

We do not want goods that come from prison labor in China. We do not want goods to come into our marketplace that are made by 12-year-old kids working 12 hours a day being paid 12 cents an hour. That is not fair trade. It is not what this country ought to support, and it is not what we ought to allow into our marketplace.

Conditions of fair trade are very important, and as we discuss trade in this Chamber with the advent of the fast track debate, it is very important for us to say to the American people that there is an admission price to the American economy, and the admission price to other countries is that their markets must be open to us and their markets and laws must represent fair trade with this country. That is not a standard that now exists.

I do not want to put a wall around our country. I believe in expanded trade. I believe in greater trade opportunity. But I believe also this country needs to have the spine and the backbone to stand up for its own economic interest and demand that trade be fair trade.

That will represent the several amendments I will be offering and supporting, including the three I mentioned I will be offering soon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The senior Senator from Connecticut.

Mr. DODD. Mr. President, I commend my colleague from North Dakota for several comments he made. I particularly commend him for his comments about the issue regarding Cuba and how we might do a better job than we have over the past 40 years of bringing democracy to that country.

After 40 years of failed policies, one might think a new approach would be in order. I take note as well that as we speak today, a former President of the United States, President Carter, is in Cuba speaking to dissidents and human rights activists, as well as members of the Government of Cuba. That kind of exposure, that kind of engagement is going to do more to bring about the change we want to see in Cuba than the insistence of a failed policy we have followed for the past four decades.

I commend my colleague from North Dakota for his comments.

INTERNATIONAL CRIMINAL COURT

Mr. DODD. Mr. President, I wish to take a few minutes to express my deep disappointment at the announcement made last week by Under Secretary of State John Bolton with respect to the "unsigned," as they have called it, of the International Criminal Court. This decision, in my view, is irresponsible, it is isolationist, and contrary to our vital national interest.

Many of our closest allies—in fact, every one of our NATO allies—has put their faith and vision in this new legal instrument, the International Criminal

Court. To date, 66 nations have ratified the International Criminal Court and over 130 nations have signed on to this particular effort, including those nations I mentioned—all of our NATO allies—countries such as France, Germany, the United Kingdom, and the like. These are governments with deep ties to our Nation. We share a deep sense of common values, a deep sense of democracy, and a deep sense of justice.

It is outrageous that the United States has now put itself in a position of joining only a handful of rogue nations that are frightened to death of the International Criminal Court as we enter the 21st century. We should be joining these countries and supporting them in their commitment to making the Court work and strengthening international respect for the rule of law. That is what we stand for as Americans. That is what we are trying to export around the world. In addition, we try to export the notion of justice, of fair justice, such as the symbols we see outside this building a block away: The Supreme Court, Justice blindfolded with the scales equally divided.

That is what we have stood for as a nation for more than two centuries. What a great shame it is that as we enter the 21st century, in an effort to establish an international criminal court of justice, the Bush administration is going to "unsigned" a document, a treaty, that I think would have gone a long way to helping us achieve the very goals incorporated in the Treaty of Rome.

We should have been rejoicing that finally with the entry and divorce of the court, any individual who commits genocide, war crimes, and crimes against humanity would be on notice that he or she would be prosecuted for those offenses. I find it disheartening there is a lack of historical perspective when it comes to this issue. Let's remember it was the atrocities of World War II, the Holocaust, that led to the establishment of the Nuremberg Tribunal to bring those who committed such acts of violence and human rights violations to justice, which highlighted the fact that there was a void in the international legal system. Those who participated in the Nuremberg process came to believe strongly that a permanent international criminal court should be established to try future heinous international criminals. The hope was that the existence of such a court would also serve as a deterrent to those who might consider committing such crimes.

Unfortunately, the proposal floundered during 50 years of superpower rivalry, but the United States kept arguing that we ought to do this, through Republican and Democratic administrations. Conservatives, liberals, moderates all suggested and all argued at one time or another for the importance of the establishment of such a court.

I have no doubt that such a court would have been extremely useful had

it existed during the last quarter of the 20th century. It should still be fresh in our minds the fact that the end of the cold war, and the explosion of ethnic brutality led to the necessity of creating ad hoc tribunals for Rwanda and Yugoslavia, but there was no means available for trying the Idi Amins and Saddam Husseins of this world, or others who have been able to evade their nation's justice. With very few exceptions, the world has stood helpless in the face of such crimes against humanity.

Had the court existed, it just might have deprived these tyrants of the safe havens from prosecution. It just might have deterred some of the worst atrocities and also prevented the U.S. service members from being sent into harm's way to reestablish the rule of law.

President Clinton, to his credit, appreciated that fact, and that is why he signed the treaty. He was not starry-eyed about it. However, he recognized that additional safeguards with respect to the operation of the court were needed in order to reassure those skeptical about the international organization, and he rightly decided that since the court was still a work in progress, and given the role of the United States as a leader in the promotion of the rule of law, that it was in the national interest of the United States to remain engaged with our allies as they moved forward to bring the Rome statute into force.

Some in the United States harbor the unreasonable fear that Americans will be taken before this tribunal on politically motivated charges, fears that I believe are unfounded but fears that have not been dispelled with the erasing of our signature. U.S. men and women in uniform are no safer today than they were before Monday's announcement. In fact, I argue they are in greater jeopardy because the court, as it is presently construed, does have flaws because we disengage from rewriting the court to try to establish better rules—the court is going into existence in a matter of weeks. Whether we signed it or not, it is becoming the international rule of law, and today that court could have been stronger had we decided to remain engaged in helping frame the structure of the institution.

These men and women in uniform may be in some jeopardy, and my hope would be they would not, but had we stayed engaged in this process, we could have eliminated even that slight possibility. Moreover, to the best of my knowledge, what we have done with respect to the ICC, the "unsigned" of a treaty, is without precedent. I am sure there are legal scholars on diplomacy that can correct me if I am wrong, but I cannot find a single example in the more than two centuries of history where an American President has unsigned an agreement.

Think of the precedent-setting nature of that act. Let's be clear: The

U.S. withdrawing its signature, if it can so be done, does not annul the court. In fact, it does not do that at all. But it would encourage other nations to remove their signatures from treaties that are vital to U.S. interests, and they will cite the example of an American President who unsigned a treaty for which he did not particularly care.

The fear in Washington is that American soldiers abroad, as I said, would be charged unjustly with war crimes. Such a possibility is very remote. The court already contains strong safeguards that ensure it will deal only with the most serious of international crimes and can take a case only if a nation's own judicial system has declined to carry out a conscientious investigation of the charges.

Does anyone really believe that in this country we would not pursue a person in uniform who had committed heinous crimes to come before a bar of justice?

The Rwandan and former Yugoslavian tribunals, which have rendered fair and reasonable judgments, show that America has little to fear from such a court. The Clinton administration negotiators were able to significantly improve the court's rules. Continued engagement, as I said a moment ago, by the Bush administration could have built upon that record.

One would have thought it was in the interest of the United States not to miss a chance to affect the selection of judges in the definition of new crimes, issues that should matter to us and to our allies. Apparently that is not the case.

A few weeks ago, on April 11, governments gathered in New York to mark what they called the depositing of the 66th instrument of ratification of the Rome statute, meaning that the international criminal court will come into existence this July. The court is going to exist and, unfortunately, we are going to be on the outside.

We have made further announcements we will not even support or assist the court as it tries to gather information against those who may have committed these dreadful crimes that the court would have jurisdiction over.

I am deeply disturbed by this action. I think it is a huge mistake. What are the implications of this course the Bush administration has set for the United States? The United States no longer can credibly voice its opinion on who should be selected to be the court's judges and prosecutors, nor will we be taken seriously if we attempt to use our seat in the U.N. Security Council to refer situations to the court, such as the current conflict in Sudan that has already claimed over 2 million lives as a result of war crimes, genocide, and crimes against humanity.

Finally, our words will fall on deaf ears when we purport to act as an unbiased watchdog of the court's integrity having denounced its fundamental purposes. We have also lost the opportuni-

ties that ensure the court stays focused on its primary task, that of bringing to justice the world's worst criminals.

I have cited a number of vital American interests that are wrapped up in this institution, the court. Those interests are not going to be erased with the name of the United States gone from the Rome statute. The administration may have struck a responsive cord with a right-wing antimultilateralist constituency with this announcement, but it has jeopardized the interests of all Americans in so doing.

The administration could have taken the higher road, the responsible road, recognizing that there is a constructive and useful role the United States could perform without making a decision at this juncture concerning U.S. ratification. Sadly, President Bush has chosen not to do so.

While some may be cheering the administration's decision, those of us who care deeply about promoting the rule of law are not. The issue has particular significance for me. My father, Thomas Dodd, was an executive trial counsel at Nuremberg in 1945 and 1946. The Nuremberg trials of the leading Nazi war criminals following World War II was a landmark of the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and genocide conventions. It was also largely an American initiative.

Today, instead of America being a leader in the pursuit of global justice, we would act to throw up roadblocks toward that goal. Make no mistake about it, today was a setback in the promotion of global justice. Today was a setback for what America is supposed to stand for, and I regret this decision very deeply indeed.

TERRORISM INSURANCE

Mr. DODD. Mr. President, I note the presence of the distinguished Senator from Nevada who has spoken to me on numerous occasions about the efforts to get a bill passed dealing with terrorism insurance. In his State, and I think particularly Las Vegas, major construction efforts have been slowed down tremendously because of the inability to acquire terrorism insurance. We have been very close since last fall in coming to an agreement to bring up a bill and to allow a series of amendments to be offered, debated, disposed of, and then to move on to reconcile the differences with the House-passed bill so that we might eliminate this roadblock that is causing a slowdown in economic growth in this country.

I hope my colleagues on the other side—I have worked very closely with Senator GRAMM of Texas, with the minority leader, the Republican leader, TRENT LOTT, to try to come up with a framework that can work. On this side of the aisle, Senator DASCHLE, our Democratic leader, along with Senator SCHUMER and others who have been interested in the subject matter, we have received unanimous consent—my col-

league from Nevada can correct me if I am wrong on this side to move forward with a proposal allowing for a series but limited number of amendments, to a defined period of time to be considered and then final passage of a bill. There have been objections filed on the other side so we have not been able to proceed.

Let there be no doubt, there is 100-percent agreement on this side of the aisle to move to the terrorism insurance bill. Every day we wait, a day delayed is a job lost, a project gets stalled and the economy suffers. This is a serious issue. We ought to be able to get to a bill, consider amendments, let there be a decision by this body whether to support or reject amendments, get to final passage and try to resolve this issue.

To those who call my office on an hourly basis wondering whether we will get a terrorism insurance bill, let me be as clear as I possibly can: There is no objection on this side of the aisle; there is on the other.

My hope is we can resolve the objections. This has gone on week after week after week. There is no reason we cannot define amendments, allow for their consideration, allow for their disposition, and get to the third reading and final passage of a bill. My hope is that will happen this week so we can resolve the differences with the House and send a bill to the President for his signature.

Mr. REID. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. REID. I say to my friend, he is absolutely right. We have worked hard under the direction and guidance of the Senator from Connecticut and gotten everyone to sign off on a package we can bring to the floor. The other side wanted two amendments and then four amendments; and we have agreed. It seems to me we cannot let the perfect be the enemy of the good. It needs to be done.

I am sure the Senator would agree, if someone has a problem, propose floor amendments, we will debate and vote and move on. This has become serious. The Senator from Connecticut has had developers in his office, the people who lend money and want to lend money, people in the construction business, in addition to the specialized construction business, in addition to developers. I can go through a list of others who have been to see us who are extremely concerned about our country, in addition to their businesses.

I have heard on a number of occasions the majority leader acknowledging the work of the Senator on this issue, and I join with him. We need to nudge this forward a bit more and get this matter resolved. Time is wasting. In another 10 days we will be taking a week break to go home for the Memorial recess, and then the Fourth of July. In the meantime, there are construction projects not going forward.

Mr. DODD. I thank the Senator for his comments. He is exactly right. In