

trying to do in a targeted way what we have been advised will work in business, not these big, irresponsible giveaways in which the House engaged. I do not understand how with a straight face they can put a provision into their package which pays people back for taxes they paid all the way back to 1985 without a promise that it is going to create a new job, without a promise that it will be invested in a new plant and equipment right now.

As Senator DORGAN rightly pointed out, they actually give an incentive to businesses to move American jobs overseas. What on Earth are they thinking about? That is just unbelievable to me. So I think the Finance Committee, with their vote last night, really struck the right balance. I hope we go forward with that.

I also hope we recognize the additional program that Senator BYRD and Senator REID have advocated is essential. We have not made the commitment of resources.

Mr. President, I ask unanimous consent for an additional 5 minutes.

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

Mrs. CLINTON. We have not made the commitment of resources we need to our public health system, to our fight against bioterrorism, to the kind of security we need in our powerplants, our chemical plants. I think we have a lot more to do. I commend Senator BYRD for his leadership.

Finally, a special word of appreciation to the Finance Committee for their recognition and support of New York. We know this was an attack on America. The epicenter of the attack was on New York City. It was New York City firefighters who went up those towers when people were coming down. It is the firefighters and the police officers and the emergency responders who have been going to countless funerals. It is the people who worked in those buildings who have scrambled to try to make sense of their lives, to restart their jobs, and many of them are no longer employed. The estimate is about 100,000 have been displaced.

The ripple effect through the city and the State has been even greater. Because of those 100,000 who directly lost their jobs in lower Manhattan, many of them work for companies that bought from smaller companies, that did work with banks and law firms and advertising agencies that had catering and restaurant business to give out. They no longer do that. We are now looking at a loss of about 250,000 individuals in New York alone by the end of this year.

We have seen unemployment go up around the Nation, but it has gone up even more in New York City. We are not sure the end has been reached. We know this has had a ripple effect through the entire State, not just through the city. In Syracuse we lost 400 employees of USAir when they de-

cidated to close a call center after losing so much business. In Buffalo, with the loss of tax revenues—because 15 percent of all the State's tax revenues came from Ground Zero; those are gone—we are looking at laying off up to 500 teachers in Buffalo, which is at the opposite end of the State.

The package coming out of the Finance Committee will help enormously. I am particularly grateful for the tax incentives that will help us rebuild Lower Manhattan, will help us recover some of that lost office space to get back into the business of being the global financial capital of the entire world. It will take a long time. New York will need a lot of help. This is a very welcome start.

The tax credits for employers to keep their offices in Manhattan will help tip the balance in favor of doing just that. Tax-exempt bonding authority for construction will give an extra boost to rebuilding, and reinvesting insurance proceeds will enable people to make that decision. We are still working on something to keep residents downtown, which is a very big challenge, and to provide additional relief for advance refunding for the port authority and the metropolitan transportation authority and for their infrastructure projects.

We lost our subway lines. We lost the PATH Train from New Jersey. We will have a lot of work ahead. I thank and commend the Finance Committee, particularly the chairman, Senator BAUCUS, for a job well done.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for such time as he may consume.

#### FAST-TRACK LEGISLATION

Mr. BYRD. Mr. President, I am deeply concerned about the administration's top trade legislation priority: Fast track, known in administration circles as "trade promotion authority."

How crass. How crass. "Trade promotion authority." To denominate fast track as "trade promotion authority" is the acme of crassitude. Hear me down there at the other end of the avenue: The acme of crassitude! To denominate fast-track legislation as trade promotion authority, or by its acronym, TPA, is the acme of crassitude. One might better interpret the acronym TPA as standing for "tactic to prevent amendments"; TPA, "Tactic to Prevent Amendments."

Hear me! Colleagues on the other side of the Capitol Building, where the administration has put on its big push for the acme of crassitude: Fast track authority, calling it trade promotion authority. But it is a tactic to prevent amendments. That is what fast track is, a tactic to preclude Congress from fulfilling its constitutional obligations to debate and, if necessary, to amend.

I hope they can stop this oafish piece of legislation on the other side of the

Capitol. If they can't, then bring it onto the Senate Floor.

Come one, come all,  
This rock shall fly  
From its firm base  
As soon as I!

Yes, come one, come all. Hear me down there at the other end of the avenue, the White House: Bring on your TPA. Yes, "tactic to prevent amendments."

Come one, come all,  
This rock shall fly  
From its firm base  
As soon as I!

Those words from, I believe it was Scott's "Lady of the Lake," are very apropos here. This tactic to prevent Congress from fulfilling its constitutional obligations to debate and, if necessary, to amend trade bills.

The administration hoists its flag on the flagpole of trade promotion authority. This is my flag, the Constitution of the United States! I hold it in my hand. Those who would defy the Constitution will find the battle lines formed here.

I oppose this surrender of our constitutional authority. That is what the White House would have us do. I oppose this surrender. "We've just begun to fight." The authority to "regulate commerce with foreign nations" is granted exclusively to Congress in Article I, section 8, of the Constitution. Congress, the House, and Senate of the United States—not the President—has this authority under the Constitution and has this responsibility under the Constitution.

So let us not be persuaded by administration attempts to promote fast track as an antidote to the events of September 11, 2001. There are those who attempt to promote the idea that, under the rubric of a stimulus bill, Members in the House and the Senate would add language that would promote their pet ideas, their pet projects. Well, under the rubric of "stimulus," the administration is attempting to promote its own pet project—TPA. Trade promotion authority? Fast track. Let us not be persuaded by these furtive attempts.

U.S. Trade Representative Robert Zoellick has stated that fast track is necessary because "we need to strengthen the U.S. and global economies as they reel from the shocks of September 11."

Who is Robert Zoellick? Was he elected by the people of any State? Did he stand before the bar of judgment of the electorate? Is that how he became Trade Representative? No! Yet he, U.S. Trade Representative Robert Zoellick, has stated that fast track is necessary because "we need to strengthen the U.S. and global economies as they reel from the shocks of September 11." I do not understand Mr. Zoellick's logic. Now is the time for the President and the Congress to stand by the Constitution; stand by the Constitution and work together.

Now is the time for Congress to respond to the September 11 terrorist assault upon the American way of life.

This is not the time for us to short-circuit our deliberative processes. Let us debate. Let us debate the trade measures. What are you afraid of, Mr. Zoellick? Moreover, the Ambassador cannot support his attempt to link fast track to global economic recovery. With or without fast track, it is going to take years, not months, for the President to negotiate a new world trade agreement.

I question whether, in the current international climate, we should even desire to have a new global trade round. As the United States forges a coalition to fight terrorism, those countries that have been attacking the framework of fair trade for the past several years have absolutely no incentive to agree to mutually beneficial trade proposals. Rather, they will attempt—as they have in the past—to use cooperation on security issues as a bargaining chip—a bargaining chip to extract trade concessions from the United States.

Just look at the so-called Harbinson text being considered at this very moment in Doha, Qatar. Is there any question that our trading partners are asking that our trade laws be substantially weakened? Is there any question that the administration is indicating a willingness to put those laws on the negotiating table? If we allow our trade laws to be gutted—gutted, what will happen to essential U.S. industries? What will happen to the steel industry? What will happen to other essential U.S. industries that are being picked apart by predatory foreign trade practices?

In any event, it is indisputable that Congress and the President can work together, under the Constitution, to conclude and implement international trade agreements. Immediately after the September 11 terrorist attack, Congress passed the U.S.-Jordan trade agreement, one in a long series of trade agreements concluded and implemented by the United States since fast track lapsed in 1994.

Bring it on. Trade promotion authority—ha, ha, ha—trade promotion authority! Of all the gimmicks that I have heard in my 84 years of life on this Earth, that one takes the cake. It is plain old fast track!

The constitutional system works and the administration has not made the case for tinkering with it.

President Bush claims to need this extra-constitutional negotiating authority in order to exercise leadership in opening up world trade. On June 21, 2001, he sent many of his highest ranking trade officials, including Secretary of Commerce Evans—for whom I have a great deal of respect—and Ambassador Zoellick, to the Senate Finance Committee to testify on the supposed need for fast track. Ambassador Zoellick maintained that fast track is needed in order for the administration “to reassert America’s leadership in trade.”

I remember very well the old-fashioned vaudeville shows where they sold

those patent medicines, that snake oil. This is snake oil that Mr. Zoellick is peddling—snake oil! It will curl your hair. If you don’t have any hair, it will grow hair for you: Snake oil!

The United States can, and should, lead in opening up world trade by offering other countries arrangements that are mutually advantageous, not by undermining a key provision of the Constitution.

Senators might well consider the impact of normal debate and amendment rules on the basic leverage available to U.S. trade negotiators. Normal rules should be a matter of enhanced leverage for U.S. negotiators in terms of including provisions that are of strong appeal to Congress, the people’s elected representatives in the legislative branch, the people’s elected representatives who take an oath when they stand before that Presiding Officer and put their hand on the Holy Bible. They take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic.

Let’s remember that oath.

The threat that an agreement might be amended by Congress to include a provision gives all parties to a negotiation an incentive to conclude realistic and politically viable agreements. If I were a negotiator, I would like to have the leverage of being able to say, “if we don’t include this provision in the agreement, Congress may include it anyway.”

Congress may include it anyway. Fast-track Trade Promotional Authority—TPA—fast track eliminates this form of leverage.

When you go to negotiate over the purchase of an automobile, are you better off going in on your own with your own free will? You can take it, you can leave it, or you can go somewhere else. It is common knowledge that you can strike a better deal if you are able to suggest to the seller that there is someone back home who may amend or modify any agreement that you might reach.

The Administration, I think, has it exactly backwards: instead of concentrating its energies on accumulating as much leverage as possible vis-a-vis our trading partners, it is marshaling those energies to convince Congress to reduce its leverage on behalf of hard-working American families and their communities. This can only hamper our efforts to maintain, and enhance, U.S. leverage abroad.

The Administration is implicitly saying: “If you are for shortchanging the legislative process, you are for opening up world trade and combating terrorism.” That makes no sense to me. I am for free trade that is fair to all parties. What is wrong with that? And I am certainly for rooting out terrorism and enacting measures to ensure our national security. We need not, however, abandon the Constitution in order to achieve these objectives!

I didn’t take an oath up here before this Presiding Officer to abandon the

Constitution. That is what we are doing.

I am not saying we ought to debate every little duty on every little toothbrush that comes into this country, or every little paper clip or every fiddle bow or every violin string. I am not saying we ought to debate the duties on toothpicks if they come from China or wherever. But I am saying, the elected representatives of the people ought not even to be asked to give up the cherished right to debate and amend trade legislation when the people’s interests are involved.

We need not abandon the Constitution in order to achieve these objectives. We Senators need carefully to consider and analyze the claims that we hear about the benefits of fast track.

There may be one amendment or two amendments or three that go to policy when we deal with trade matters. I am not saying, as I have already indicated, that we ought to take a microscope and go over a trade bill and get ourselves involved in the teeny-weeny, itchy-bitsy little pieces here or there. But I am saying that there may be major policy amendments that we may wish to debate or on which we may want to vote.

Now, I have a letter dated June 28, 1993, from then-United States Trade Representative Kantor, urging support for what he called “the fast track negotiating authority needed to complete the Uruguay Round.” He wrote: “As the world’s leading exporter and the world’s most open economy, the U.S. stands to benefit greatly by reducing barriers and opening markets around the world for manufactured goods, agricultural products and services.” How accurate was this prognostication? If, as the former Ambassador suggested, the last round of multilateral trade agreements was focused on reducing foreign trade barriers—not opening up the floodgates to imports—shouldn’t our overall balance of trade have improved in the 1990s?

The facts belie the fast-track sales pitch. That is what it is—a fast-track sales pitch. In the year 2000, the United States ran a trade deficit on the current account of \$435 billion. That is nearly nine times the trade deficit in 1992. How much longer can this go on? Even more disturbingly, it equals 4.5 percent of America’s total national output. On a percentage basis, that is the worst trade performance in U.S. history!

How long can the United States continue to run these deficits? Have the laws of international economics been repealed? Is the so-called “New Economy” a land flowing with milk and honey, in which we no longer need a real economy, that is, an economy that produces goods and services, and employs workers? Have we entered the Promised Land of perspiration-free economics? I am afraid not. Even our foreign trading partners cannot be sanguine as the United States, historically

the engine of growth for the entire world, is left without the means to play that role.

America is becoming ever more dependent on foreign suppliers of basic manufactured products, even in areas—such as steel—where our producers are the most technologically sophisticated and efficient in the world. Has anyone stopped to consider the impact on our national defense of this foreign dependence? Has anyone attempted to determine how our international position will be affected as we become more susceptible to economic blackmail? Has anyone taken full account of how unfair international trade has helped to restrict income growth at home, particularly in the case of middle class families? Many such families now need two incomes—both parents out in the workplace—to maintain the kind of lifestyle that single-earner families could expect a generation ago.

We hear a lot about the projected economic benefits of fast track. Of course, this administration does not dare call it fast track. No, it is “trade promotion authority”—“trade promotion authority.” That is an attempt to hoodwink those who would fall for it: fast track!

We hear a lot about the projected economic benefits of trade promotion authority, fast track. Yet, as a recent study by the Economic Policy Institute pointed out, the forecast model most frequently cited by fast track advocates relies on unrealistic assumptions. For example, the model assumes that there is no unemployment here or anywhere else in the world and that there are no national labor or environmental standards. Moreover, the model assumes that denying elected officials the authority to set the rules of the marketplace has no costs either in terms of the functioning of the global economy or the achievement of domestic economic and social objectives. These assumptions tell us more about the prejudices of a global trade elite than they do about the economic circumstances in which we find ourselves.

Let us have a trade policy for the new millennium. Let us demand that trade negotiations become a two-way street, both in form and in substance. Let us make it clear to our trading partners that we will not be duped by those who would grant America the mantle of “leadership”—the mantle of “leadership”—only in exchange for unilateral concessions. All countries stand to benefit from expanded international trade, and all countries should bear the costs of constructing the framework of that trade. American workers should no longer be left holding the bag in international trade negotiations. The steel workers have been left holding the bag all too long, the textile workers have been left holding the bag all too long in international trade. The automobile workers have been left holding the bag all too long in international trade negotiations.

U.S. trade negotiators need congressional input. Let’s debate it. Let’s talk

about it, and, if necessary, let’s amend it. U.S. trade negotiators need congressional input in the negotiating process. Remember the ad? “Do it here. Do it now.” The same with trade negotiations. U.S. trade negotiators need congressional input. Enhanced legislative participation will help them in their efforts to reinforce the framework of fair trade. Is it only fair trade when the United States continues to run up huge deficits in the billions of dollars or in the hundreds of billions of dollars? It will give the results of trade negotiations greater legitimacy and increase public understanding of the costs and benefits of globalization. The Constitution—ah, there is the Rock of Gibraltar, the Constitution—the Constitution requires that we make this effort, and the American people expect it.

Mr. President, toward the end of his life, in a letter to Henry Lee, Thomas Jefferson brilliantly analyzed the fundamental issue upon which the debate over fast track turns. This is what he said:

Men by their constitutions are naturally divided into two parties: Those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes, and, Those who identify themselves with the people. . . . In every country these two parties exist; and in every one where they are free to think, speak, and write, they will declare themselves.

Mr. President, from 1974 to 1994, Congress was, unfortunately, asleep at the wheel as the one-sided trade jalopy—I wonder if our little pages here have ever heard that word, “jalopy”?—as the one-sided trade jalopy rumbled down the fast track. The people’s branch of Government—ha, ha, ha—let’s let that other branch of Government down the avenue become aware again that there is the people’s branch, that does not bend before any President, that isn’t elected by any President, that isn’t sent here by any President, that cannot be fired by any President—let them hear it from Capitol Hill. Bring on your trade promotion authority. You will get your fight right here.

The people’s branch of the Government—the Congress—allowed itself, I am ashamed to say, to be shunted aside in the process of formulating and implementing U.S. trade policy. Let us resolve to seize the day, to restore the constitutional balance—bring it on; there isn’t enough time left in this year, if we did nothing else, to pass it in this body—and to make international trade agreements reflect the interests of hard-working Americans. There is not enough time left in the year to pass “fast track” here, unless I am very, very badly and sadly mistaken.

Now is the time to move past the failed trade paradigm of recent administrations, both Republican and Democratic. Now is the time to restore the people’s faith that they can have an impact on the policies that shape their lives. Mr. Zoellick, we are talking

about the people’s lives. “I come to bury Caesar, not to praise him.”

Mr. President, I come to bury fast-track authority, not to praise it! Now is the time to reject fast track and to embrace republican self-government as it has been bequeathed to us by the Framers of the Constitution, by those who debated the Constitution, by those who ratified it in the State conventions.

We must be steadfast in our loyalty to the Constitution. Forget about political party. Think of the Constitution and think of the people who send us here. We are not to be yeasayers or naysayers. We are here to debate and to amend and to render our considered judgment on behalf of the people who send us here, who pay our salaries, and who can bring us back home when the day of judgment comes.

We must be steadfast in our loyalty to that Constitution. Here it is in my hand, the Constitution. There is my trade promotion authority! See it? There is my trade promotion authority, my TPA, the Constitution of the United States!

We must be steadfast in our loyalty to the Constitution, that exquisitely balanced instrument of the people, by the people, and for the people. We must stand together and resist the temptation to once again ignore the clear dictates of our most fundamental law.

#### IN THE COMPANY OF HEROES

Mr. BYRD. Mr. President, the nights are growing chilly, though the days remain warm and dry—dry for too long, really, over in McLean. The brilliant crimson maple and bright yellow poplar leaves have nearly disappeared, replaced by the more somber late autumn tones of deep bronze oak and rich golden hickory leaves falling in swirling waves across the road to join the drifts of leaves awaiting the rake.

The more subdued coloring is in keeping with the holiday that approaches this Sunday. For, despite any attempts to mask the nature of this holiday behind sales and pre-Christmas hype, Veterans Day remains true to its purpose. It was the old Armistice Day when I was a boy—Armistice Day, November 11.

To say Veterans Day is to hear the haunting echo of taps being played on a lone trumpet on a West Virginia hill far away—I can hear its tones being wafted by the autumn air to this Capital City—and the sharp report of a 21-gun salute ricocheting across a field of sad white crosses. Out of the corner of one’s eye is glimpsed the silent rank and file of heroes who came home, some whole and some not, but all remade by the shared experience of warfare.

On Veterans Day, we travel in the company of heroes. Veterans Days, Armistice Day. My mother died on the eve of Armistice Day 1918; my mother, whom I never saw, as far as my recollection is concerned—the 11th hour of