restating the existing commitment of both countries to environmental protection and the ILO's core labor standards, neither imposes new standards nor bars change or reform of national laws as each country sees fit.''

Ambassador Michael Smith, former Deputy United States Trade Representative and the first American Ambassador to the General Agreement on Tariffs and Trade, testified that ''Articles 5 and 6 [of the Jordan FTA] as written are largely fluff, open to widely differing, even if plausible, interpretations and, as such, causes for possible unfortunate differences between Jordan and the United States in the years ahead as the agreement is implemented. Articles 5 and 6 do not advance the ''cause'' of either international environmental or labor affairs and add only confusion to what should be a straightforward free trade agreement. Indeed, the only result I can foresee is countries adopting lower environmental and labor standards for fear of themselves being unable to effectively enforce higher standards hardly a desired result.''

During the hearing it became clear that labor and environment provisions, and their relationship to the dispute settlement procedures established in the Jordan FTA, are highly controversial. A number of groups, including the American Farm Bureau Federation and the U.S. Chamber of Commerce, strongly opposed including the labor and environment provisions in the Jordan FTA without some clarification from the Administration that these provisions would not be implemented in a trade restrictive manner. Many members of the Republican party, including myself, shared these concerns. Had the U.S. Government not agreed to side letters with the Hashemite Kingdom of Jordan, clarifying that these and other provisions would not be implemented in a manner that results in blocking trade, it is highly likely that the agreement would not have gained the support of the Republican caucus in the Senate, and may not have passed the Senate at all. And, if the proposed agreement had not been with our good friend and ally Jordan, side letters may not have been enough.

I think this represents an important political reality which the Administration must gauge in entering into new free trade agreements. Almost 90 percent of the Republican Caucus in the House and Senate supported passage of Trade Promotion Authority. In contrast, only 12 percent of the House Democratic Caucus and 40 percent of the Senate Democratic Caucus supported the bill. And the price for that support was high. Clearly, if future free trade agreements are going to pass Congress, the strong support of the Republican caucus will be key.

In short, I am deeply concerned that some advocacy groups and Members of Congress are pushing the Administration to adhere to a highly controversial and vague ''Jordan Standard'' which does not have the strong support of the Congress and that is not clearly reflected in the Trade Promotion Authority negotiating objectives. While the labor, environment, and dispute settlement negotiating objectives in the Bipartisan Trade Promotion Authority Act are loosely based on provisions found in the Jordan Free Trade Agreement, there is clearly a distinction between the two. In implementing the will of Congress as embodied in the Trade Promotion Authority Act, it is critically important for the administration to keep this distinction in mind if future agreements are to gain the support of myself and other strong supporters of free trade in the Congress.

Before I conclude I would like to talk about another important development in U.S. trade policy. Last week, for the very first time, the bipartisan, bicameral Congressional Oversight Group, COG, met with Ambassador Zoellick to discuss pending and future trade agreements. The COG was created by the Trade Promotion Authority Act to provide an additional consultative mechanism for Members of Congress and to provide advice to the U.S. Trade Representative on trade negotiations.

The COG is comprised of: the Chairmen and Ranking Members of the Finance and Ways and Means Committees; three additional members from the Senate Finance Committee, no more than two of whom may be of the same political party; three additional Members of the House Ways and Means Committee, no more than two of whom may be of the same political party; and the chairman and ranking member or their designees of the committees of the House or Senate which would have, under the Rules of the House or Senate, ''jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress.''

The purpose of the COG is to ''consult and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.'' In addition, each member of the COG is to be accredited as an official adviser to the United States delegation in the negotiations. However, those Senators or Members who are Members of the COG because they are the chairman or ranking member of a Committee which has ''jurisdiction over provisions of law affected by trade negotiations'' are to be accredited as advisors only on those provisions which would fall under their Committee's jurisdiction.

The TPA bill makes it clear that the COG is a mechanism for enhanced consultations and that it is not designed to serve as a referendum on new agreements or on particular negotiating positions.

I am pleased to report that our first meeting was a great success. A number of Senators and Members of the House from both political parties attended the meeting, including the chairmen and ranking members of both the Senate Finance and House Ways and Means Committees. During the meeting Ambassador Zoellick expressed his strong support for enhanced consultations and his keen interest in meeting with the COG on a regular basis. I certainly would support his enthusiastic efforts.

The TPA bill also requires the chairmen and ranking members of both the Finance and Ways and Means Committees to establish guidelines for the exchange of information between the Congress and the Executive branch. I plan to work diligently to ensure that these guidelines are feasible and that the resulting exchange of information is meaningful.

With the passage of the Bipartisan Trade Promotion Authority Act of 2002, we begin a new phase in the history of U.S. trade policy. Although the bill contains some new buttons and bows, the underlying premise of the bill remains the same as it was decades ago to give the administration the tools it needs to liberalize trade and create new opportunities for America's farmers, ranchers and workers. As the Ranking Member of the Senate Finance Committee, I intend to ensure that the Trade Promotion Authority Act is implemented in a manner that does just that.

VISIT OF TAIWAN'S FIRST LADY CHEN WU SUE-JEN

Mr. ROCKEFELLER. Mr. President, Washington is graced this week by the visit of Madame Chen Wu Sue-Jen, the First Lady of Taiwan and a distinguished humanitarian and advocate for human rights. Mrs. Chen has worked tirelessly to promote human rights and democratization on Taiwan. In tandem with her husband, President Chen Shui-Bien, Mrs. Chen has worked to open up the Taiwanese political system and ensure that the Taiwan Government reflects all its citizens' views and interests. Taiwan's democracy serves as an model to Chinese-speaking people around the world, and as compelling evidence that human rights and democracy are truly universal aspirations.

The struggle for democratization is never quick or easy, and in Mrs. Chen's case, it led to very personal sacrifice. When leaving a campaign rally in 1985, she was hit by a vehicle that left her paralyzed from the waist down. While some might view that as a justification to withdraw from public life, in the case of Mrs. Chen, it only reinforced her commitment to public service, and she went on to serve with distinction in Taiwan's legislature. Her experience has also given her a profound sense of identification with the disabled, whom she has worked as First Lady to support. While here in Washington, Mrs. Chen will meet with the Red Cross and the National Rehabilitation Hospital

to discuss the work she has done in Taiwan to promote the rights of the disabled.

It has been pointed out that Mrs. Chen's visit is the first visit by a First Lady of the Republic of China since Soong May-ling, better known here as Madame Chiang, traveled to Washington to ask for U.S. support in 1943. Since that turbulent period, America has maintained close ties with the Republic of China. The United States has had, and will continue to have, a unique partnership with Taiwan, and the people on Taiwan should remain assured that they have no better friend than the United States.

But this week's historic milestone also marks a good opportunity to reflect the vast distance the Republic of China has traveled between 1943 and now. Today when Taiwan talks with the United States, it does so as a vibrant democracy, a flourishing economy, a major trading partner and investor in the United States, and an important partner of the U.S. in our efforts to preserve peace and stability in East Asia.

There is no better reflection of today's Taiwan than this dedicated woman who embodies so many of the positive changes that have occurred on the island. This week's visit will give Americans an opportunity to deepen their understanding of Taiwan by meeting with one of its most accomplished and articulate representatives. It gives me great pleasure to welcome my friend, Madame Chen Wu, to Washington. I urge my colleagues to take this opportunity to get to know her, you will be glad you did.

Mr. MURKOWSKI. Mr. President, I welcome Taiwan's First Lady, Madame Chen Wu Sue-jen, to Washington, D.C. and remark on her considerable accomplishments. As many of my colleagues are aware, Madame Chen Wu was paralyzed from the waist down after being hit by an automobile in 1985, and is permanently confined to a wheelchair. Despite this tragic event, Madame Chen Wu has persevered.

In 1986, when her husband, now President Chen Shui-bian, was imprisoned on political charges, Madame Chen Wu ran on her husband's behalf for a seat in the national legislature—and won. Since then, she has played a crucial role as confidant and supporter to President Chen as he progressed from legislator to Mayor of Taipei and now in this current office.

The courage and optimism Madame Chen Wu demonstrates, in spite of her physical limitation, serves as a source of inspiration for all. Continuously upbeat in life, Madame Chen provides tremendous support to all who know her. Her strength of character has done much to transform the role of Taiwan's First Lady.

So, it is with great pleasure that I welcome Madame Chen Wu to the United States, to Washington, D.C., and am confident that her visit will only serve to strengthen U.S.-Taiwan relations.

Mr. SMITH of New Hampshire. Mr. President, I rise to speak about Taiwan's First Lady, Madam Chen Wu Sue-jen, who is visiting Washington this week for the first time in her capacity as First Lady. As a dear friend of Taiwan, and on behalf of my colleagues in the United States Senate, I would like to welcome Madam Chen Wu to Washington. I hope her visit is pleasant and productive.

Mr. President, Madam Chen Wu is truly a delightful and remarkable lady. I am in awe of her courage in the face of adversary. I am especially moved by her refusal to allow being a victim of an automobile accident, which rendered her disabled, from ending her outspoken advocacy for democracy in Taiwan.

Madam Chen Wu successfully ran for office herself, becoming a lawmaker. She later focused her efforts to make her husband one of Taiwan's eminent political figures. Her dreams and hopes for him became fulfilled when Chen Shui-bian was elected president of the Republic of China in 2000.

Since taking office, President Chen has exhibited great leadership and courage in the face of the People's Republic of China's constant menace. President Chen has also shown his compassion and friendship to the American people in the wake of the tragic attacks on the citizens of the United States of America. I am certain these fine traits have been honed in part through the example Madam Chen Wu has played in his life.

To this day, First Lady, Madam Chen Wu has not changed. She is still the same Chen Wu Sue-jen of years ago: an innocent schoolgirl from Matou, Tainan County, Taiwan. She has retained all the charm and grace of a young Taiwanese girl who later became a wife, mother, politician and First Lady.

The United States of America welcomes you, Madam Chen Wu.

U.S.A. PATRIOT ACT

Mr. HATCH. Mr. President, I ask unanimous consent that on behalf of the listed Senators, a joint statement of myself, Senator THURMOND, Senator KYL, Senator DEWINE, Senator SESSIONS, and Senator MCCONNELL regarding the Committee on the Judiciary, be printed in the RECORD.

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

THE U.S.A. PATRIOT ACT IN PRACTICE: SHEDDING LIGHT ON THE FISA PROCESS

Prior to the U.S.A. PATRIOT Act of 2001, the Foreign Intelligence Surveillance Act of 1978 authorized the government to gather intelligence on agents of foreign powers with less stringent requirements than those required for surveillance of domestic criminals. The courts interpreted FISA as requiring that gathering foreign intelligence be the ''primary purpose'' of the surveillance of the foreign agent. See United States v. Duggan, 743 F.2d 59, 77 (2nd Cir. 1984); United States v. Truong Dinh Hung, 629 F.2d 908 (4th Cir. 1980), cert. denied, 454 U.S. 1154 (1982).

This statutory regime worked well during the cold war for conducting surveillance on spies who were either foreign nationals employed by foreign government working under diplomatic cover at foreign embassies in the United States, or United States persons in this country who had been recruited to spy by foreign intelligence agencies. Both were clearly ''agents of a foreign power,'' and gathering foreign intelligence on the activities of these targets was generally the ''primary purpose,'' if not the only purpose, of the surveillance.

The statutory regime did not work as well with respect to terrorists, who did not work for a foreign government, who often financed their operations with criminal activities, such as drug dealing, and who began to target American interests. It was more difficult to determine if such terrorists were ''agents of a foreign power'' and it was difficult for the government to keep the appropriate types of investigators, intelligence or criminal, involved in the operation.

To determine what the ''primary purpose'' of a surveillance was, courts looked to what type of federal investigators were managing and directing the surveillance operation. If intelligence investigators managed and directed the surveillance, courts interpreted the primary purpose of the surveillance to be gathering foreign intelligence, thus requiring the government to comply with the less stringent FISA surveillance procedures. On the other hand, if criminal investigators managed and directed the surveillance, courts interpreted the primary purpose of the surveillance to be gathering criminal evidence, thus requiring the government to comply with the more stringent Title III wiretap procedures or to exclude the evidence from court. In short, the courts held that there could be only one primary purpose, and it was either gathering foreign intelligence or gathering criminal evidence. See, e.g., Truong, 629 F.2d at 912–13.

The attacks on September 11, 2001, appeared to be orchestrated by the Al Qaeda, an international terrorist organization, with no embassies or diplomats, and whose operatives were loosely associated small groups who often engaged in criminal activities. The intelligence agencies and criminal investigators were unable to analyze and disseminate information needed to detect and prevent the September 11th attacks partly because of restrictions on their ability to share information and coordinate tactical strategies in order to disrupt foreign terrorist activities. It was apparent that the existing court interpretation of the FISA requirement of ''primary purpose'' impeded the sharing and coordination of information between criminal and intelligence investigators on foreign terrorists.

Accordingly, Congress enacted the USA Patriot Act, in part, to replace the ''primary purpose'' requirement with a less stringent requirement, and to increase consultation and coordination efforts between intelligence and federal law enforcement officers to investigate and protect against foreign terrorist threats. See Sections 218 and 504. Three replacement standards were discussed for determining how large a purpose gathering foreign intelligence must be in order for a FISA warrant to issue: (1) a substantial purpose; (2) a significant purpose; and (3) a purpose. With multiple purposes in an investigation of an international terrorist, there could be only one ''primary'' purpose, but more than one ''substantial'', ''significant,'' or ''a'' purposes. A ''substantial'' purpose of gathering foreign intelligence was viewed to be less than primary, but more than a de