not do that. Almost every other industrialized, advanced nation in the world provides for paid leave under these circumstances. We don't do that. I regret that. But I don't have 51 votes for that in this Chamber. I had to do what I could do. So unpaid leave is the best I could do.

The fact that millions of people have been able to take advantage of that is something for which I am very proud. I hope we can come back to this issue of notice. This has been a positive benefit for a lot of people. But a lot of people are unaware that the law exists. Some general notice tacked up on a bulletin board someplace means that an awful lot of people probably wouldn't find out about it. Specific notice makes more sense to me.

My hope is the administration will promulgate a regulation that will call for specific notification and tailor it accordingly so it will not run afoul of the Supreme Court decision reached 5 to 4 a few days ago.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota.

FAST TRACK AUTHORITY

Mr. DORGAN. Mr. President, yesterday the majority leader of the Senate described the conditions under which he intended to bring to the Senate legislation authorizing trade promotion authority. That is a euphemism for fast-track authority.

President Bush has requested of this Congress that we give him fast-track trade authority. Like Presidents before him, he has asked to be allowed to negotiate trade treaties and bring them to Congress for expedited consideration, without any amendments, under any circumstance, for any purpose.

I opposed fast-track authority for President Clinton, and I will oppose it for President Bush. I do not believe Congress should grant fast-track authority. I think it is undemocratic. I do not believe it is necessary for us to have fast-track authority in order to negotiate trade agreements. We negotiate the most sophisticated agreements without fast-track authority. Nuclear arms treaties are negotiated and brought to the Congress without fast-track authority. Only trade agreements, we are told, must have this handcuff put around Members of Congress, so they cannot offer any amendments.

The reason I care about this is I have watched trade agreement after trade agreement be negotiated, often trading away the interests of producers in the United States, only to discover the problems that arise cannot be solved by these agreements.

To give an example, the White House negotiated a trade agreement with Canada, under fast-track trade authority. I was serving in the House at the time. I was a member of the House Ways and Means Committee. The trade agreement came back to the House, to the Ways and Means Committee, and the vote in committee for that trade agreement was 34 to 1. I cast the lone vote against the agreement.

The chairman of the committee came to me and said: Congressman Dorgan, we must have a unanimous vote. It is very important. You are the only one who is holding out. It is really important you understand that Canada is our biggest trading partner, our neighbor to the north. The administration has negotiated this with great care. We really want to have a unanimous vote. Won't you join us?

I said: Absolutely not. It does not matter to me if I am the only vote. It does not matter to me at all.

The vote was 34 to 1, and they were sorely disappointed they could not get a unanimous vote out of the Ways and Means Committee. I was this troublemaker.

So the trade agreement went into effect, passed the House, passed the Senate. No one was able to offer an amendment. I could not offer an amendment. After the trade agreement was finished, we began to see an avalanche of Canadian grain being sent into our country. That Canadian grain came from the Canadian Wheat Board, which is a state trading enterprise. The Canadian Wheat Board has a monopoly on wheat, and is able to ship to this country deeply subsidized Canadian grain, undercutting our farmers, taking money right out of our farmers' pockets. Nothing could be done about it because I could not amend the trade agreement. Our hands were tied. That is what fast-track trade authority is all about.

Let me talk about trade for a few minutes and why I am going to oppose this fast-track resolution when it comes to the Senate. I and some others in the Senate—Senator BYRD has described his opposition—will be trying to slow down the fast track bill, and to ultimately defeat it.

Let me describe why. It is not because we are protectionists. It is not because we want to build a wall around our country. Those of us who oppose fast track believe in expanded trade. We believe trade is good for our country. We believe expanded trade and breaking down barriers in foreign markets makes sense for our country. We believe all of that. We also believe and insist and demand that trade be fair.

Let me point out what the Constitution says about trade. The U.S. Constitution, article I, section 8, says: The Congress shall have the power to regulate commerce with foreign nations and among the several States and with Indian tribes.

It could not be more clear. The Congress shall have the power to regulate commerce with foreign nations—not the President, not the executive branch, not the judicial branch, but the Congress and only the Congress.

With fast track, Congress relinquishes its responsibility. We will let someone else go negotiate a trade treaty, go into a room, shut the door, and in private, in secret, negotiate a trade treaty, and then bring it back to the Congress. Our hands will be tied behind our backs, as we will not be able to offer any amendments. That is what fast-track trade authority is all about.

I will use a chart to describe one piece of trade that I think demonstrates the bankruptcy of what has been going on in international trade. The example I have in mind involves trade with Korea in automobiles. Now, someone watching or listening on C–SPAN or someone in this Chamber might well drive a Korean car. If you do, good for you. You have every right to drive it. Korean cars are sold all over this country. You can go to a dealership, and buy a car from Korea, from Japan, from Europe. That is consumer choice. I would never be critical of that.

But the fact that there are lots of Korean cars coming to our country does not mean that there is free trade. You have to look at both sides of the equation. Last year the country of Korea sent to the United States 569,000 Korean automobiles. How many cars made in the United States are sold in Korea? Only 1,700. I repeat, we purchased in the United States 570,000 Korean cars and the Koreans purchased 1,700 from us.

Let me also describe how this happens. Korea does not want American cars in Korea. Under the World Trade Organization, tariff barriers to sending American cars to Korea have come down. Why would we not get more cars into Korea? In January, an English-language Korean newspaper published an article describing the trade barriers faced by imported cars in the Korean marketplace. It is based on a report put out by a Korean state-run think tank, the Korea Institute for International Economic Policy. The report cites a widespread climate of fear and intimidation associated with imported cars, including threats of physical harm. Now, this is a report by a Korean think tank, saying that Koreans face threats of physical harm, lengthy safety test procedures, and discrimination by the traffic police.

An especially flagrant example of unfair trade that caught my attention: Korean importers have been frustrated in their inability to showcase foreign cars at the Seoul Motor Show, the biggest car show in Korea. In May of 2000, the distributors put on their own import motor show. As the import show began to attract interest and some orders for foreign cars, the Korean Ministry of Finance announced the selling of any cars with engine displaced at

greater than 3,000 cc—which is effectively any imported car—would have to be reported to it. This had an immediate chilling effect on prospective buyers; a lot of car orders were canceled due to fears of tax audits and the like.

In January of this year, the deputy U.S. trade representative, Jon Huntsman, stated that ''Korea had somehow become a dynamic exporter without becoming an equally dynamic importer, dampening the competition companies need to keep their edge in the global marketplace.''

This is an example of an intolerable trade situation.

Let me give you another example, about Brazilian sugar. There is a tariff on sugar, but none on molasses. So what happens? Brazilian sugar is sent into the United States through Canada disguised as molasses. It is shipped from Brazil to Canada, loaded on as liquid molasses, and becomes stuffed molasses. It comes from Canada to the United States. The sugar is unloaded from the stuffed molasses. The molasses go back to Canada, and the whole process is repeated. This is fundamentally unfair trade. It goes on all the time, right under our noses. And nothing is being done about it—nothing. No one is willing to lift a little finger to resolve these problems. All they want to do is go to the next trade issue.

Over $100 million in U.S. beef per year cannot get into Europe. Now, I have here a picture of what a typical U.S. cow, or heifer might look like. It happens to be a Hereford. That is what I raised when I was a kid. Now, our cattle are sometimes fed hormones, and to hear the Europeans describe it, our cattle have two heads. Absurd, of course. We buy a lot from Europe every single year, but we cannot get beef into Europe.

There is so much more. Every pound of beef we send into Japan at the moment, 12 years after we had a beef agreement with Japan, has a 38½ percent tariff. Each pound of beef has a 38½ percent tariff attached when we send it to Japan. That is after we had a beef agreement. We had all the negotiators over there who reached a big deal with Japan. It was front-page headlines across the country: Beef agreement with Japan. Good for us. The agreement provided there will be a 50 percent tariff on all United States beef going to Japan, which will reduce over time, but snap back as the quantity increases. We have gotten more beef into Japan, yes, but 12 years after the agreement, we still have a 38½ percent tariff on each pound of beef going into Japan.

We ought to expect to get more T-bones into Tokyo. That is my cry: T-bones to Tokyo; pork chops to China. Get rid of stuffed molasses to China. How about cars to Korea?

How about asking those who are supposed to represent our country to stop worrying about the next agreement and fix a few of the problems we have created for American workers and American businesses? I am perfectly willing to ask Americans to compete anywhere under any circumstances as long as the competition is fair.

I said in the Chamber before, it is not fair competition when someone puts a 12-year-old in a factory, 7,000 miles from here, works them 12 hours a day, pays them 12 cents an hour, keeps the doors locked, and ships the product to a store shelf in Pittsburgh, Fargo, or Denver. That might be good for the consumer in terms of low prices, but it is not fair trade and it is not fair to America's producers.

We had a hearing one day in which we were told about how some people who make carpets in central Asia and the Middle East. They put the young kids, 8-, 10-, 12-year-old kids, in the factories, and they use needles to work with the carpets. They put gunpowder on the tips of their fingers and lit the gunpowder to burn them, so that the tips of their finger became deeply scarred from the burns. That way, when the kids were making carpets and they would stick their fingers with the needles, they could not feel it and it would not hurt—no downtime. And then the carpets end up on a store shelf someplace in the United States. Fair trade? I don't think so. Abusing children is not fair trade just because a product is getting manufactured at lower costs. Abusing children is just plain abusing children.

We ought not have on any store shelf in any place in this country the product of slave labor wages. We should not be letting in women's blouses made in a factory in Honduras where the doors are locked and people are paid slave wages—we ought not have that on the store shelves of this country. That is not good for consumers. It is not good for anybody.

This country needs to be a leader in demanding fair trade. We do not do that. We want to pass fast track so we can do another trade agreement, and essentially keep a blind eye for what is going on in the old agreements and move on to the next one.

I got involved with this issue because of wheat farmers in North Dakota. After the United States-Canada free trade agreement, I watched all that Canadian grain being dumped into our country, money taken from the pockets of our farmers and ranchers. They are furious about it, as well they should be.

On March 6, the U.S. trade ambassador stood up for the American steel industry. He said: We will slap tariffs on those who are unloading massive amounts of steel in this country and ruining our steel industry. We will give our steel producers a chance to compete on a more level playing field. Now, the tariffs are not what they should have been. There were too many loopholes. But at least it is a step in the right direction, and I commend the trade ambassador for doing that.

But the fact is, we also just had a guilty verdict against Canada on wheat trade, yet no tariffs have been imposed. Make no mistake about the finding of unfair trade. Here is what the USTR found:

> USTR concluded that for several years, the Canadian Wheat Board has taken sales from U.S. farmers because it is immune from commercial risk, benefits from special privileges and has competitive advantages due to its monopoly control over a guaranteed wheat supply. This infringes on the integrity of the competitive trading system.

That is how our trade ambassador has described the ongoing problem. So is our government taking prompt action, as it did for the steel industry? No. USTR has decided not to impose a tariff rate quota, as requested by our wheat farmers, because of fears that such an action ''would violate our NAFTA and WTO commitments.''

So in effect, USTR has concluded that Canada is guilty of unfair trade, but it is not going to do anything about it anytime soon. Granted, USTR is talking about taking the Canadians to the WTO. My great-great-grandchildren might get some result out of the WTO. There is no guarantee it will be a good result. I guarantee only that the way the World Trade Organization works, the proceedings will not be transparent, because panels deliberate cases behind closed doors, in secret. This country ought to demand open government and demand that World Trade Organization proceedings be open for all to see.

When we have the fast track, so-called trade promotion authority bill on the floor of the Senate, there will be a number of amendments. I intend to offer an amendment saying that the proceedings of trade tribunals must be open to the public. The American people have a right to see what is going on. And they may not like what they see.

Also, I will have an amendment proposing tariff rate quotas on Canadian wheat. I am going to raise some of the trade problems I have discussed today, and I think the Senate ought to have a chance to vote on this.

Advocates of free trade sometimes remind me of the Hare Krishnas, who chant the same thing over and over. Our trade negotiators are always singing the same song: free trade this, free trade that. I am tired of the chanting. The question is, Is someone going to stand up on the floor of the Senate and demand fair trade on behalf of America's workers and America's producers? Do we demand fair trade or don't we?

In this town there are only two recognized views of trade. You are either a protectionist xenophobic stooge who just doesn't get it and can't see over the horizon and can't see the big picture, or you are for global trade, expanded trade, opportunity, and jobs for the future. That is the way the issue is presented. You are either kind of a nut who wants to build walls around America and bring Smoot-Hawley back, or you have a broad vision and you are a great statesman and good for you.

That is the most thoughtless bunch of nonsense I ever heard. That is not an adequate description of the views of trade we ought to embrace. There ought not be anyone who is worried about standing up on the floor of the Senate and saying: Look, I stand up for this country's interests. I stand up for the interests of people who work in this country, who produce textiles, who work on the manufacturing floor, and who produce automobiles, who work in the fields and produce grain or livestock. We stand up for them.

Our government is not ensuring a level playing field. We have stacked the deck with bad international trade agreements, ineffective trade negotiators and bad agreements, one after the other. Now we are told, let's implement fast-track authority again so we can have a new agreement. I say to those who demand fast-track authority, please fix a few of the old problems and then come back and we will talk about new agreements. Fix some of the old problems first.

Will Rogers once said that the United States has never lost a war and never won a conference. He must surely have been thinking of our negotiators. I have suggested many times that our negotiators wear jerseys, like they do in the Olympics. Next time they sit around a table with China, Japan, Europe, Canada, and Mexico, they could look down at their jersey and be reminded that they represent the United States. They represent workers, businesses, investors, and others who have decided that, in a global economy, they want a fair shake. Nothing more more, just a fair shake.

I am flat sick and tired of seeing negotiators go abroad and negotiate a trade agreement that ties America's hands behind its back.

The first 25 years after the Second World War our trade was all foreign policy. We were bigger, better, stronger than anybody in the world, and we could outperform anyone with one hand tied behind our back. So what we did is we granted trade concessions all around the world because it was foreign policy to be helpful to foreign governments. That was the first 25 years after the Second World War.

The second 25 years have been different because we suddenly had tough, shrewd international competitors. Too much of our trade policy has been softheaded foreign policy. And it is not working.

We have a large, growing trade deficit, the largest in human history—a large deficit with China, a large deficit with Japan, a large deficit with Europe, a large and growing deficit with Canada and Mexico. This is not working.

We used to have a small trade surplus with Mexico and then we had a new trade agreement with Mexico and turned it into a big deficit. We had a moderate deficit with Canada. We got a new trade agreement with Canada and doubled the deficit. Of course, with China and Japan, it has been a miserable failure. Our trade relationship with them has failed to really break down the barriers and open up their markets.

So my message is not that I want us to put walls around our country. I don't believe in that. My message is not that we should create special protections for American producers. I don't believe in that. I believe in fair, free, and open competition. My message is, I demand, on behalf of the workers and producers of this country, that trade agreements represent fair trade conditions. If the rules are fair, if the conditions are fair, then we ought to be able to compete. I know we will compete and do well anywhere in the world under those circumstances.

This issue is an issue, at its roots, that has to do with jobs and economic opportunity and growth. When we give commencement speeches at high schools and colleges, we look out onto that sea of faces of young men and women, the best and brightest in our country, and we see people who are entering the workforce. The question is, What kind of an economy will they join?

We have people around this country bragging about their states being low-wage states. That is nothing to brag about. We need good jobs, good careers, good salaries, and good opportunities for the future. Manufacturing jobs have always been a base of good jobs that pay well and have good benefits, but our manufacturing industry is rapidly being decimated by trade agreements that are unfair to American workers and American businesses.

So I simply wanted to say today that we are going to have a vigorous and significant debate on this issue. It is long overdue. I welcome the opportunity to have trade promotion authority on the floor. Those who bring it should understand it will not be easy to get it. Those of us who have amendments to offer will be here offering many amendments.

CONGRESSIONAL OVERSIGHT OF HOMELAND SECURITY

Mr. DORGAN. Mr. President, I am chairman of an appropriations subcommittee. Last fall we asked Governor Ridge, who is the Director of Homeland Security, to come and testify on matters dealing with homeland security issues. In my subcommittee, we fund the U.S. Customs Service and others.

Governor Ridge determined that he could not do that and would not do that. Other committees have experienced the same reaction from the Governor. I think the administration is making a mistake. I think Governor Ridge is an excellent public servant. I enjoy working with him, but he really does need to come and testify before congressional committees. I think it will benefit him, it will benefit the Bush administration, it will benefit the Congress and the American people.

I did want to say, however, as we construct homeland defense, I think the administration's recommendations are good ones. I support them. I have commended President Bush for his prosecution of the war against terrorism. I think his recommendations in this budget dealing with homeland security are some thoughtful and good recommendations.

But there is one recommendation that is now floating around, being advanced by Governor Ridge and others, that I will not support. That is a recommendation to merge the Customs Service with the Immigration Service. Let me describe why I think that would be inappropriate.

There is a discussion going on about merging a number of agencies of the Federal Government into one larger agency. We are not going to solve the problems of any agency by simply creating larger bureaucracies. That doesn't solve any problems of government.

We had an embarrassing circumstance a couple of weeks or so ago in which the Immigration Service issued visas to Mohammed Atta and one of the other terrorists who flew the airplanes into the World Trade Center and murdered thousands of people.

We need to solve those problems at the INS. I must say Mr. Ziglar, who runs the INS, a friend of mine and acquaintance of most of the Senate, has inherited an agency that had a lot of problems, no question about that. I know he is struggling mightily to deal with them. I wish him well and I want to help him to do that. But he inherited an agency that wasn't able to track anything on its computers. It couldn't track down someone who overstayed a visa. I think Mr. Ziglar has a lot of work to do, and I want to help him do that.

But visiting the problems at the INS that Mr. Ziglar inherited on the Customs Service makes no sense at all. The Customs Service runs pretty well. We have some problems there as well, but it is an entirely different agency, which deals with the facilitation of trade and the prohibition of illegal goods from coming into the country. It is the second largest revenue raiser for the Federal Government next to the Internal Revenue Service. So I don't want to visit upon the Customs Service the problems of the INS or any other Federal agency, and I don't believe you solve the problems with respect to these issues by creating larger government and bigger bureaucracies.

So again, I would encourage Governor Ridge to come testify before Congressional committees, and discuss matters such as these. The idea of merging Customs and the INS is one that I just cannot support.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.