided for TAA benefits for workers, secondary workers, who were affected by the NAFTA agreement.

So I urge very strongly that we overlook any of the procedural impediments and go to the heart of this matter. Give secondary workers the same rights as those factory workers who might lose their jobs because of the adverse effect of trade.

We can do that by accepting the Reed-Bingaman-Corzine amendment. We can do that as we did in NAFTA and give all workers who have lost their jobs because of trade the benefits of the TAA assistance that has been provided on a limited basis in the underlying agreement.

I urge my colleagues to support this effort.

At this time I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3442

Mr. REID. I ask we return to the regular order, which I understand is the Dorgan amendment.

The PRESIDING OFFICER. The Senator has that right. The regular order is amendment No. 3442.

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

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

Mr. DORGAN. Mr. President, the pending business is amendment No. 3442; am I correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3442 WITHDRAWN

Mr. DORGAN. Mr. President, I offered this amendment prior to the cloture vote. I understand a point of order would lie against it postcloture because it is not germane postcloture. I will withdraw it because I do not think at this point the amendment would survive the vote because it is not germane. But I am, frankly, surprised. The first amendment I offered prevailed here in the Senate on a rather significant vote.

This amendment is an interesting amendment. It is very simple. Those who come to the floor of the Senate and talk about trade normally turn the volume up a bit and talk about how this country needs to be able to compete, that we need to be able to do so around the world.

Let me talk about competition for a second and what this amendment is about.

We had an investigation with respect to Canadian wheat. It has flooded into this country unfairly. It has done so for years following the United States-Canada Free Trade Agreement. In fact, that flood, that avalanche of Canadian grain, was in contravention to an agreement that Mr. Yeutter put in writing to the Congress saying: This won't happen. The representation of good faith on both sides of the border post-United States-Canada Free Trade Agreement means we will not have a significant change in the flow of grain across our border. He put that in writing to the Congress.

Guess what happened. That trade agreement was approved—not with my vote. I voted against it. But instantly we had an avalanche of unfairly traded grain coming into this country. Did anyone lift a finger to do anything about it? We have had all of this discussion about helping the American farmer, but no one was willing to lift a finger to do anything.

The farmers had to put their own money together in a 301 investigation that went through the ITC and the U.S. Trade Representative. The U.S. Trade Representative and the ITC concluded that Canada is guilty of unfair trade. It hurt our farmers. So the judgment was guilty.

What is the remedy? The remedy is we are going to say you had better

watch it. We are not going to do anything about it. There is no trade remedy, no sanction, and no tariff quota—no nothing.

Here we are. The farmers spent their money in a section 301 action. They won. Canada is guilty of unfair trade and is taking money right out of family farmers' pockets. And we have people prancing around the floor of the Senate talking about we ought to be able to compete anywhere in the world as long as the competition is fair. It is not fair. It has been judged to be unfair. Yet we can't get a trade remedy.

Why is the ambassador unwilling to stand up for family farmers? The trade ambassador stood up for steel. He stood up for lumber. Why is he unwilling to stand up for family farmers and propose a remedy—for example, a tariff quota? Why? Does anyone have an answer to that? I don't think so.

So I offered the softest possible amendment. I offered that precloture. The amendment I understand now postcloture will fall on a point of order. So I shall withdraw it.

But the amendment is very simple. Anyone who says they stand for family farmers ought to support this amendment. It simply says we want the trade ambassador to report back to the Congress within 6 months, telling us what his remedy is going to be for the judgment that has already been rendered that Canada is guilty of unfair trade, yes, unfair trade, and shipping an avalanche of unfairly subsidized Canadian grain into our market at secret prices by a state-sanctioned Canadian Wheat Board which is a monopoly that would be illegal in our country, and also underpricing us in other markets, particularly northern Africa and other places where we have been injured in international trade in other markets.

My amendment simply says the ambassador shall report back to the Congress within 6 months the specific proposed trade remedy that will be administered on behalf of the American farmers who have already been able to achieve through their own filing of a 301 case and through the use of their own money to bring a case and get a guilty verdict against the Canadians.

One is going to ask—and farmers certainly should ask—of what value is it to have a trade remedy if at the end of the day it is judged that farmers are victims of unfair trade and our trade authority? Our legislators say, by the way, the perpetrators of this unfair trade shall not have to bear any responsibility or any burden or be on the receiving end of financial sanctions.

I just do not understand it. I do understand what is going on with respect to the fast-track trade agreement, which I don't support. The effort here is to try to tighten it up, like putting a big tarp on a big truck. You tighten the rubber bands around it, hook it altogether, don't let any wind in, and drive it through as fast as you can.

That is what this is all about. It is good for those who do it.

After this particular legislation is enacted, they will see another increase in America's trade deficit. In every single circumstance in the last 15 years when we bragged about forcing open foreign markets, and when we passed fast-track trade authority and negotiated another trade agreement, our trade deficit increased, yes, with Europe, with Mexico, with Canada, with Japan, and with China. In every single circumstance, that trade deficit is on a relentless path upward. Everybody knows it.

Therefore, while everyone is sitting around saying let us ignore this huge, growing tumor called this trade deficit, over \$1 billion a day, every single day, 7 days a week represents the trade deficit. Over \$1 billion every day is the amount of goods we bring into this country which exceeds the amount of goods we ship out. Somebody is going to have to pay for that.

I used to teach economics in college. I have told my colleagues many times. But I have been able to overcome that experience and do other things in life as well. But what we taught in college in the field of economics was that you could explain a budget deficit by a deficit that you owe to yourself. That is a plausible explanation. Under the U.S. fiscal policy, a budget deficit is money we owe to ourselves. You cannot make a similar explanation with respect to the trade deficit. The trade deficit is money we owe to others. It will be someday, in some way, paid for by a lower standard of living in the United States. That is inevitable and is not debatable.

The question is: When are we going to care about the trade deficit? When does an American trade deficit of \$440 billion-plus begin to matter to our country and to our economy, and, yes, to the children who will inherit that and will have to pay others around the world to settle that trade deficit? Part and parcel of that trade deficit are the trade circumstances in which our producers and our workers are victimized.

One instance of that is America's farmers who produce this grain and lifestyle and find themselves victimized by unfair trade. It is admonished by politicians of virtually every stripe that it is important for them to go forward and to compete: You must compete. You must be competitive. We can be competitive anywhere in the world. I am convinced of that. But you can't do it with one hand tied behind your back. You can't do it with rules that aren't fair, especially with respect to grain.

The judgment is already in. The ITC and the U.S. Trade Representative have already said our farmers are victims of unfair trade. It is just that the remedy is nonexistent.

Unfortunately, I am not able, apparently, to put on this piece of legislation a very simple amendment that would ask the Trade Representative within 6 months to report back a remedy by which people stand up for and

support those who are victims of unfair trade with Canada; that is, family farmers and family ranchers across this country.

I regret that. But then there will be other days and other ways to address this issue. This is the place to have addressed it. This is a trade bill. This is the place, and this is the time to have addressed this issue on behalf of family farmers.

I regret that we could not get the 60 votes necessary to overcome the point of order postcloture to stand up for family farmers on this matter. As a result, I will ask consent to withdraw the amendment, and I make such a request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

AMENDMENT NO. 3474, AS FURTHER MODIFIED

Mr. BIDEN. Mr. President, we just adopted, I understand by UC, a sense-of-the-Senate resolution that relates to Jackson-Vanik. With the permission of my colleagues, I would like to speak to that for just a few minutes.

The sense-of-the-Senate resolution proposed by Senator GRASSLEY reinforces a commitment that I support, which is to extend all efforts to expand our relationship with Russia.

Russia has taken very significant steps toward working with NATO, cooperating with us against terrorism in central Asia and the north Caucasus, providing a stable world oil market, and opening up its domestic markets.

But we have to keep in mind that while Russia, under President Putin, is moving toward greater acceptance of the rule of law, free trade, and a market economy, it is not there yet.

It hopes to join the World Trade Organization, it is seeking foreign investment, and it is working to revise its legal and business structures toward those ends. But it still falls by the wayside on significant points.

Most visibly, on March 1 of this year, Russia imposed an unexpected and arbitrary embargo on imports of U.S. chicken parts, causing serious grief and economic loss to an industry.

Now, chickens and chicken parts are a multibillion-dollar industry, bigger than most of the industries in most of your States. And it is a big deal in my State.

While I appreciate the worldwide problems of finding common health standards, the timing, as well as the arbitrary and sudden imposition of Russia's ban, indicates that political and financial reasons, not the claimed health reasons, were the cause. They came up with a specious argument.

After some intense negotiations and the President basically telling the Russians, "Hey, look, if you want to play in the world of international trade, you have to play by the rules. You have to be fair"—they went ahead and "lifted" the embargo, which was specious from the outset. When they lifted the embargo, though, they lifted it only in principle. The Russian bureaucracy, with or without the approval of the central authorities, continues to delay and limit imports of chicken parts.

Let me explain what I mean. You have to have an importer in Russia to accept the chickens when they get there. They changed the law, and said no more embargo, but—guess what—all importers have to get new licenses. Now we cannot ship from Delaware, Allen Chickens or Perdue Chickens or Tyson Chickens, any chicken parts to Russia unless we are sending them to someone who is going to accept them.

You have to have an importer's license. Guess what. If you lift an embargo, but if you limit or do not give a license to somebody with whom I can deal, then I am still out of the market.

Now, Russian officials and Russian parliamentarians and members of the Russian Senate are very frank with me in my meetings. They have said that the reason this is the way it is, is pure bribery—pure, unadulterated bribery and that the oligarchs have a piece of the action.

There are only a couple of chicken outfits in Russia. I am serious, I am not joking about this. As long as imported chicken parts do not come in, the price of chicken goes up. The oligarchs, who own and purchase those chickens, those chicken dealers—what happens? make money. As long as they can keep this dragging on, they are making money.

So, in my view, it is possible that this isn't something that is being coordinated at the highest levels. But the bottom line is that responsible governments have to react.

Last year, Russia imported \$630 million worth of chickens from the United States—8 percent of all U.S. poultry exports. Russian suppliers have not been able to fill that gap, and as a result, many Russian consumers, mostly pensioners who cannot afford the higher prices for Russian chicken, are suffering. Right now, other countries are moving in to take over this lucrative market from our own U.S. suppliers. This move is a direct contradiction to Russia's professed desire to join the world community of fair trade practices and a slap at our efforts to work with Russia in gaining accession into WTO.

As everyone in this Chamber knows, I am a strong supporter of good relations with Russia and its President, the first leader since Peter the Great to look as far west as he has.

I support and commend every effort the administration is making to support good working relations with Russia, including the discussion that will start in Moscow tomorrow.

I met with Condoleezza Rice before they left for an extended period of time to discuss this. I am chairman of the Foreign Relations Committee. I have been one of the guys criticized on this floor for being too supportive of Russia. But before I can support taking steps, of any form, to lift trade limits on Russia, I want to make sure they have their act in order, and make sure Russia's commitment to fair and open trade and the rule of law is in the works.

Now, look, let me make something clear to you: You put a ban on American chicken. You then lift the ban. You then make it difficult or impossible to get a license to move in, but you give other people licenses to move in. We lose the market.

This is not like the drug companies in the State of my friend from New Jersey, or the drug companies in my State of Delaware. If they put a ban on our stuff, we have patents, so they can't get it from anywhere else. We don't lose the market. We lose the profit margin. We lose the market temporarily, but we don't lose it permanently.

This is a big deal. This is a multibillion-dollar deal, over time, to us. So I want to let everybody know, I can either be Russia's best friend or worst enemy. And if they keep fooling around like this, they are going to have me as their worst enemy.

This resolution expresses a sense of the Senate that supports terminating the application of Jackson-Vanik to Russia in an "appropriate and timely manner." I am the guy who has been pushing that for a year—when the Russians are acting appropriately.

But I tell you what. In my view, it will only be appropriate to act on such legislation when it is clear that Russia is living up to its bilateral trade agreements and arrangements with the United States. I am not talking about trade disputes. I am not talking about legitimate trade disputes. I want them not only to live up to the letter of the law, but to the spirit of the law. Only then, only when we can be sure Russia is committed to adhering to commitments already made, should we graduate Russia from Jackson-Vanik, which in principle, I think we should.

I am convinced we will be able to do that because I am convinced that President Putin has gotten the message. And I was told personally that the President of the United States of America is going to raise this issue. Tomorrow it begins. He is going to raise this issue personally with the President of Russia.

So I will be happy, at the appropriate time, to be one of those who moves for Russia's graduation out of Jackson-Vanik. But I am not going to do that, as one Senator—and I think the chairman of the Finance Committee—unless the Russians begin to act appropriately.

I thank my colleagues for their indulgence, and 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. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, the managers are trying to work out a number of things on this most important issue of postcloture. During the next hour we will work on that.

#### RECESS

Mr. REID. I ask unanimous consent the recess previously scheduled begin right now.

There being no objection, the Senate, at 4:24 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

The PRESIDING OFFICER. The majority leader is recognized.

#### UNANIMOUS CONSENT REQUEST— S. 2538

Mr. DASCHLE. Mr. President, Senator KENNEDY and I are going to be involved in a colloquy for a couple of minutes as we await another amendment. It pertains to the minimum wage. I will have a unanimous consent request that I will propound in a moment.

As we are debating new trade practices, we must not forget important protections for America's workers. Many of these protections are addressed through the Trade Adjustment Assistance Act, but for the last 60 years there has been another important protection for workers, and that is the minimum wage.

It has now been over 6 years since Congress voted to increase the minimum wage. In that time, the cost of living has increased 12 percent while the real value of the minimum wage has steadily declined. In fact, by 2003, all of the gain achieved through the last increase will have been wiped out.

Today, minimum wage employees working 40 hours a week 52 weeks a year earn only \$10,700—more than \$4,000 below the poverty line for a family of three.

In the last 6 years, the purchasing power of the minimum wage has deteriorated to near record low levels. Teacher's aides and health care workers are among the hard-working Americans who are unable to make ends meet on a \$5.15 per hour wage.

In fact, the current minimum wage does not provide enough income to allow full-time workers to afford adequate housing in any area of the country. In my State of South Dakota, the minimum wage is hardly enough for a family to make ends meet.

According to the National Low-Income Housing Coalition, a minimum wage earner can afford a monthly rent

of no more than \$268. In South Dakota, a worker earning the minimum wage must work 79 hours a week in order to afford a typical two-bedroom apartment. In fact, estimates show that for a worker to be able to afford a two-bedroom apartment in South Dakota, they would have to earn \$10.12—nearly 200 percent of the present minimum wage.

That is why we need to pass Senator KENNEDY's new minimum wage legislation. It would provide a \$1.50 increase over the next 2 years. This is the least we can do, and it is long overdue.

By increasing the minimum wage by \$1.50, working families will receive an additional \$3,000 per year in income. While this increase would not be enough to lift the family of three above the poverty line, it would provide the resources to buy over 15 months of groceries, 8 months of rent, 7 months of utilities, or tuition at a two-year community college. The reality is that American workers are working harder and harder for less and less.

It is time for Congress to address the needs of America's working families. It is time to act and raise the minimum wage.

Mr. KENNEDY. Mr. President, I wonder if the majority leader would be kind enough to yield for a few questions.

Mr. DASCHLE. Mr. President, I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, now we are dealing with the trade bill which will provide benefits, obviously, to many corporations. We also ought to think of the workers, especially those workers at the bottom rung of the economic ladder.

I listened with interest to the Senator from South Dakota. As the Senator pointed out, if we fail to increase the minimum wage, which has not been increased in 6 years, the purchasing power of the minimum wage will near an all-time low.

All we are trying to do is bring it up a little bit, which would be generally below what the average has been over recent years.

Is the Senator aware that if we fail to act with an increase in the minimum wage, it will be virtually at an all-time low if we don't act this year?

Mr. DASCHLE. It is not as well known as I wish it were. But how ironic it would be if in the same Congress that passed tax breaks for those at the very top—tax breaks worth \$50,000 a year to those in the top 1 percent—we could not do something to address the needs of those at the lowest end of the income scale.

I certainly appreciate the graphic depiction of the trend of the minimum wage which the Senator from Massachusetts has outlined. That is the whole idea behind this legislation.

Mr. KENNEDY. I would like to ask the Senator a further question. Does the Senator not agree with me that for years this body—Republicans and Democrats—thought that people who

worked 40 hours a week, 52 weeks of the year should not have to live in poverty in the United States? Does the Senator understand now that the minimum wage is well below the poverty line for working families?

Some will say we have an earned-income tax credit. But still the fact is for a single mom, or even for families of three, they are still well below the poverty line.

Does the Senator not agree with me, as I believe most Democrats do, that work ought to pay and that those individuals who work 52 weeks of the year, 40 hours a week should at least be at a poverty line, not a living wage even, but a poverty line?

Mr. DASCHLE. Mr. President, the answer to that would be emphatically yes, especially given the stated desire of Members of Congress who have passed welfare reform. The whole idea behind welfare reform was to make work pay, to make work more palatable than welfare. But it is hard for me to understand how a head of household can see how work pays when they are working for the minimum wage, 52 weeks a year, 40 hours a week and earning only \$10,700 a year.

That is why we have people in South Dakota—and I am sure in Massachusetts—working two and three jobs. That is why we are concerned about the pressures on families these days. It is hard to raise children, and it is hard to address all of the other familial responsibilities if you are working two and three jobs a week in an effort to rise above that poverty line that the Senator's chart illustrates.

Mr. KENNEDY. Of course, I believe the increase in the minimum wage is a women's issue because the majority of those earning the minimum wage are women. It is a children's issue because so many of those women have children. It is a civil rights issue because great numbers of those who receive the minimum wage are men and women of color, and it is a fairness issue.

In looking over the historic increases that have been enacted by the Congress since 1956, the proposal is an increase of \$1.50—60 cents the first year, 50 cents the next year, and 40 cents. This represents in the bar chart what the percentage increase would be going back to 1956. It will be actually one of the lowest over the period of the next 3 years.

When the Senator propounds his unanimous consent request, we will probably hear those who will say this is new legislation when we talk about an increase in the minimum wage. We haven't had a chance to study it. This is something that sort of takes us by surprise.

Will the Senator not agree with me that this issue is as old as the 1930s, effectively, when we first enacted the minimum wage, and that this proposal of \$1.50 over 3 years is actually a very modest proposal indeed?

Mr. DASCHLE. The Senator is absolutely right. Not only is it modest but it is overdue.