

foundation of environmental science. Censoring credible science out of the debate because it does not conform to a pre-determined political agenda is clearly not a responsible course of action for any government. Your openness to re-examining the recent approach to the Kyoto file encourages us to believe that you may also be open to reconsidering the way in which the scientific debate was suppressed as well. We certainly hope so. Although ratification has already taken place, we believe that the government of Canada needs a far more comprehensive understanding of what climate science really says if environmental policy is to be developed that will truly benefit the environment while maintaining the economic prosperity so essential to social progress.

In the meantime, we would be happy to provide you with more information on this important topic and, for those of us who are able, we would like to offer to meet with you personally to discuss the issue further in the near future.

Above letter signed by:

Dr. Tim Ball, Environmental Consultant, 28 years Professor of Climatology, University of Winnipeg.

Dr. Madhav Khandekar, Environmental Consultant, former Research Scientist with Environment Canada. 45-year career in the fields of climatology, meteorology and oceanography.

Dr. Tad Murty, private sector climate researcher. Previously Senior Research Scientist for Fisheries and Oceans; conducted official DFO climate change/sea level review; Former Director of the National Tidal Facility of Australia; Current editor—"Natural Hazards".

Dr. Chris de Freitas (Canadian), Climate Scientist and Professor—School of Geography and Environmental Science, The University of Auckland, NZ.

Dr. Vaclav Smil, FRSC, Distinguished Professor of Geography; specialization in climate and CO<sub>2</sub>, University of Manitoba.

Dr. I.D. Clarke, Professor, Isotope Hydrogeology and Paleoclimatology, Department of Earth Sciences (arctic specialist), University of Ottawa.

Dr./Cdr. M. R. Morgan, FRMS, Dartmouth, Nova Scotia. Climate Consultant, Past Meteorology Advisor to the World Meteorological Organization and other scientific bodies in Marine Meteorology. Recent Research Scientist in Climatology at University of Exeter, UK.

Dr. Chris Essex, Professor of Applied Mathematics, University of Western Ontario—focuses on underlying physics/math to complex climate systems.

Dr. Keith D. Hage, climate consultant and Professor Emeritus of Meteorology, University of Alberta, specialized in micrometeorology, specifically western prairie weather patterns.

Dr. Kenneth Green, Chief Scientist, Fraser Institute, Vancouver, BC—expert reviewer for the IPCC 2001 Working Group I science report.

Dr. Petr Chylek, Professor of Physics and Atmospheric Science, Dalhousie University, Nova Scotia.

Dr. Tim Patterson, Professor, Department of Earth Sciences (Paleoclimatology), Carleton University, Ottawa, Ontario.

David Nowell, M.Sc. (Meteorology), Fellow of the Royal Meteorological Society, Canadian member and Past Chairman of the NATO Meteorological Group, Ottawa.

Dr. Fred Michel, Professor, Department of Earth Sciences (Paleoclimatology), Carleton University, arctic regions specialist, Ottawa.

Dr. Roger Pocklington, Ocean/Climate Consultant, F.C.I.C., Researcher—Bedford Institute of Oceanography, Nova Scotia.

Rob Scagel, M.Sc., Forest microclimate specialist, Principal Consultant, Pacific Phytometric Consultants, Surrey, B.C.

Dr. David Wojick, P.E., Climate specialist and President, Climatechangedebate.org, Sioux Lookout, Ontario/Star Tannery, VA.

Dr. S. Fred Singer, Distinguished Research Professor at George Mason University and Professor Emeritus of Environmental Science at the University of Virginia.

Dr. Richard S. Lindzen, Alfred P. Sloan Professor of Meteorology, Department of Earth, Atmospheric and Planetary Sciences at the Massachusetts Institute of Technology.

George Taylor, State Climatologist, Oregon Climate Service, Oregon State University, Past President—American Association of State Climatologists.

Doctorandus Hans Erren, Geophysicist/climate specialist, Sittard, The Netherlands.

Dr. Hans Jelbring—Wind/Climate specialist, Paleogeophysics & Geodynamics Unit, Stockholm University, Sweden. Currently, Manager Inventex Aqua Research Institute, Stockholm.

Dr. Theodor Landscheidt, solar/climate specialist, Schroeter Institute for Research in Cycles of Solar Activity, Waldmuenchen, Germany.

Dr. Zbigniew Jaworowski, Climate expert, Chairman of the scientific council of CLOR, Central Laboratory for Radiological Protection, Warsaw, Poland.

Dr. Art Robinson, Founder—Oregon Institute of Science and Medicine—focus on climate change and CO<sub>2</sub>, Cave Junction, Oregon.

Dr. Craig D. Idso, Chairman, Center for the Study of Carbon Dioxide and Global Change, Tempe, Arizona.

Dr. Sherwood B. Idso, President, Center for the Study of Carbon Dioxide and Global Change, Tempe, Arizona.

Dr. Pat Michaels, Professor of Environmental Sciences, University of Virginia; past president of the American Association of State Climatologists and a contributing author and reviewer of the IPCC science reports.

Dr. Sonja Boehmer-Christiansen, Reader, Department of Geography, University of Hull, UK, Editor, Energy & Environment.

Dr. Robert C. Balling, Jr., Director—Office of Climatology, Arizona State University.

Dr. Fred Seitz, Past President, U.S. National Academy of Sciences, President Emeritus, Rockefeller University, New York, NY.

Dr. Vincent Gray, Climate specialist, expert reviewer for the IPCC and author of "The Greenhouse Delusion; a Critique of 'Climate Change 2001'", Wellington, NZ.

Dipl.-Ing. Peter Dietze, energy and climate consultant, official scientific IPCC TAR Reviewer, Langensendelbach, Germany.

Dr. Roy W. Spencer, Principal Research Scientist, Earth System Science Center, The University of Alabama in Huntsville.

Dr. Hugh W. Ellsaesser, Atmospheric Consultant—four decades experience as a USAF weather officer and climate consultant at the Lawrence Livermore National Laboratory, CA.

Dr. Asmund Moene, Former head of the National Forecasting Center, Meteorological Institute, Oslo, Norway.

Dr. Freeman J. Dyson, Emeritus Professor of Physics, Institute for Advanced Studies, Princeton, New Jersey.

Dr. James J. O'Brien, Professor of Meteorology and Oceanography, Center for Ocean-Atmospheric Prediction Studies, Florida State University. Co-chaired the Regional Climate Change Study for the Southeast USA.

Dr. Douglas V. Hoyt, climate consultant, previously Senior Scientist with Raytheon/ITSS; Broadly published author of "The Role of the Sun in Climate Change".

Dr. Gary D. Sharp, Scientific Director, Center for Climate/Ocean Resources Study, Salinas, California.

Prof. Dr. Kirill Ya. Kondratyev, Academician, Counsellor RAS, Research Centre for Ecological Safety, Russian Academy of Sciences and Nansen International Environmental and Remote Sensing Centre, St. Petersburg, Russia.

Dr. Paal Brekke—Solar Physicist, specialist in sun/UV radiation/Sun-Earth Connection, affiliated with the University of Oslo, Norway.

Dr. Richard S. Courtney, climate consultant, expert IPCC peer reviewer, Founding Member of the European Science and Environment Forum, UK.

William Kininmonth, Managing Director, Australasian Climate Research. Formerly head of Australia's National Climate Centre and a member of Australia's delegations to the Second World Climate Conference and the UN Intergovernmental Negotiating Committee for a Framework Convention on Climate Change.

Dr. Jarl R. Ahlbeck, Docent in environmental technology/science, Process Design Laboratory, the Swedish University of Finland, Biskopsgatan, Finland.

Dr. Lee C. Gerhard, Principal Geologist, Kansas Geological Survey; Adjunct Professor, Colorado School of Mines; Noted author and geological expert on climate history.

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

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

(The remarks of Mr. HARKIN are printed in today's RECORD under "Morning Business.")

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed out of order for not to exceed 12 minutes before the order to go into executive session.

The PRESIDING OFFICER (Mr. FITZGERALD). Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that this not delay the rollcall vote.

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

Mr. BYRD. Mr. President, I ask unanimous consent that I may vitiate the second request that was granted.

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

#### A FAST WAY AROUND THE CONSTITUTION

Mr. BYRD. Mr. President, I speak today on the subject: A fast track, a fast way around the Constitution.

Last Friday, I listened with great interest to the concerns that were raised in opposition to the free-trade agreements negotiated by the administration with Chile and Singapore.

Senators cited an abuse of Executive authority and the undermining of Congress' plenary powers. I was perplexed,

to put it mildly—not at the arguments against such abuses by the Executive but at the fact that some Senators were only now waking up to the potential for such a power grab.

To those who now express concerns that the plenary powers of the Congress are under attack by this administration, I say that we have no one to blame but ourselves. The Congress inflicted this wound upon itself. We have plunged the knife into our own throats. It is our hands on the hilt of that knife.

I refer to the Congress' massively destabilizing decision to disrupt the balance of powers between the executive and legislative branches by granting fast-track trade negotiating authority to the President.

So many of the objections expressed last week in opposition to these free trade agreements have been raised before, time and time again on this Senate floor. Just last summer, they were raised by me, by our colleague Senator HOLLINGS, by our colleague Senator DORGAN, by our colleague Senator DAYTON, and others, warning of the abuse of Executive power we were inviting by handing over to the President the authority to regulate trade and international commerce.

We stood on this very floor and spoke to our colleagues, to the people in the galleries here and to the public across the land about what could be expected from the use of fast-track authority should such legislation be passed. We also spoke of the Constitutional ramifications of fast track. At the time, our expressions of concern apparently fell upon deaf ears.

Sixty-seven Senators, some of whom are now so urgently speaking in opposition to these free trade agreements pending before the Senate, voted to grant fast-track authority to the President.

I can pound my fist on my desk. I can shout with brass lungs. But, ultimately, it's not until it's too late, not until the Senate has been relegated to the sidelines, not until this Trojan horse has entered this sacred chamber that Senators begin to realize just what we have given away.

Shame on us!

This month, the administration submitted the free trade agreements it negotiated with the nations of Chile and Singapore. Included in those agreements are proposed changes to U.S. immigration and naturalization laws that would create what is effectively a permanent visa worker program for Chile and Singapore.

The trade agreements negotiated by the administration would unfairly lower the threshold for up to 1,400 Chileans and 5,400 Singaporeans to obtain American jobs. These foreign nationals could renew their worker visas indefinitely, year after year, with no limitation, while additional foreign workers enter the country to fill the annual numerical limitations for new visas.

Chilean and Singaporean nationals who enter the United States under

these agreements would effectively be exempted from prevailing wage laws. Even though employers must attest that foreign workers will be paid the prevailing industry wage and not displace U.S. workers, the Labor Department would be prohibited from investigating and certifying these attestations prior to the worker entering the country.

Further, the Congress would have no recourse to remedy any injustice, either by setting numerical caps or requiring a Labor Department certification, without violating the trade accord.

With 9.4 million Americans out of work, and an economy that has stalled for America's workers, the administration's immigration proposals are perhaps the most egregious that I have seen in some time. They are a direct threat to American workers who have already been hit hard by the Bush administration's economic policies. And now, what jobs the administration has not yet destroyed are being given away to foreign labor.

It is not even clear under what authority the administration is proposing to make these immigration changes. The Trade Promotion Act provides no specific authority to the United States Trade Representative to negotiate new visa categories or other changes to our immigration laws. The Congress has not granted the administration any such authority.

To the contrary, since the September 11 attacks, the Congress has passed legislation requiring the administration to tighten our border security and visa entry system—to plug the holes that were exploited by the September 11 hijackers. And now the administration is trying to open the system all over again.

I doubt that these immigration provisions could survive outside of the expedited procedures of fast track, subjected to thorough debate and amendment by the House and Senate. But that may explain why they are in these trade agreements in the first place. After all, a free trade agreement is not subject to amendment. It is not subject to a thorough debate. Any committee action is token, at best. The Congress must approve or reject the trade agreement in 90 legislative days.

These trade agreements and their immigration provisions may only be a first step in setting a precedent where the administration can use free-trade agreements not only to propose changes to immigration laws but to isolate all kinds of controversial legislation from the Congress. Perhaps next time the trade agreement submitted will include changes involving our military defenses or our international tax laws or our foreign aid budget.

The possibilities are frightening to imagine.

The late-Senator Daniel Patrick Moynihan was fond of saying that the U.S. Constitution does not assume virtue in its rulers. It assumes self-inter-

est. And it carefully balances the power by which one interest will offset another interest in order to protect against what James Madison called "the defect of better motives."

I am sure that many Senators who supported granting fast track authority to the President did so because of their support for this administration's free trade policies. But in pursuit of free trade, the Senate has given away its power to regulate trade and international commerce, and has flung itself into the abyss in which it now finds itself. If the Senate approves these treaties, the President, who is not the repository of all human wisdom, and is as vulnerable to "the defect of better motives" as any other mortal being, will have a free hand, without debate and without review, to dictate not only trade policy, but immigration policy as well.

The Framers of our Constitution would, I am certain, be appalled at how, time and time again, the modern-day Congress, under pressure from the White House political machine, yields its plenary powers to the executive.

We did it with fast track. We did it with the creation of the Homeland Security Department. We did it with respect to the war in Iraq.

The Senate has a duty to reject these trade agreements. Even those Senators who support the administration's trade policies must take a stand in support of something more important. The executive is, again, overreaching and the Senate must not, this time, acquiesce.

The Senate desperately needs to come to a better understanding and appreciation of our Constitution and the powers granted the Congress. It needs a better understanding of what exactly is at stake when we carelessly meddle with our system of checks and balances and the separation of powers. If we disregard the lessons learned from the colossal blunder of granting fast track authority to the President, we might just as well strike a match and hold that invaluable document to the flame.

We are entrusted with the safeguarding of the people's liberties. It is their Constitution. It is their Republic. It is their liberties that we have sworn to secure. If we continue to be careless or callous or complacent, it is their cherished freedoms that will go up in smoke.

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#### EXECUTIVE SESSION

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#### NOMINATION OF EARL LEROY YEAKEL III OF TEXAS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Under the previous order, the hour of 5:20 p.m. having arrived, the Senate will proceed to executive session for the consideration of Calendar No. 296, which the clerk will report.

The legislative clerk read the nomination of Earl Leroy Yeakel III of