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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, May 20, 2002, at 12:30 p.m.

Senate

FRIDAY, MAY 17, 2002

The Senate met at 9:30 a.m. and was called to order by the Honorable Debbie Stabenow, a Senator from the State of Michigan.

PRAYER

The guest Chaplain, Father Paul Lavin, of St. Joseph's on Capitol Hill, offered the following prayer:

In the book of Tobit we read:

Thank God! Give him the praise and the glory. Before all living, acknowledge the many good things he has done for you, by blessing and extolling his name in song. Before all men, honor and proclaim God's deeds, and do not be slack in praising him. A king's secret it is prudent to keep, but the works of God are to be declared and made known. Praise them with due honor. Do good, and evil will not find its way to you. Prayer and fasting are good, but better than either is almsgiving accompanied by righteousness. A little with righteousness is better than abundance with wickedness.

Let us pray:

Almighty God, we give You thanks for the many and varied ways You have blessed the men and women who serve in the Senate. We ask now, Lord, that they may do Your will in all things and so remain close to You. Lord, Your presence is found where unity and love prevail; grant that they may strive to work together in harmony and peace.

We acknowledge that God is the strength and protector of His people; grant Lord to the Members of the Senate the strength and courage they need to serve the people of the United States.

Grant this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 5 after the hour and that Senator COLLINS be recognized for 15 minutes and Senator SANTORUM be recognized for 10 minutes. Senator STABENOW asked to speak for 15 minutes. That will take us until 10 after.

I hope Senators will complete their debate on H.R. 3167 in 20 minutes because the vote is still going to occur at 10:30.

I ask unanimous consent that be the case as far as those speaking in morning business.

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

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2531 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I thank the Senator from Maine for her excellent comments and for her introduction of that legislation.

OUR STEELWORKERS

Mr. SANTORUM. Madam President, I stand in this Chamber as a strong supporter of the steel industry. In fact, I would match my record of support for the steel industry, for steelworkers,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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and for steel retirees, with any person in this Chamber or in the other Chamber.

We have had a long history in western Pennsylvania—from my days in the House and prior to that—in the steel industry. We have dealt with crises, one after another, in this industry. The most recent crisis has perhaps been the most crippling, costing lots of companies going into bankruptcies, costing lots of steel jobs, and, tragically, lots of steel retirees losing their health care benefits.

In the last session of Congress, I worked with Senator ROCKEFELLER to follow through with the U.S. steelworkers' No. 1 priority, which is to try to get a quota bill passed in the Senate. I worked very hard on my side of the aisle, and we got a majority of our Members to vote for a quota on steel imports.

The other side of the aisle was not so generous. In fact, my recollection is, if we had gotten just half the Democrats, we would have been able to pass that, but we did not. So we failed in the No. 1 request from the United Steelworkers Union.

Last year, at the beginning of this session, management and labor got together, retirees got together, and they came up with their No. 1 priority for this Congress. It was to file a section 201 action, to try to find comprehensive relief for the steel industry.

So like I did the session before, I took on that challenge. I think I am very safe in saying I was the first Member of Congress—certainly the first Member of the Senate—to personally ask the President of the United States to file that action. I did so.

I think in his first month in office he was in Beaver County, PA. I talked with him at length about the importance of this industry to Pennsylvania, to the country, the importance to our steelworkers' and to retirees.

I continually worked with the President, the Secretary of Commerce, our Trade Representative, other Secretaries who were involved—Secretary of Treasury—and pushed for the President to file the section 201 case.

After several months of exhorting them to do so, publicly and privately, the President followed through. He followed through and he filed the case. I testified, not once but twice, before the ITC in support of the section 201 case.

When the decision came down, I again went back and worked with the administration on making sure there were adequate remedies. We met on a continual basis, daily basis toward the end, to make sure that there were adequate remedies. Why? Because the steelworkers, the retirees, and the companies understood the most important thing we could do is stop the hemorrhaging, stop the bankruptcies of steel companies, because these companies that were going into bankruptcy now, under the current climate of steel, were not going to go into bankruptcy to reorganize and come back out again. In most causes, they were going to liquidate. That means, when they liquidate, retirees lose their health care benefits, they lose their pension benefits. We lose jobs, too, because they liquidate. They sell off assets. Some are reused; some are not. The ones that are reused, they have new contracts.

The jobs were not as ''lucrative'' as they are today. This is why it was the No. 1 priority, because it helped retirees; it helped workers, and it helped companies stay alive and pay benefits and have good-paying jobs. I worked and worked and worked, and we got 201 relief that everyone in the steel industry feels very good about. It helped retirees. There are retirees receiving benefits today who would not be receiving them if the President had not enacted the remedies he did under section 201. That is a fact. There are companies in business today that would not be in business today if that had not happened. There are companies that did not file bankruptcy.

Every steel company in America, maybe with the exception of a major steel company, maybe with the exception of Nucor, had said they were going to file bankruptcy if 201 remedies were not sufficient. To my knowledge, there have been no bankruptcies since 201. The fact is, we have done more for the steel industry, I have worked to do more for the steel industry, than anybody else.

There was a second component about which the steelworkers and retirees and companies were concerned. That was legacy costs. What was the issue with legacy? Legacy was important because we wanted to help retirees have security. But the most important part of the legacy cost, picking up the cost, was to encourage the steel industry to consolidate, to become more efficient, to restructure. Why? So they would be stronger entities that would be able to carry those retiree costs in the future and carry those companies in the future.

What we were going to do was to help the consolidation by picking up some retiree costs of some companies to encourage these companies to consolidate with stronger entities.

A few months ago during the energy debate, I worked with Senator STEVENS and others to try to craft a bill that would do just that. It would be a substantial benefit to enough retirees to encourage the steel industry to consolidate and become more efficient, become stronger in competition with foreign competitors.

We had an amendment to the ANWR drilling bill. Why was it an amendment to the ANWR bill? Because ANWR produced billions upon billions of dollars in revenue to the Federal Government that we could use to help pay for retiree benefits. We could fully fund a program that would incentivize restructuring. The whole purpose of doing the retiree benefit was to incentivize restructuring so we could have a more stable industry to take care of retirees for the long term and provide better quality jobs for the long term.

We offered a piece of legislation that did that. Let me be very clear. The steelworkers unions walked away. They walked away. Why? Because it was on a bill they were not in favor of. It was on a bill, ANWR, that they were not in favor of and that the majority leader was not in favor of, and many others from the other side. They walked away. Why? Politics. They walked away from a comprehensive restructuring of legacy costs. Why? Politics.

Of the people who are offering this amendment on which cloture will be voted on Tuesday, of the seven sponsors of that amendment, six voted against a comprehensive legacy cost restructuring; six of the seven voted no on a much more comprehensive benefit that would have incentivized restructuring of the steel industry.

What are we offering today? We are offering a very narrow 1-year benefit that will not only do nothing to encourage restructuring but, from the industry representatives I have talked to, will in fact do the opposite. It will discourage restructuring because of the way it is so limited in its application. It picks winners and losers.

Yes, we will provide retirement benefits to retirees of companies that have gone bankrupt and stopped paying retiree benefits for health care. We will do that for 1 year. But the consequence of it is, we will not get the restructuring we need.

I am opposed to this amendment, not because I am opposed to the Senate doing something to pick up restructuring costs for the industry, not because I am opposed to having something done in the Senate to help pick up retiree health care costs. This is the wrong step. It is politics. It is raw, blatant politics. What is this amendment attached to? It is attached to the bill to which virtually every one of the sponsors of the legislation is opposed. You have heard from many on my side of the aisle and a few on the other who have said if this amendment is included, they will vote against the trade bill. They will sink this bill.

So what are we doing? We are playing a cruel hoax. It is a hoax. We are playing a hoax on retirees. We are playing a hoax on steelworkers. We are playing a hoax on the steel industry. The hoax is that this is somehow going to help retirees. In the long term it will not. It will not lead to the restructuring of the steel industry. What this will do is help sink the trade bill, which I know many who are supporting this amendment would love to see. But that is a hoax. To stand up and say you are for retirees when you are introducing a piece of legislation that is going to be counter to restructuring, which is the best thing we can do for retirees, is a hoax.

Yes, I am opposed to this legislation. It doesn't solve the problem. It is politics in its rawest, in its most crass form. You are preying on retirees who desperately need health care. You are playing politics with their health. It is wrong. It is not the right course.

We had a chance to do the right thing for the industry, for workers, and for retirees, and because of politics, under ANWR, the answer was no. Now we play politics again, and we play with people's lives. The answer should be no.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, as one of the Senators representing the steelworkers in the upper peninsula and throughout Michigan, I wish to indicate, contrary to my colleague who just spoke, that I can't think of a more appropriate place to talk about helping steel retirees who have lost their health insurance, those who have lost and will lose their jobs because of unfair competition, unfair steel dumping, unfair trade practices, than to debate it and attempt to fix it on a trade bill. I hope my colleagues will support standing up for our steel retirees on the trade bill.

PRESCRIPTION DRUG PRICES

Ms. STABENOW. Madam President, I rise to speak about one of the most important issues affecting our families, seniors, the business community, every part of our economy. That is the explosion in the cost of prescription drugs. Prices are skyrocketing, and too many of our seniors who use the majority of prescriptions—our seniors on average are using 18 different prescriptions in a year—find themselves in a situation that is absolutely untenable. We have heard these stories over and over again.

On this side of the aisle, we have two ideas we are putting forward. First, we have to have an updated Medicare to cover prescription drugs. We have to do it in a way that is comprehensive and helps our seniors. I call upon my colleagues from the other side and in the House of Representatives to join us in real prescription drug coverage.

Secondly, we know we have to lower the price. Prices need to go down for everyone. When I talk to our small business community, I talk to farmers in the State of Michigan, I talk to the big three automakers, wherever I am in Michigan talking about the cost of doing business, everyone wants to talk about health care. They understand that the explosion in their health care premium is because of the uncontrollable cost of prescription drugs.

I have been putting forward, and have met with a number of my colleagues, four different ideas. I will speak specifically about a bill we are now introducing that we talked about yesterday with colleagues. There are four different ideas we have been promoting. If we did those things, prices would go down. Prices would go down immediately. Even as we know any kind of comprehensive Medicare prescription drug benefit will take time to phase in, there are things we can do now.

The American people, who subsidize the research, who underwrite the cost for tax credits and deductions for the development of these drugs, deserve to see something happen now.

First is to make sure the generic laws work. I commend my colleagues, Senators SCHUMER and MCCAIN, for their continuing efforts. We have a bill that will close loopholes, that will stop the ability of the drug companies to be able to manipulate the law so that lower priced generics are precluded from the market. We know if that were to pass, we could see a tremendous drop in prices. We know if we opened the border to Canada so that we could in fact see not only individuals but businesses and hospitals and pharmacies developing business relationships across the border to bring back American-made, safe, FDA-approved drugs, we could drop prices almost in half.

I find it ironic, as we are in the middle of a discussion on a trade bill, that the only things you cannot take back and forth across the border from the great State of Michigan into Canada are American-made prescription drugs. So we need to open the border. I welcome colleagues joining us to do that. We could drop prices tomorrow 40 to 50 percent if we did that.

Thirdly, we know that since the FDA changed their rules on advertising, direct consumer advertising, starting back in the mid-1990s, there has been an explosion of excessive advertising. While companies say they spend more on research than advertising, there is great evidence to the contrary. So we have introduced legislation to say simply that you can write off as much advertising and marketing expenses on your taxes, that taxpayers will subsidize advertising and marketing to the same level we subsidize research—the same level. If you want to do more advertising, do more research, because taxpayers want to see the research done.

Then, finally, I joined with my colleagues, Senators DURBIN, LEAHY, LEVIN, BOXER, DORGAN, and others to introduce legislation to give States the flexibility to set up programs to pass a law on Medicaid discounts to their citizens who don't have prescription drug coverage and are not eligible for Medicaid.

There are 30 States that have enacted some kind of a law to help citizens with prescription drug coverage. Unfortunately, we have seen the drugmakers trade association, PhRMA, mounting legal challenges to a number of States that have attempted to lower prices for their citizens. They have fought these efforts. I am specifically referring to lawsuits against Maine and Vermont because the drug lobby doesn't want them to extend the Medicaid discount—the price that is paid for Medicaid—to those who are not Medicaid recipients but need help, who don't have prescription drug coverage. So we have introduced the Rx Flexibility for States Act. We are calling it the Rx Flex Program. It will simply say that what is being done in States, what is innovative, in our attempts to reach out and use the purchasing power of the States under Medicaid to provide additional price reductions to those who don't have insurance, who are not on Medicaid—that those are legal.

We have heard colleagues on both sides of the aisle, both sides of this great Capitol Building, talk about the States as being the place for flexibility, creativity, and new ideas. Well, this legislation says we are going to remove the legal hurdles that are preventing States from providing lower priced prescription drugs to all of their citizens.

Right now, we have States that are spending millions of dollars fighting suits from the drug companies because the companies fight everything that is attempted that would lower prices for our citizens.

This legislation specifically would indicate that those States that are using the clout of Medicaid purchasing power to expand to allow that same price to be given to those without prescription drug coverage, who are in need of prescription drug help in their States, would be able to do that. Right now, the lawsuits have been filed. We know that while Maine's program has been upheld in court, Vermont's program was not, and both States are embroiled in very lengthy appeals processes.

I am very hopeful that as we are working to put together a very strong, effective Medicare prescription drug program, we can also pass this legislation to reinforce that States, on their own, can proceed to do what is necessary to make sure their citizens have access to lower priced prescription drugs and that we will pass those other measures we have been talking about that will allow us to lower prices, create more competition across the border, get a better balance between advertising and marketing expenses and research, and that we will be able to create a system where we in America not only create the best drugs, the new lifesaving medications, where we don't only subsidize and underwrite and fund the research through the National Institutes of Health, and other mechanisms, but our people can actually get those drugs.

Right now, it is not a good deal when we are the ones who are creating, supporting, and subsidizing the creation of these medications. Seniors will sit down this morning, this noon, and tonight and decide: Do I eat, pay the electric bill, pay my rent, or can I get my medicine this week?

We can do better. I am committed to doing better. Colleagues of mine are committed to doing better. We want a

prescription drug benefit. We want to lower prices. There are ways to do it. We can do it now. I ask my colleagues to join with us in this effort.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

GERALD B.H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3167. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I ask unanimous consent that the Senator from Wisconsin, Mr. FEINGOLD, be added as a cosponsor of S. 1572.

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

Mr. LUGAR. As I understand the parliamentary situation, time is controlled by Senator BIDEN and myself for half of the time remaining until 10:30, and Senator WARNER of Virginia controls the other half; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. Would that be approximately 12 minutes each at this point?

The PRESIDING OFFICER. It is 11 minutes each.

Mr. LUGAR. Madam President, last evening in the debate, we had a good discussion of the need for the Senate to affirm through this action today that NATO should be expanded as a general principle. We also established that there ought to be very careful criteria for that expansion and examination of each of the candidates, as opposed to a done deal at the end of the trail, in which the Senate then receives a treaty without that careful examination country by country.

I have appreciated the colloquy with the Senator from Virginia, Senator BIDEN, and myself in which I think we established both of those facts—the desirability for a more robust NATO, and that would include more members, likewise—members that in fact carry their weight. As the Senator from Virginia pointed out, Americans may be involved in an article 5 declaration to defend those countries that would come in. In addition, we would anticipate that they would defend us.

Madam President, I point out that we are having this debate at this point very largely because the President of the United States has asked us to have it. Likewise, we have received correspondence from the Secretary of State and the Secretary of Defense pointing out how imperative it is that we take this action to affirm that the United States stands solidly in terms of expansion of NATO and the careful consideration of its membership.

The act we discuss today also has money for seven candidates, on the presumption that these are serious candidates, that this money will make a difference in terms of training, interoperability of equipment, the general proposition as partners for peace. These nations have demonstrated great interest in the alliance and therefore deserve our help.

We pointed out last evening, in fact, the money was appropriated last December—the money is out there. This is the authorization of the money. Some have asked, is the authorization following too far behind? Our response is, no, if we take action.

This is why the President wants this action prior to his taking a very important trip to the summit with President Putin in Russia next week.

Madam President, I hope that today we will join in support of the Freedom Consolidation Act of 2001 because this bill provides assistance to the nations, as I mentioned. It gives us an opportunity for Congress to affirm our solidarity with our allies and our confidence in the future of the alliance.

I point out that our own President, George Bush, gave an important speech last year in Warsaw in which he said:

All of Europe's new democracies from the Baltic to the Black Sea and all that lie between should have the same chance for security and freedom.

He went on to say he believed ''in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibility that NATO brings.''

The cold war may be over, but the security and welfare of America and Europe are very closely linked, and our common goal must continue to be the building of a Europe which is whole and free.

I mentioned in the debate last evening my own visits last September to the three Baltic States—Latvia, Estonia, Lithuania—and Romania, and Bulgaria to visit with leadership about the specific criteria. That visit has been replicated by other Senators, most recently by our Ambassador to NATO, Mr. Burns, who has laid out a very concrete plan for each of those nations to affirm their interest and to give us a basis to judge that interest.

I finally point out that NATO is a truly remarkable institution because its members have joined together to assure that the ideals we share—we have a collective, moral, and military strength—are enhanced in the world at a time of the war on terrorism, at a time in which literally the dispute as to whether out of area or out of business has gone by the boards.

The war is out of area, by definition. The threats are all over the world. The need for flexibility and for more of us to be involved is apparent. As President Bush pointed out, that means filling in the geography of Europe—Romania and Bulgaria and the southeast part—which is so important as a link not only to Greece and Turkey, our allies, but to the Middle East. The Baltic States were altogether mischaracterized by the former Soviet Union. They were always independent. We reaffirm that is the case. We see this as a cardinal principle of this legislation.

Finally, I point out that NATO is the alliance that places us in Europe. We are not a part of the European Union. We are a part of the transatlantic military alliance with headquarters in Brussels, with an American who has been in charge for many years. It is tremendously important. We appreciate Europe, and NATO is the major way in which we indicate that appreciation and participation.

The question now is, Should we expand that to countries that have taken on democracy, have taken on defense responsibilities, have shown through the Partnership for Peace their eagerness and their willingness to be with us?

My answer is in the affirmative, and I hope the Senate will vote overwhelmingly in favor of this action today that our President be fortified as he proceeds into important diplomacy.

Madam President, I yield the floor.

Mr. WARNER. Madam President, I yield to our distinguished colleague from Texas 5 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair, and I thank the Senator from Virginia.

It is very important for the United States and Europe to have the kind of alliance that NATO has been. It has been the greatest defensive alliance in the history of the world, but I feel as if I am experiencing deja vu all over again.

The Senate is once again considering a measure to endorse the expansion of NATO without having satisfactorily addressed any of the same questions that loomed over the alliance 4 years ago when we made the first recent expansion.

In April of 1998, this body voted to expand NATO without articulating a rationale for NATO in the post-cold-war era, without calculating a reliable estimate of the cost of the expansion, without establishing an interalliance dispute resolution process, without evaluating the militaries of the respective candidates to see what they offered and where their problems were, and without determining how the alliance can effectively coordinate military action amongst an even larger and more unwieldy membership.

Here we are in 2002 with the same questions unanswered, and yet we are on the cusp of enlarging again. I have never thought that any of my concerns about the structure and purpose of NATO should be directed at any one

country. I do intend to vote for this resolution because I think we should expand the Partnership for Peace, we should get countries ready, we should try to bring their militaries up to speed, and the President wants this ability before he goes to Europe. I understand that, and I support the concept of an alliance with Europe.

What is the alliance's purpose? This is a defensive alliance to protect the democracies of Western Europe from the Communist threat of the East. That threat has evaporated. Our President is going to make an agreement with Russia in the next week that will have a mutual disarmament pact that will bring down our stash of nuclear weapons and their stash of nuclear weapons. We are friends with the Russians.

Today the threat for which NATO was first put in place is gone. We should have a strategic military alliance, but we need to talk about what functions it will have. If we are going to go offensive, as we did in Kosovo, how are we going to do it? Everyone knows the problems we had in trying to get unanimity when we were bombing Serbia. Everybody knows that was an almost impossible task. Yet here we are talking about adding new members without talking about what kinds of offensive alliances we are going to have.

In fact, as we are looking now at the hotspots around the world, some of the NATO allies agree with what we are doing in certain places; some have been less helpful. We need to have a purpose for NATO, or are we going to set our alliances according to the operations and interests of different parties involved so that we should stretch our dollars in a way that allows us the flexibility to determine which alliances we will have for any particular operation?

The cost of NATO is a big one for the United States. One-half of our permanent foreign forces are in Europe. We have a commitment to provide 25 percent of the NATO budget. We spend $170 million to $180 million in military construction for NATO, and we have a $500 million commitment for U.S. military construction in NATO countries. So we are talking about almost $1 billion, about three-quarters of a billion dollars in construction costs in European countries and/or NATO. That is a big part of our budget when we also have major commitments in the Middle East, major commitments in Korea in the DMZ, and major commitments, of course, ongoing in Afghanistan, the Philippines, and places regarding the war on terrorism.

We need to assess the costs before we go forward with this kind of process.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. HUTCHISON. I thank the Senator for yielding me the time. I think we are not ready to do this, but I certainly am not against expansion of NATO.

Mr. LEVIN. Madam President, I rise to express my support for the Freedom Consolidation Act of 2001.

I support this bill because I support the enlargement of the NATO alliance to admit qualified nations and that is, at its essence, what this bill does. I would not support this bill if it supported enlargement without conditioning enlargement on nations being willing and able to assume the responsibilities and obligations of membership. I also would not support this bill if it sought to identify one or more nations as being qualified for NATO membership. Since this bill does neither of those things, I support the bill.

Mr. SMITH of New Hampshire. Madam President, I am please to join my distinguished colleague and ranking member of the Senate Armed Services Committee to discuss the merits of the Freedom Consolidation Act.

Like Senator WARNER, I have been deeply troubled by aspects of NATO expansion and by what NATO expansion means in the post-cold-war era. NATO's original mission was clearly understood—we were standing up to the Soviet threat. Today, NATO's mission is very unclear, and the organization itself has become a bloated bureaucracy where politics often dictate military decisions.

NATO's involvement in the Balkans and the manner in which military operations were conducted during the Kosovo air campaign are prime examples of a NATO without a clear mission and with a broken decisionmaking structure.

Let me make one thing clear—I believe every nation deserves the right to self-determination. I am proud to state that I was an early advocate of Baltic independence from the Soviet Union even when some in the U.S. Government were opposed to the breakup of the Soviet Union. I have great admiration for the Baltic people—the Latvians, the Lithuanians, and the Estonians—they all suffered greatly and they deserve to be free nations as do all nations. I can understand their desire to join NATO and to integrate more fully into Western institutions. However, I believe that before we even consider expanding NATO, we must have a clear understanding of the mission of NATO.

For example, just the other day, NATO accepted Russia as a junior partner of sorts. Russia will now participate as an equal partner in many of the discussions and decisions of NATO. How do we reconcile the expansion of NATO to countries that Russia is opposed to admitting to NATO? We also have to consider Russia's own problems, such as the conflict in Chechnya—could NATO and the United States be pulled into the Chechnya conflict? We must also consider, frankly, whether NATO is relevant in today's world.

Hopefully, we are finding that coalitions for the sake of coalitions are not necessary. As European countries continue to downsize their militaries, the burden on the United States becomes greater and greater. Increasing its membership without significant reforms and a better understanding of its mission, does not make sense.

NATO is becoming a mini-U.N., an unwieldy and overgrown organization which will demand much of us, our commitment, our military, our national wealth, but which will return little to us for our investment. Although I understand a country's desire to join NATO, we must first address the many problems in NATO before we even consider expanding its membership. Therefore, I will vote against this legislation, not because I do not support the security needs of the countries of the Baltic and Eastern Europe, but because the mission of NATO and the organization itself need serious work.

Mr. ALLEN. Madam President, I rise today to voice support for Freedom Consolidation Act of 2002 of which I am an original cosponsor.

Over 5 years ago, as Governor of Virginia I visited Poland, the Czech Republic, and Hungary. I supported the admission of these Central European countries into NATO. And, wisely about 4 years ago the U.S. Congress enacted legislation that would ensure that Poland, Hungary, and the Czech Republic were not the last emerging or reborn democracies to join the NATO. That was the right decision then and it is the right decision now. We should bring such aspiring democracies into our fold. And include them in the important decisions and responsibilities that affect the world as a whole. The nations seeking admittance have worked hard to meet the strict requirements. Many of these nations have undergone monumental changes from the days of communist occupation that have positively transformed them into freely elected, legitimate governments. Expanding the alliance to include nations that have made great changes in establishing human freedoms in their laws and practices is consistent with the 1949 NATO Treaty preamble which reads:

> [The Parties] are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law . . .

It is in the best interest of the United States to nurture young democracies around the world. Coach them on the great values and principles stated in the NATO preamble. Working toward fulfilling the requirements of NATO's Membership Action Plan, shows the commitment aspirant nations have made to NATO's basic principles: collective defense; common values; and the promotion of democracy.

NATO membership is a catalyst for Western values, principles and actions. It is to the benefit of the United States and NATO to ensure the security of nations that desire a place among the community of democracies. The Freedom Consolidation Act of 2002 does not

predict which nations will be chosen, nor should it. Instead it sends a clear message to nations aspiring to freedom. That message is: Your efforts have been recognized and future progress will be rewarded with admittance to the most effective treaty organization in history.

It is very difficult to consider any issue related to international relations without viewing it in the context of the September 11th terrorist attacks. We must remember the nations that arose to stand with the United States mere hours after the horrifying attacks. When the United States needed support, it did not have to make calls, NATO was there—ready and poised to act along side of our nation. Passing the Freedom Consolidation Act is but one step we can take to ensure continued support through NATO. During this war on terrorism the United States has recognized that we cannot live alone in this world, especially in intercepting terrorist finances, gathering information, as well assisting with personal, equipment, and military operation support. Countries all over the globe have been instrumental in our success and their assistance continues to expose the people that planned and carried out those vile acts.

The varied contributions of NATO allies and aspirants include: reconnaissance, refueling, Special Forces missions and many other significant duties that have aided our troops. This cooperative effort is a great example of the useful necessity of NATO. As we expand this just war into new regions, we need to develop new relationships and allies to ensure the safety of the world's democracies. I know there are many of my colleagues questioning the value of bringing new members into the alliance. There is sentiment that these nations are receiving a great benefit while adding little. I would dispute that argument; NATO is not a free ticket. All who aspire to join NATO work hard to make the kind of military, economic, and democratic reforms necessary to gain membership. This makes them a stable ally, and during these chaotic times we need committed partners. Many of those being considered for membership have proven their mettle. They have seen the cost of war, the value of freedom, and have stood strong with America.

As we consider new members we must also revisit the responsibilities of the existing nations. We must continue to urge our partners to prepare and improve their military capabilities. My colleague and good friend Senator JOHN WARNER said it best, ''NATO is first and foremost a military alliance.'' NATO must address the growing imbalance between the United States and our European partners. It is not in the best interest of the alliance or European nations to have the United States shoulder such a large part of the military burden. Senator WARNER'S insight is important and should be a top priority for the young democracies we hope to bring into the strongest alliance on Earth.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Madam President, last December I watched carefully as the Senate received from the House this legislation which we are about to adopt. I urge Senators to vote for it. There will be one ''no'' vote, in my judgment. That is the Senator from Virginia. I do so for the following reasons: I believe this subject deserved debate, and that is why I interposed an objection on the UC to have this passed last December, 40-some millions of dollars of taxpayers' money to give to these nations.

If we were able to separate this legislation between authorization for these funds, I would vote for it because I think it is important we expend these funds for these nations which are trying very hard, some nine nations—although the money applied to only seven of the nine—seven nations which are trying to put together, within their respective countries, the fabric and the infrastructure necessary to hopefully qualify for NATO.

I am in favor of some expansion. I am not against any country. I am not for any country. The purpose of my objecting was I believed the Senate should have a debate before we passed it. I thought I was successful, but in the darkness of the Senate, as so often happens, the appropriators appropriated the money. So it was a hollow act on my part.

At long last we had a very good debate last night and I succeeded in my objectives: Clarifying with the two distinguished colleagues on the floor, the chairman and the ranking member, that this language, which I deem as an invitation to join—if one looks at the overall rhetoric, one sees it is very skillfully put together. It commits the Senate and the Congress to nothing other than the authorization of funds, but I think it could be misinterpreted and misleading to the aspirant nations, and the people, the journalists, and all who will cover the actions by the Senate and, indeed, the Congress now to approve that.

I say so for these reasons. The act is entitled the ''Gerald B.H. Solomon Freedom Consolidation Act of 2001.''

Turning to the dictionary, I read the meaning of ''consolidation'': To bring together into a single whole, unite and combine.

This is a bad choice of words, in my judgment. This sends a message that all nine, or all seven, should join. I think we lose sight of the purpose of NATO—it is a military organization—which is only if there is a compelling military rationale for additional members, and each member must be fully ready and prepared to take up their responsibilities under article 5, which says an attack on one is an attack on all.

So I will vote no, probably the only one, but I will continue to be a watchdog or, as some of my colleagues said, a ''barnyard dog.'' I am going to make certain this Senate carefully reviews those credentials, and we will not have, I say with respect to my chairman and ranking member, suddenly a beautifully embossed document from the President of the United States as a consequence of meetings abroad, and here they are.

Do you think this Senate is going to go into it with that document for ratification and single out countries? We cannot do it that way. We have to do our work beforehand. I repeat, we have to do careful work. I will move in my committee, the Armed Services Committee. I hope my colleagues will do likewise. To those of us who can travel to these nations, I urge that we do so.

My motives and goals for opposing this legislation are very simple. I am not against an orderly, well thought out process leading to some measure of expansion; my fight is for preservation.

NATO is the most extraordinary military treaty in the history of mankind. Let's not sow the seeds of its demise.

This legislation being voted on today can be divided into two parts: one, authorize appropriations—which I support—for seven of the nine aspirant nations; and two, a compilation of rhetoric, primarily quotes extracted from speeches and documents, which form a matrix that can easily mislead people into believing that the United States Congress, by enactment of this legislation, is sending an invitation to one and all aspirants to join NATO. They need only RSVP in the affirmative.

I think we all agree that we are months away from deciding on which of the aspirant nations meet the criteria to be invited to join NATO. Therefore we should not be on the verge of adopting legislation that implies that aspirants ''from the Baltic to the Black Sea and all that lie between'' should be invited to join the Alliance.

I speak and vote against this legislation not as a sign that I oppose NATO expansion, but rather as a warning that we simply do not have the facts before us to render an informed judgement on the message this legislation sends across the Atlantic.

In closing, I would urge my colleagues to review the statement my good friend Mr. LANTOS made on November 7, 2001 in the House of Representatives. On page H7867 on that day's CONGRESSIONAL RECORD, Mr. LANTOS stated:

> And I strongly endorse the statements of the 10 applicant countries that eventual NATO membership for all of them will be a success for the United States, for Europe and for NATO.

While I deeply respect my friend's good intentioned views, that statement makes it clear to me that the proponents of this legislation have already reached the conclusion that all applicants should be invited to join NATO. I believe it is to early in the process to reach that conclusion.

The Senator from Delaware.

Mr. BIDEN. How much time is available to the Senator from Delaware?

The PRESIDING OFFICER. Four minutes.

Mr. BIDEN. How much is in the control of the Senator from Virginia?

The PRESIDING OFFICER. One minute, fourteen seconds.

Mr. BIDEN. Madam President, I will let the Senator from Virginia close.

I can assure my distinguished colleague from Virginia that Senator LUGAR, I, and others in the Foreign Relations Committee will have thorough hearings on this, as we did before.

This bill merely reaffirms the open-door policy for NATO enlargement which was first enunciated by the Clinton administration and now has been continued by the Bush administration. It does not authorize new funds that would throw the budget out of whack. It merely authorizes monies that have already been appropriated by the Arms Export Control Act.

Voting for this legislation does not indicate any Member's intention to vote for or against any potential aspirant to NATO. Exactly which countries will be invited by the alliance is a decision that will be made more than 6 months from now at a NATO summit in Prague, and thorough Senate debate on ratification of NATO enlargement will occur sometime at the end of this year and the beginning of the next. Everyone is going to have an opportunity to decide whether they are for or against this.

I remind my colleagues that 4 years ago, the Senate spent 7 lengthy days in floor debate on the ratification of admission to NATO of Poland, Hungary, and the Czech Republic. I managed that resolution, and I am certain the Senate will scrutinize the aspirants invited to Prague, just as we did in 1998. What the bill does mean is that the Senate authorizes the foreign military financing assistance to help those candidate countries meet the alliance's stringent membership requirements.

This bill will help NATO extend the zone of stability eastward and southward on the continent so that sometime within the next decade we will be able to say for the first time, I think, in all of modern history that we have a Europe whole and free.

I urge my colleagues to vote for the Freedom Consolidation Act. I yield the floor to my friend from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my two colleagues, the chairman and the ranking member, for an excellent debate. Other Members have participated, but let us not forget that this is a military alliance, and in the event troops are called out, our men and women in the Armed Forces will occupy the foxholes, the tanks, the revetments, and take the risks alongside the others.

What concerns me about NATO is this—I quote not the Senator from Virginia but Secretary General Lord Robertson of NATO:

> The United States must have partners who can contribute their fair share to operations which benefit the entire Euro-Atlantic community. . . . But the reality is . . . hardly any European country can deploy usable and effective forces in significant numbers outside their borders, and sustain them for months or even years, as we all need to do today. For all Europe's rhetoric, an annual investment of over $140 billion by NATO's European members, we still need U.S. help to move, command and provision a major operation. American critics of Europe's military incapability are right. So if we are to ensure that the United States moves towards neither unilateralism nor isolationism, all European countries must show a new willingness to develop effective crisis management capabilities.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. This quote clearly indicates we have to be a watchdog of NATO as we begin to invite in more and more countries.

Mr. BIDEN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I yield 1 minute to Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I merely want to say I endorse the statements made by the Senator from Virginia.

I want to explain my rationale for not supporting H.R. 3167, the NATO Expansion Act.

In 1998, I voted to support the last round of NATO enlargement which culminated in the assession of Poland, Hungary, and the Czech Republic.

Over the past 2 years, at least two of these countries have not made much progress in restructuring and modernizing their military forces and infrastructure.

I am concerned that this bill provides an open invitation to the 10 candidate countries, irrespective of their readiness or qualifications.

We should strongly support countries into the alliance that are ready for NATO membership and that can significantly contribute to the European security mission.

We first need to determine what is the long-term mission of NATO, then assess how countries can contribute to that mission, and evaluate each candidate based on that overall criteria.

We need candidate states that can help support the alliance in maintaining peace and stability throughout the region.

For example, the United States flew over 60 percent of the combat missions in the Kosovo conflict. We need to look for capabilities that enhance the alliance and its members, not detract from it nor add substantial costs.

There is also a significant price tag for bringing nations into NATO that are not ready for membership. The alliance, to which the United States already contributes about 25 percent of the costs, will have to provide financial assistance to help these countries modernize their Armed Forces and infrastructure.

We do not know the overall cost to do this, but it is my hope that we should carefully proceed with NATO expansion and weigh each nation's readiness to become a full partner in NATO.

I urge the member nations of NATO to proceed cautiously and address the issue of expansion with great care.

Mr. DASCHLE. Madam President, I come to the floor to express my support for H.R. 3167, the Freedom Consolidation Act. Last week I received a letter from Secretaries Powell and Rumsfeld expressing their support for this bill. President Bush has also requested that the Senate consider this bill before he leaves on his trip to Russia next Wednesday. I am pleased that we could accommodate his request, and I wish the President every success on the visit.

This is a straightforward bill. It cites earlier legislation leading up to the last round of NATO enlargement, quotes President Bush's pro-enlargement June 15, 2001, Warsaw speech, adds Slovakia to the countries eligible to receive assistance under the NATO Participation Act of 1994, and authorizes a total of $55.5 million in foreign military financing, FMF, under the Arms Export Control Act for Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria, and Romania.

Most importantly, this bill reaffirms the position of the United States on NATO enlargement: that the door to NATO membership remains open, and that those countries that are prepared to meet the obligations of membership—as it relates to defense capabilities and democratic and political readiness—are welcome to join.

NATO enlargement has enjoyed and continues to enjoy bipartisan support in the United States Senate. It is an issue that unites Democrats and Republicans. At a time when we and our allies are engaged in a global war on terrorism, we recognize more than ever the need for allies—and for new allies.

As we face a shared and multidimensional threat, we must recognize that each new ally brings substantial political, economic and military contributions to the effort in Afghanistan and around the world.

The terrorist attacks of September 11 underscore the need to consolidate the peace on the European continent so that North America and Europe, from, as the President has said, the Baltic Sea to the Black Sea, can focus their energies on the new threats of the 21st century.

This is an important message for the President to take on his trip. But another part of the President's trip is also about closing a chapter from the 20th century.

The President announced Monday morning that he and President Putin will sign a new treaty to deal with the nuclear weapons left from the cold war.

The treaty limits the United States and Russia to no more than 1,700–2,200 deployed weapons by 2012.

Any time we can get an agreement to reduce the number of nuclear weapons deployed in the world, that is a positive step, and I commend the President for taking it.

But there are a still a series of questions about that treaty that need to be answered. Does it require destruction of any existing nuclear weapons? Does it include provisions to secure Russian stockpiles? Does it spell out a transparent timetable for when each side must reduce the number of deployed weapons to the agreed upon level? Does it include any new verification provisions? And lastly, does it address the issue of tactical nuclear weapons?

I hope the President will use this historic trip to address these questions, which go to the heart of one of the principal security threats the United States faces today—the proliferation of weapons of mass destruction, and the potential for those weapons to fall into the hands of terrorists.

So let's send the President off on this important trip with the important message contained in H.R. 3167—that we want to continue to remake and improve our relations with the whole of Europe, including Russia.

I urge my colleagues to support H.R. 3167, and ask unanimous consent to print in the RECORD a copy of a letter, dated March 20, that Senator LOTT and I sent to the Romanian Prime Minister, and a letter to me from President Bush, dated April 11, on the same.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, March 20, 2002.

His Excellency ADRIAN NASTASE,
Prime Minister, 1, Victoriei Square,
District 1, Bucharest, ROMANIA.

DEAR MR. PRIME MINISTER: We write to congratulate you on convening this important meeting with the other Prime Ministers of Europe's new democracies. It is an important stepping stone to the NATO summit in Prague next November.

At a time when the United States and its allies are engaged in a global war on terrorism, we are grateful for the support that you and your colleagues have provided. Americans remember who their true friends and allies are at times of war. The threat we face is a shared one, and we appreciate and value the substantial political, economic and military contributions that the countries represented in Bucharest are making to the coalition effort in Afghanistan and around the world. You are demonstrating in practice that you want to be allies of the United States. It is indeed a ''Spring of New Allies.''

At the NATO Summit in Prague in November, Alliance heads-of-state will be making an important decision about continuing the process of NATO enlargement. We want to take this opportunity to reiterate that NATO enlargement has enjoyed and continues to enjoy bipartisan support in the United States Senate. It is an issue that unites Democrats and Republicans.

We therefore look forward to the Prague summit and the opportunity to take the next step in building a Europe whole and free in alliance with the United States. We urge you and your colleagues to continue to work hard and devote the necessary resources to making your countries the strongest possible candidates. As President Bush put it in Warsaw last June, our vision is to extend the zone of democracy and security to as many qualified countries as possible from the Baltic to the Black Sea, including, as our allies in Greece and Turkey have argued, the important Southern dimension. The terrorist attacks of September 11th have only underscored the need to consolidate the peace on the continent so that North America and Europe can focus their energies on the new threats of the 21st century.

Mr. Prime Minister, once again, we commend you and your colleagues for your contributions to a strong, dynamic and more secure North Atlantic community. Working together we are confident that we can attain our collective vision of a Europe whole and free.

TOM DASCHLE.
TRENT LOTT.

THE WHITE HOUSE,
Washington, April 11, 2002.

Hon. THOMAS A. DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I have seen the letter you and Senator Lott sent to Romanian Prime Minister Nastase for the Bucharest Summit of the Vilnius-10 countries. Thank you for your leadership on this issue.

I strongly agree that NATO enlargement has been, and should remain, a bipartisan issue. We must work together on this. I noted the importance you place on the southern European candidate countries.

We have an historic opportunity to intensify reforms and consolidate freedom in nations that were once behind the Iron Curtain. We can do this while building a new NATO-Russia relationship. This is an opportunity that we cannot afford to miss.

Sincerely,

GEORGE W. BUSH.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, of course, we agree with the Senator from Virginia. That is the purpose of this debate, to draw the attention of this Senate to a momentous decision that is to come. We must examine both armed services and foreign relations, and we pledge to do so, and the criteria of each of the countries. NATO is important. It must succeed. Therefore, we ask support for this resolution our President has asked us to give him.

I thank the Chair.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD) would vote ''no.''

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG) the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHISON) the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 6, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—85

Akaka	Dodd	Lott
Allard	Dorgan	Lugar
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Fitzgerald	Nickles
Bond	Frist	Reed
Boxer	Graham	Reid
Breaux	Gramm	Rockefeller
Brownback	Grassley	Santorum
Bunning	Hagel	Sarbanes
Burns	Harkin	Schumer
Byrd	Hatch	Sessions
Campbell	Hollings	Shelby
Cantwell	Hutchison	Smith (OR)
Carnahan	Inouye	Snowe
Carper	Jeffords	Specter
Chafee	Johnson	Stabenow
Cleland	Kennedy	Thomas
Clinton	Kerry	Thompson
Cochran	Kohl	Thurmond
Collins	Kyl	Torricelli
Corzine	Landrieu	Voinovich
Crapo	Leahy	Wellstone
Daschle	Levin	Wyden
Dayton	Lieberman	
DeWine	Lincoln	

NAYS—6

Craig	Roberts	Stevens
Inhofe	Smith (NH)	Warner

NOT VOTING—9

Conrad	Gregg	McCain
Domenici	Helms	Miller
Enzi	Hutchinson	Murkowski

The bill (H.R. 3167) was passed.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, all week long the average length of time it has taken to have a vote has exceeded 30 minutes. That is just too long. There is no way we are going to continue to accomplish as much as we need to accomplish before the end of next week if we have to be spending 30 and 40 minutes on a vote. We are going to have to start cutting off this time more aggressively. I want to put all colleagues on notice that we are not going to tolerate the extent to which our good will is violated as these amendments are voted upon.

Please come over and vote within the 15 or 20 minutes allotted for the vote. Extending it twice as long is just unacceptable and a real disservice to all our colleagues who are waiting to do their work.

Madam President, as I said, we have all day today and all day on Monday for Senators to offer amendments. I know Senator DORGAN is waiting to offer an amendment. There will be other Senators who will come to the floor.

The authors of the steel amendment have kindly accepted our suggestion to set aside their amendment in order to accommodate other Senators who wish to have their amendments offered. I think it is very important that we use these days for full consideration of other amendments.

It is my intention at this point to file cloture on the bill on Monday in order to have a cloture vote on Wednesday. So amendments will have to be disposed of prior to Wednesday.

It is my expectation that we will be taking up a supplemental appropriations bill, in consultation of course with Senator BYRD, before the end of next week. There is no way we can do that unless we bring our debate on this bill to a successful close.

So we have a lot of work to do next week. We want to finish the bill. We want to finish the supplemental bill. We may take up other issues as well, including some reference to the budget. So it is necessary that we use the days between now and then to the maximum degree possible.

I urge Senators to come over and have their amendments considered. Senator REID will be here, and other members of the leadership, but primarily Senator REID, who has offered to offer the amendments on behalf of Senators who may have travel schedules that will not accommodate their offering of amendments. So there is no reason these amendments cannot be offered. Senator REID will be here to offer them or Senators can come and offer them themselves. But all day today and all day Monday we are open for business and we are determined to use these days to the maximum degree possible.

I thank my colleagues for what I think has been a very productive week on this bill. Their cooperation has been very catalytic in bringing about the final days of debate on the bill—with the one exception that we are spending too much time on the votes themselves.

I yield the floor.

UNANIMOUS CONSENT REQUEST—S. 2179

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 375, S. 2179, that the bill be read a third time, passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, this legislation was just called to my attention. We have not had a chance to review it and to do a hotline on it to see if there are any problems with it. It looks like something we will be able to clear, but at this time we have not had a chance to do that so I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. CARNAHAN. I find it unbelievable that my colleagues on the other side of the aisle would object to a bill, unanimously passed by the Judiciary Committee, to honor the law enforcement and public safety officers who risk their lives daily to keep us safe. The bill I introduced provides a small amount of money to honor those who have been injured or killed in the line of duty. As we celebrate Police Officers Memorial Week, it is troubling to me that anyone would want to deny them the recognition that they are due.

I hope whoever is blocking this bill from passing will reconsider their opposition and let us honor these brave men and women.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Madam President, there is a process of doing legislation in the Senate. This was just reported, as I understand it, yesterday. I made the point I had not had a chance to review it at all.

I note we should honor, in whatever way possible, men and women who have fallen in the line of duty as law enforcement and public safety officers. But just looking at this preliminarily, it provides Federal grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who are killed or disabled while serving as law enforcement or public safety officers. We have had that happen in my home community. Policemen and highway patrolmen have lost their lives. We should honor them. We should do that locally and privately.

For the Federal Government to encourage and maybe to participate is worth considering, but there is a principle here. I am not sure it is one that we want to just approve without having a chance to take a closer look at it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Expansion Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Rockefeller amendment No. 3433 (to amendment No. 3401), to provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for assistance with health insurance coverage and interim assistance.

Daschle amendment No. 3434 (to amendment No. 3433), to clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance.

The PRESIDING OFFICER. The Senator from Nevada.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Rockefeller amendment No. 3433:

Jay Rockefeller, Paul Wellstone, Barbara Mikulski, Charles Shumer, Edward Kennedy, Joseph Lieberman, Richard J. Durbin, John F. Kerry, Barbara Boxer, Harry Reid, Tom Daschle, Christopher J. Dodd, Thomas R. Carper, Paul Sarbanes, Jon Corzine, Patrick Leahy, Debbie Stabenow.

The PRESIDING OFFICER. The Senator from Nevada.

ORDERS FOR TUESDAY, MAY 21, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, May 20, the Senate stand adjourned until 9 a.m., Tuesday, May 21; that on Tuesday, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 9:30 a.m., with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; that at 9:30 a.m., the Senate resume consideration of H.R. 3009, and there be 90 minutes of debate with respect to the cloture motion on the steel amendment, with the time equally divided and controlled between the two leaders or their designees; that the Senate vote on the motion to invoke cloture at 11 a.m., with the mandatory quorum required under rule XXII being waived, without intervening action or debate; provided further, that the Senate recess on Tuesday from 12:30 to 2:15 p.m., for the respective party conference meetings.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object, might I inquire of my colleague from Nevada, the disposition of the amendment that you just referenced would conclude at what point on Tuesday? In other words, what time would the vote be on the steel amendment?

Mr. REID. At 11 a.m., which would be voting on cloture on the amendment.

Mr. DORGAN. Voting on cloture on the steel amendment?

Mr. REID. Yes.

Mr. DORGAN. Mr. President, could the Senator tell me, is there an established order on recognition following that vote for the purpose of offering amendments?

Mr. REID. Yes. I appreciate the Senator's question. I was going to make a statement on that. We have a list that is already in the RECORD of the order in which amendments will be offered.

The next amendment will be a Republican amendment. We understand Senator ALLEN is the person who is going to offer that. Following that would be the Kerry amendment, then a Republican amendment, then Dorgan amendment, and on down the line.

I would say, however, that I am going to offer some amendments on behalf of other Senators during the day. But anyone who wants to come to the floor—including the Senator from North Dakota, if he is here and wants to debate the Cuba amendment he is going to offer—today would be a good time to do that.

As the majority leader has indicated, today we will stay in session as long as people have something to say. On Monday we are going to come in around 1 o'clock in the afternoon. The same would apply on Monday. People can offer amendments on Monday. There will be no votes, but some of these amendments will be debated. Some of them will be accepted. For other amendments we will schedule votes. And we could schedule those votes, of course, on Tuesday.

So I think a lot of progress could be made today and on Monday. We will work our way on down the list.

Did that answer the Senator's question?

Mr. DORGAN. Mr. President, I believe so. I am only concerned that we have time, prior to the filing of the cloture motion and a vote on cloture on this bill, to offer amendments. I have offered one amendment. I have two additional amendments. I certainly want to be able to offer them.

As I understand it, the Senator from Nevada has indicated that, despite the fact there is a list of amendment, if we are able to be here today and/or Monday to offer additional amendments, nothing will preclude us from offering those amendments. Is that correct?

Mr. REID. If there is no one here to offer an amendment, the agreement is that we would set whatever amendment is next in order aside and go to the next amendment.

Mr. DORGAN. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, now we are on the bill; is that right, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The bill is open for amendment.

As I have indicated, it is my understanding that Senator ALLEN wishes to offer an amendment. He does not appear to be in the Chamber.

The other understanding we certainly need to have is that if the Democrats offer five amendments in a row, the Republicans, when they are ready to offer their amendments, can also offer five amendments to catch up with us. And that is the understanding we have had. And certainly that should be the order of things so we treat people fairly.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3439 TO AMENDMENT NO. 3401

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator ENZI, Senator CANTWELL, Senator HAGEL, Senator JOHNSON, Senator ROBERTS, and Senator MURRAY.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside and the clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. ENZI, Ms. CANTWELL, Mr. HAGEL, Mr. JOHNSON, Mr. ROBERTS, and Mrs. MURRAY, proposes an amendment numbered 3439.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permit private financing of agricultural sales to Cuba)

At the appropriate place, insert the following:

SEC. ____. AGRICULTURAL SALES TO CUBA.

(a) IN GENERAL.—Section 908 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207) is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—Section 908(a) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207(a)) (as amended by subsection (a)), is amended—

(1) by striking ''(a)'' and all that follows through ''Notwithstanding'' and inserting the following:

''(a) IN GENERAL.—Notwithstanding'';

(2) by striking ''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)'' and inserting the following:

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)''; and

(3) by striking ''(3) WAIVER.—The President may waive the application of paragraph (1)'' and inserting the following:

''(c) WAIVER.—The President may waive the application of subsection (a)''.

Mr. DORGAN. Mr. President, Cuba suffered a hurricane that had a fairly significant impact on the island. The Cubans wanted to purchase American food, and they did. They purchased well over $100 million in food from our country: Corn, wheat, dried beans, eggs, and much more.

However, the legislation that allows us to sell food to Cuba prohibits any financing of these sales—even private financing. Cubans have to pay cash, and it is illegal for U.S. companies or banks to be involved in the transactions. Now, this should strike most people as rather strange. We will allow our farmers to sell wheat or eggs or dried beans to Cuba, but they can't even use private financing to do the sale.

So the ban on extending credit by U.S. private banks and companies to Cuba means transactions are carried out in cash. And the payments cannot even be made directly. When Alimport, the agency in Cuba that purchases this food on behalf of the Cuban people, makes a purchase, the money has to go through a French bank, in a transaction that takes 40-plus hours.

Well, when we were putting together the Senate version of the Farm Bill, we decided to do something about this problem. We inserted a provision into the Senate version of the Farm bill that allowed private financing of agricultural sales to Cuba. No U.S. government financing—just private financing.

The vast majority of Senators voted for this amendment. Then the House of Representatives, by a vast majority, passed a resolution calling on the House conferees to accept this provision in conference. But the measure was taken out of the conference report anyway.

The amendment we are offering today to the trade bill is identical to the provisions that were in the Senate version of the Farm Bill. Not one word has been changed.

What we are trying to overcome here is a small group of lawmakers that are trumping the will of Congress.

You know, when we passed the legislation that allowed our farmers to sell food from Cuba, a Congressman from Florida was quoted in the Miami Herald as saying that he was satisfied that the language in the legislation was restrictive, making it difficult for United States companies to do business in Cuba because they will have to go through third countries for financing. My colleague in the House of Representatives did not care about the intent of the legislation—he wanted to make sure that it was as difficult as possible for our farmers to sell food to Cuba. He said he was pleased with the outcome.

Well, I am not pleased with that. I think it makes no sense. And it just defies belief that when the Senate recently tried to fix the problem, the will of the Congress was ignored again. The Senate version of the Farm Bill had a provision to allow private financing of agricultural sales to Cuba, which passed by a 2 to 1 margin. The House voted 273 to 143 to endorse the Senate provision for more trade with Cuba, and to have the House conferees accept it. But guess what? It was dumped out of conference anyway.

So we are back, to offer the same amendment, word for word. The Senate has already voted on this. The bipartisan support is substantial. I mentioned cosponsors of this amendment, who are many, Republicans and Democrats. My expectation is we will continue to offer this amendment until the will of the Congress prevails.

This measure is long overdue. Do you think Castro has ever missed a meal because we won't sell food to Cuba? The restrictions on food sales do nothing but hurt poor, sick, and hungry people. It is not a moral thing to do, to use food as a weapon, as a part of our foreign policy. And it is not a smart trade policy, not when we are depriving U.S. farmers of a market for their crops.

In coming months, we are going to have to deal with a separate aspect of Cuba policy: the restrictions on Americans who want to travel to Cuba. I just held a hearing on that.

Let me describe this policy through the eyes of a retired schoolteacher in Illinois. She was reading a cycling magazine published in Canada. She is a retired schoolteacher in her sixties, and she likes to bicycle. She saw an ad about a bicycling trip to Cuba, and she signed up. She went to Cuba with nearly a dozen other people, and they bicycled for 7 or 8 days. She loved it. She came back to this country, back to Illinois, and a year later she got a letter from the U.S. Department of the Treasury saying: guess what, we are fining you $7,500 for bicycling in Cuba.

Is that an unusual story? No, it is happening all across the country. We are slapping around the American people, restricting their travel rights because we are upset with Fidel Castro.

I want to bring democracy to Cuba. The wrong way to do that is to use food as a weapon and to penalize Americans who would travel in Cuba. The effective way to do it is to flood Cuba with American products and visitors.

We are told in the Senate that the way to deal with China and move the Communist government in China in the right direction is to have greater engagement, more trade, more travel. The same is true with Vietnam. That is the way to deal with Communists, because they can't resist the relentless march of capitalism and freedom. But a small pocket of people in our country refuse to apply that same approach to Cuba. That makes no sense. The majority of the Members of the House and Senate know that.

Our amendment today deals only with the private financing of sales of food. This amendment does what the Senate has already done on the previous occasion. There is not a word changed. I hope for its favorable consideration. And we will have more to say on the subject of Cuba policy in the weeks and months ahead.

One final point: My colleague from the State of Washington has worked with me to construct this legislation and put it in this bill. I regret a number of the other cosponsors are not here. I wish we had had an opportunity to offer the amendment when they were all here. They have expressed similar sentiments in the past—Senators HAGEL, ENZI, and ROBERTS, and others who believe as I do and as Senator CANTWELL does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise in support of the Dorgan-Cantwell amendment that removes existing restrictions on United States banks from financing the legal export of American food and medical products to Cuba.

My colleague from North Dakota has very eloquently pointed out that our country cannot use food as a weapon. I applaud him for his leadership in the committee in having hearings about the travel penalties being placed on Americans and also the prohibition of some American farmers from traveling to Cuba to discuss either cash purchases or, if this language is changed, the United States financing of legal agricultural purchases by Cuba.

This amendment is particularly appropriate. If you think about it, just last week we passed a farm package basically dedicating our efforts to try to improve the farm economy in America. We did this with the underlying goal of trying to improve the economic competitiveness of American farmers by helping them open up markets. Today we were in the Chamber talking about how to make it easier to have trade negotiations. With this amendment, we have an opportunity to fix what is really an arbitrary, unjust, and illogical sanction on food exports. In doing so, if we change this procedure, we open up potentially billions of dollars of markets for American farmers.

Our colleagues may remember that in the 106th Congress, Congress passed the Trade Sanction Reform and Export Enhancement Act of 2000 in an effort to preclude unilateral sanctions on the export of American food and medical products. In passing this language, Congress sent an important message through TSRA that food and medicine were not to be used as a political tool of foreign policy. Practically speaking, the legislation made it possible for American farmers to export their products around the world, though the law did require licenses from the executive branch for exports to Cuba, Libya, Sudan, and Iran.

The TSRA not only addresses the importance of humanitarian goals of preventing famine and hunger, but it also provides important markets for U.S. agricultural producers, particularly in Cuba.

Cuba, a market that has been closed to U.S. exports since 1961, currently imports approximately $750 million in agricultural products from countries around the world, including European allies. And one recent study by Texas A&M University suggested a long-term export market potential of up to $1.2 billion for U.S. agricultural products.

However, Mr. President, there was a catch with the legislation as it passed in that it put a restriction on the use of any private financing or letters of credit from U.S. banks for those purchases. The restriction only applied to Cuba—not Sudan, Libya, Iran, or any other country—just Cuba. So as my colleague has suggested, food is being used as a political weapon against Cuba.

This legislation undermines the spirit of the TSRA in that it effectively continues to use food and medicine as a foreign policy tool. As any farmer can tell you, financing is a critical element of selling your products both domestically and throughout the world. We are blocking American food from going to Cuba because of that inability to get private financing.

The potential for the Cuban market to our farmers has been demonstrated over the last months by the announcements of cash purchases of over $90 million in agricultural products that has been made—the first United States-Cuba commercial transaction since 1961. So we know the Cubans are interested and are willing to pay cash. But we cannot finance agricultural sales of this magnitude by cash purchases.

This opening is particularly important in my home State. Washington had a strong trading relationship with Cuba prior to the embargo, and I think we would be in a good position to benefit from opening up these agricultural markets.

Industry experts predict that Cuba's markets could bring substantial revenue to farmers in my State on products like peas, lentils, apples, sweet cherry and pear production, and many other products. I think given the events of the last week, with President Carter opening a new chapter in our history with Cuba, and the positive steps that have been taken by the Cuban Government in allowing him to come there and address that nation, it is critically important that we rethink this limitation we have had on private financing. My colleagues have said we believe that food and medical products should be sold to Cuba. We have agreed to that. Now all that stands in the way is this arbitrary limitation of saying we are not going to allow you to finance it with private banking in the United States. That is a mistake.

We cannot continue this policy and hold not just the Cuban people hostage to food and medical products, but U.S.

farmers who have products they can sell there. If we have said we believe they should be able to sell those products into that country, we should be willing to say that there can be financing for those products as well.

As my colleague from North Dakota mentioned, we voted on this amendment. It was part of the farm package that passed out of the Senate. We will keep pushing this until we are successful.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I thank the Senator from Washington for her work on this amendment. As I indicated before, this amendment has broad bipartisan support. The Senate has already expressed itself previously. By a wide margin, the Senate says we ought not to use food as a weapon.

I understand that Fidel Castro has been sticking his finger in our eye for a long while. I don't stand here wanting to make life better for Fidel Castro. I want to bring democracy to Cuba. After 40 years of failure with an embargo that doesn't work, it seems that we ought to try something else.

I have been to Cuba. What I learned there is that Fidel Castro says the reason the Cuban economy is in deep trouble is because the United States has its hands around the Cuban economy's neck. This embargo is what they blame for Cuba's economic troubles. I am not saying that Fidel Castro is right. I am just saying this embargo has been Fidel Castro's biggest and best excuse for all of the shortcomings of his regime. He uses it, has continued to use it, and he says to the Cuban people that is the reason they have this trouble.

In any event, it seems to me at some point you would learn a lesson. Fidel Castro has been in power in Cuba through 10 U.S. Presidents. Clearly, what we have been doing has not been working. How about trying something different? My sense is that the more people travel in Cuba and the more investments you have in Cuba, the more Cuba's economy is open, the more likely it is that Castro will lose his grip on power in Cuba. My goal is to bring democracy to Cuba. But we don't, in my judgment, serve our interests, or anybody else's, by saying we want to use food as a weapon.

Because I and others have fought to open the window just a bit, food is now going to Cuba, however slowly. Cuba is able to buy it from our companies and our family farmers. We now have chicken legs, turkey breasts, and dried beans being offloaded in Cuba because they bought them from the United States. Good for them and good for us.

At a time when we are beset by terrorist threats, worrying about future acts of terrorism, those responsible for our nation's safety and welfare have much better things to do than to worry about shutting off the flow of chicken legs, turkey breasts, dried beans, wheat, and eggs to Cuba. We ought to worry a whole lot more about bombs from terrorists than about our farmers selling dried beans to Cuba.

We just held a hearing in which we found that the Office of Foreign Asset Control and the Treasury, which is responsible for tracking down terrorist funding—has at least some of their staff tracking Americans who have traveled in Cuba. A fellow who testified at my hearing on travel to Cuba came from Senator CANTWELL's State of Washington. His parents were missionaries to Cuba, and built a little church there. After Castro came to power, his family returned to America. A few years ago, this poor fellow's parents tragically died in a house fire. He decided to honor their memory by taking their ashes back to Cuba, to bury them in the little church that they had built decades earlier. He went to Cuba for just one day, and did just that. Upon his return, he told the Customs Service that he had been to Cuba, and explained the circumstances. Months later, he got a letter saying, guess what, you have to pay a fine of $7,500.

I am just saying that when government officials responsible for tracking down terrorists are spending their time chasing down folks like this poor fellow, they just don't have their eye on the ball.

The amendment we are offering today having to do with private financing of agricultural sales to Cuba is also a call to reason.

This amendment is an amendment that deserves the support of the entire Senate. I hope we will be able to approve this amendment just as we did in the Senate version of the Farm Bill, and I hope this time the provision will survive conference.

It is time for us to say it is not moral to use food as a weapon. This country is bigger and better than that. I have traveled to refugee camps around the world and I know their misery and share their pain. We all understand that using food as a weapon is not something that represents the best of this country. That is why in this instance, and every instance, I want this country to stop it. This amendment simply opens the door a bit wider so that the flow of food to Cuba—food purchased by Cuba—can be done through normal private financing.

I yield the floor.

Mr. ENZI. Mr. President, I rise in support of the amendment offered by the Senator from North Dakota. I thank the Senator for introducing this amendment, which will directly benefit our American farmers and the citizens of Cuba who have suffered from inadequate access to food.

This amendment would amend a provision that has undeniably hurt the economic viability of our agriculture sector since the passage of the Trade Sanctions and Reform Act, TSRA, in 2001. The TSRA, which prohibited the use of private financing for food and medicine sales to Cuba, instituted an embargo on all exports to Cuba last year. The TSRA provision effectively eliminated one of our nearest and most easily accessible agricultural markets. Our amendment today seeks to remedy this unworkable situation.

Given the crisis in American agriculture, the prospect of selling to a new market is welcome news to U.S. farmers and exporters. In my home State of Wyoming, agriculture is a driving force behind economic sustainability, and I firmly believe this amendment will strengthen the position of local farmers as they work to compete at the international level. Allowing food exports to Cuba will not only transfer critically needed supplies to the suffering Cuban people, but it will also create a potential new market for American farmers and exporters.

Opponents of this amendment will argue that we should not soften our position on the Cuban embargo, that Cuba has not earned the right to trade, and that we should continue to shut off this socially and economically repressed nation from the world. They will reiterate that isolating Fidel Castro's regime is our only hope in forcing him to recognize the error of his ways. I disagree. Our embargo is not working, because we are not the only country in the world that can provide food and medicine to Cuba. As such, Castro does not have to trade with us. The real losers in this battle are the Cuban people and the American farmers. The United States must develop a policy that goes beyond the embargo. Food and medicine are not tools of war, and should not be used as such.

I truly believe this amendment will strengthen our country's role as a promoter of democracy and freedom. Food and medical attention are the most basic of human needs, and until those are satisfied, the Cuban people will not put political reform at the top of their agenda. The U.S. must first help to satisfy the basic needs of the Cuban people, and then push toward full political reform. This amendment takes us one step closer to that goal. As history has proven, political reform comes when individuals are exposed to worlds unlike their own. Take China for example, opening trade and encouraging dialogue with the Chinese has promoted capitalism and democracy in their country. This amendment would increase that exposure and would improve the social and economic well-being of the Cuban population.

As one of the principal sponsors of the 2001 Export Administration Act, which was passed by the Senate last September but has yet to see action in the House, I understand the importance of export controls and I recognize the delicacy of this situation. However, I do not believe food and medicine should be controlled under unilateral sanctions. We need to tightly control some exports, but food should be allowed to pass as freely as possible across our borders. I encourage my colleagues to vote for this amendment,

not only for the sake of the Cuban people but for the sake of our own local farmers and their families. Now is the time to chart a new course for United States-Cuba relations.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 3406 TO AMENDMENT NO. 3401

Mr. ALLEN. Mr. President, I wish to call up amendment No. 3406, which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself, Mr. EDWARDS, Mr. WARNER, and Mr. THURMOND, proposes an amendment numbered 3406 to amendment No. 3401.

Mr. ALLEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide mortgage payment assistance for employees who are separated from employment)

At the appropriate location, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homestead Preservation Act''.

SEC. 2. MORTGAGE PAYMENT ASSISTANCE PILOT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Labor (referred to in this section as the ''Secretary'') shall establish a pilot program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be an individual who—

(A) is determined by the Secretary to be a member of a group of workers described in section 250(a)(1) of the Trade Act of 1974 (19 U.S.C. 2331);

(B) is an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of such Act (19 U.S.C. 2271 et seq.); and

(C) is receiving adjustment assistance under such chapter;

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (a) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2003 through 2007.

(g) TERMINATION.—The program established under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

Mr. ALLEN. With the permission of the Chair, I would like to address the amendment.

The PRESIDING OFFICER. The Senator is free to speak.

Mr. ALLEN. Mr. President, this amendment, which is entitled the Homestead Preservation Act, is an amendment to the trade promotion authority/trade adjustment assistance substitute which is currently being considered. First and foremost, I thank my good colleagues, Senator JOHN EDWARDS of North Carolina, Senator JOHN WARNER of Virginia, and Senator STROM THURMOND of South Carolina, for their important cosponsorship of this amendment. Their leadership and understanding of the desirability for this amendment is very important.

I say to my colleagues in the Senate that this is an amendment which is designed to help displaced workers get access to short-term, low-interest loans to help cover monthly home mortgage payments while they are looking for a new job. This is a commonsense, compassionate legislative idea designed to help working families who, through no fault of their own, are adversely affected by international competition.

During the past several months, all Americans have been deluged with news of recessions, plummeting consumer confidence, and rising unemployment. While these are uneasy times for everyone, in States such as North Carolina, South Carolina, Alabama, Georgia, Southside and Southwest Virginia, and every State with heavy concentrations of manufacturing, especially in the textile and apparel industries, they have been especially hard hit.

Nationwide, employment in apparel manufacturing has been just devastating. Factory employment has plummeted just in the last year and a half. One out of every three layoffs in Virginia is from the manufacturing industry, although only one in six jobs in Virginia is in this sector. Virginia's Southside region and Southwest Virginia region are already suffering from the effects of international competition.

Nationwide, an average of 37,500 Americans lose their jobs because of NAFTA-related competition each year. During the 1990s, Virginians saw the loss of 15,400 apparel jobs, a decline of 54 percent, and 15,300 textile jobs, a decline of 36 percent.

That is bad news. However, please understand, Mr. President, I strongly believe that fair and free trade is necessary and desirable if American businesses are to have the opportunity to promote their goods, services, and continue to expand their growth abroad.

NAFTA, despite those negative stories I just went through in Virginia—and it is similar in other States, I suspect—has actually created a net increase in employment. So while on balance it is a net increase, we still do need to recognize there are good, hardworking people who end up losing their jobs.

When NAFTA came into effect, I was Governor of Virginia, and we led trade missions to Quebec, Ontario, and to various places in Mexico, from Veracruz to Mexico City. We were able to bring back an agreement from Mexico and Canada that initially meant a half a billion dollars in new investments and sales for Virginia. These investments were made possible only by fair and free trade.

While trade is helping our economy as a whole, there still are good, hardworking families who have been adversely affected by international competition, especially in the textile and apparel industries.

Anytime a factory closes, it is a devastating blow to all the families in the community and region. Usually to these textile facilities which are not in big urban or suburban areas. They are usually in smaller, more rural communities.

I was especially proud of how the close-knit Southside communities in Virginia came together when people

lost their jobs, when companies such as Pluma or Tultex closed their doors. These individuals should not have to go through these hard times alone.

After the Tultex plant closed in Martinsville, right before Christmas in December 1999, people donated toys to the Salvation Army to make sure Christmas came to the homes of thousands of laid-off workers.

I am proposing that the Federal Government do its part to help these people through these tough times. There are already thoughtful programs in place, such as the NAFTA Transitional Adjustment Assistance Program that helps workers obtain additional job skills, training, and employment assistance. That program provides extended unemployment benefits during job training. These programs are the result of a commonsense, logical understanding and the conclusion that people can lose their jobs because of trade agreements. They are not losing their jobs because of anything they did wrong or because they do not want to work. For the most part, these are folks who have worked in these companies for a great number of years. In some cases there are entire families working at these companies. Their parents and their children may all work together in some of these mills.

We ought to find a way to ease the stress and turmoil for people whose lives are unexpectedly thrown into transition after years of steady employment with a company that just suddenly disappears.

While these hard-working families are trying to find appropriate new employment, they should not have to fear losing their homes as well. For most people and their families, the biggest financial investment they make in their lives is their home. Many have considerable equity built up in their homes.

Many Government agencies already have low-interest loan programs that are in place to help families who have met unexpected economic disasters, such as natural disasters—which include floods, tornadoes, and hurricanes.

When I look at the factory closings and literally thousands of jobs being lost, it is an economic disaster to these families and communities, and its effects are just as far-reaching and certainly as economically devastating as floods, tornadoes, and hurricanes.

Like in a natural disaster, families displaced by international competition are not responsible for events leading to the factory closings. The Federal Government, in my view, ought to make similar disaster loan assistance programs available to our temporarily displaced workers. This is the rationale for introducing the Homestead Preservation Act.

This legislation will provide temporary mortgage assistance to displaced workers, helping them make ends meet during their search for a new job. Specifically, the Homestead Preservation Act authorizes the Department of Labor to administer a low-interest loan program, say 4 percent, for workers displaced due to international competition. An individual, who qualifies for the program will be eligible for up to 12 monthly home mortgage payments.

The program is authorized at a maximum of only $10 million a year for 5 years. The loans will be distributed through an account providing monthly allocations to cover the amount of the worker's home mortgage payment. The loans could be paid off once the person finds another job or repaid over a period of up to 5 years. No payments would be required until 6 months after the borrower has returned to work full time.

Again, if someone is laid off and they want to apply for these loans, they can only get a loan for 12 months for monthly mortgage payments, and then 6 months after they get back on their feet, they will have to pay it off over a 5-year period. This program will only be available for workers displaced due to international competition and who also qualify for benefits under the NAFTA Trade Adjustment Assistance Program. Furthermore, they actually have to be participating in such programs.

Like the NAFTA–TAAP and the TAA benefits program, the Homestead Preservation Act recognizes that some temporary assistance is needed as workers take time to become retrained, reeducated, expand upon their skills, and search for new employment.

As Governor, I enjoyed nothing more than being able to recruit and bring new investment, new jobs, and enterprises into Virginia. By recruiting new businesses, we brought in more jobs and better jobs for the hard-working, caring people of Virginia. For example, in the Martinsville, Henry County area, we were able to get Drake Extrusion in Great Britain to open a new facility in Virginia. They chose Martinsville Industrial Park for its new carpet and bedding fiber manufacturing plant. This was announced as a $12 million investment which doubled since its opening in 1995. It brought in additional small businesses, and they now employ about 225 people.

Unfortunately, it can take time to bring new companies and new industries into a region, just as it takes time to learn a new skill or earn a degree. The displaced families, unfortunately, in many cases, do not have the time because they have monthly bills that must be paid in full with no excuses.

The Homestead Preservation Act provides financial assistance necessary to bridge the time it takes to find employment. Without this bridge, many working families would not be able to take advantage of the opportunities that are out there for them. They would be denied the necessary tools to help them succeed in the changing economy.

The current economic situation for our country has made it even more vital that the Federal Government do what is right by our workers in the textile and apparel industries and indeed in all industries suffering high rates of job losses due to international competition.

Because of international competition, textile and apparel workers are even more vulnerable to the current economic situation, making them ill-equipped to weather an economic downturn.

The reason I say this is because in the year 2000, the average wage rates in Virginia for a textile or apparel worker were 77 percent and 57 percent, respectively, compared to the overall wage rate for Virginians. What that means is that their wages are providing them less money for their family's rainy day savings account, and right now it is storming for many of these families.

When these workers are displaced, in many cases meager savings and temporary unemployment benefits are frequently not enough to cover expenses that have previously fit in within the family's budget.

Without immediate help, many of these families, at a minimum, risk losing their credit ratings. And in the worst case scenario, they could lose their home or their car, or both. The biggest financial investment many people make in life is in their home, and when they lose their home, they have lost a great deal. Their credit ratings are obviously damaged. Many have a great deal of equity built up in that home, and much is lost, including their dignity.

It is important that we enable and try to assist people in keeping their homes and protect their credit ratings. We should do so as these people work toward strengthening and updating their skills as they continue a search for a new job.

The Homestead Preservation Act provides the temporary financial tools necessary for displaced workers to get back on their feet. And when they get back on their feet, they not only still have a home, but they also have the ability to succeed.

In my view, it is a caring, logical, and responsible response. I hope my colleagues will vote on this matter, possibly as early as next Tuesday. I hope they support this commonsense, compassionate idea that will help those individuals who have lost jobs due to international competition, while we still go forward with trade promotion authority, the Andean measure, and trade adjustment assistance.

All of these measures are very important, but let's make sure we are helping everyone that is negatively impacted. We need to also understand the balance that is necessary as this country opens up new markets, tears down barriers, which allows our goods, our products and services, and our technology to enter into other areas.

We need to recognize there are some who will need help in transition to get back on their feet. Let's make sure

they do not lose their homes because they have been displaced by international competition. They are good families, they are hard-working families, they are diligent, and this is the least I think we can do as we enter into these trade agreements.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—S. 1140

Mr. DASCHLE. Mr. President, I have a couple of unanimous consent requests having to do with the consideration of future legislative items, and I make these requests now.

I ask unanimous consent that the Majority leader, after consultation with the Republican leader, may turn to the consideration of Calendar No. 210, S. 1140, a bill to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; that it be considered under the following limitation:

Two hours for debate on the bill equally divided between the chairman and the ranking member of the Judiciary Committee; one relevant amendment for each leader or their designee; that there be 1 hour of debate on each amendment equally divided in the usual form; that no other amendments be in order; and that upon the disposition of the amendments and the use or yielding back of time, the bill be read a third time and the Senate vote on final passage, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. ALLEN. On behalf of our leader, I object.

The PRESIDING OFFICER. The objection is heard.

UNANIMOUS CONSENT REQUEST—S. 625

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Majority leader, after consultation with the Republican leader, may turn to the consideration of S. 625, the Local Law Enforcement Enhancement Act, and that it be considered under the following limitations:

There be 4 hours of debate on the bill equally divided between the chairman and the ranking member of the Judiciary Committee; that each leader or their designee be permitted to offer two relevant first-degree amendments; that there be a time limitation of 1 hour for debate on each first-degree amendment; that no second-degree amendments be in order prior to a failed motion to table; that if a second-degree amendment is offered, it be relevant to the first-degree and be limited to 30 minutes for debate; that upon the disposition of the amendments and the use or yielding back of time, the bill be read a third time and the Senate vote on passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. ALLEN. On behalf of our leader, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Massachusetts.

Mr. KENNEDY. I see the majority leader on his feet, so I will wait until he finishes, although I would like to perhaps ask him whether he understands any reason that—as I understand, this is a motion to proceed; is that correct? Was this a motion to proceed to the bill included in the majority leader's request?

Mr. DASCHLE. Mr. President, this is not only a motion to proceed but it would be the circumstances under which we would consider the bill itself.

Mr. KENNEDY. This is the legislation which we have addressed in this body that was passed by a vote of 56 to 42, I believe as an amendment on the Defense authorization bill last year; am I correct?

Mr. DASCHLE. The Senator is correct. We have addressed this legislation in the past. As I will make known for the record, this is identical legislation to what was passed before. It is legislation we will take up either under a unanimous consent agreement or through a motion to proceed at some point in the not too distant future.

My hope was we could work out arrangements whereby we could expedite the consideration of the legislation. As the Senator has accurately noted, we have addressed this successfully in the past and it is critical that we have an opportunity once again to ensure that this time the legislation does not die in conference. That is what happened. The amendment was dropped in the conference committee, even though the Senate had passed on a bipartisan basis this bill as an amendment to the Defense authorization legislation.

Mr. KENNEDY. I stand corrected. The vote was 57 to 42 in the Senate. As the Senator knows, we passed this on a UC in 1999 by 57 to 42. It has been reported out of the Judiciary Committee 12 to 7. In a vote on this issue in the House of Representatives, there were 232 Republicans and Democrats alike who effectively supported it.

I ask the Senator a final question. This past week we had one of the most extraordinary events that we experience annually, when the police officers gather on the westside of the Capitol. The names were read of 233 officers who died in the line of the duty, a good part of those who died in the terrorist acts. No one asked those law enforcement officials what their race was, what their ethnicity was, what their religion or sexual orientation was. They died.

We all take a great sense of pride in their service to this country. We have all taken a great sense of pride in the work of selfless individuals who tried to help the victims during this period: organized blood drives, organized assistance to the families, without asking about their race or religion or ethnicity or sexual orientation.

Is the Senator perplexed, as we celebrate both the lives that were lost and celebrate the extraordinary heroism and gallantry of the men and women, does the Senator find it somewhat ironic we cannot in this body make sure we are going to protect those individuals from the vicious acts of bigotry and hatred and prejudice taking place in the United States, acts that have actually escalated in recent years?

Does the Senator feel a sense of frustration about why this body cannot come to grips with a reasonable debate and discussion, as we have in the past, and have action, either for or against this?

Does he not share the concern of many families, and the 500 religious leaders from all of the great faiths that urged this body to pass this legislation expeditiously, and share the frustration they are feeling as religious and moral leaders?

Does the Senator feel we have an important responsibility to get to this legislation and consider it and take action and do it in an expedited manner?

Mr. DASCHLE. Mr. President, the Senator from Massachusetts has asked some very good questions.

I share his frustration and his utter dismay that a bill of this importance would have difficulty passing the Senate right now. How can anyone be opposed to a bill that is already supported by 500 organizations? How can anyone be opposed to a bill that has already passed on an overwhelming basis—in one case, unanimously?

How can anyone be opposed to a bill that addresses the fact that almost every day at least three hate crimes on the average are committed? How can anyone be opposed to a bill with the title Local Law Enforcement Enhancement Act? For the life of me, I don't understand.

At the end of the day, whatever day it is, this legislation will pass. It will pass the easy way or the hard way, but it will pass. We will not adjourn without having passed this legislation. It is that critical. The time has come and gone for delay, for explanation, for excuse, for anything else. There is no reason why this legislation should not pass by an overwhelming bipartisan margin.

I appreciate the comments of the Senator from Massachusetts and his extraordinary leadership in this issue. I join in acknowledging the importance of this legislation and asking our colleagues to join in ensuring its passage.

Mr. KENNEDY. Those assurances, Mr. President, are enormously important and a tribute to all Americans, one of the great challenges to free ourselves from all forms of discrimination.

I acknowledge the strong support and leadership of Senator GORDON SMITH, a prime mover on this among our Republican colleagues. Also, Senator SPECTER has been a very strong supporter.

This is a matter of conscience and a defining value for us as a society.

Since the tragedies of September 11, a new spirit has grown across America—one where individuals and communities come together to help those in need. We have praised the brave actions of the firefighters and police officers who gave their lives to save others, and we have done so without inquiring about their sexual orientation, gender, race, or religion. We appropriately call heroes the men and women who, without regard for their own lives, saved the lives of strangers—and we have never asked if they were gay or lesbian; African American, Asian American, White, or Latino. It is important to take this spirit to the next level, to come together as a nation to stop the perpetration of senseless act of violence against individuals because of the religion they practice, the color of their skin or their sexual orientation.

Hate crimes are a national disgrace—an attack on everything this country stands for. Attorney General Ashcroft recently compared the fight against hate crimes to the fight against terrorism, describing hate crimes as ''criminal acts that run counter to what is best in America—our belief in equality and freedom.''

Although America experienced a significant drop in violent crime during the 1990s, the number of hate crimes has continued to grow. In fact, according to FBI statistics, in 2000 there were nearly 8,000 reported hate crimes committed in the United States. That's over 20 hate crimes per day, every day.

Hate crimes send a poisonous message that some Americans are second class citizens who deserve to be victimized solely because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. These senseless crimes have a destructive and devastating impact not only on individual victims, but entire communities. If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority.

Yet for too long, the federal government has been forced to stand on the sidelines in the fight against these senseless acts of hate and violence. The hate crimes bill will change that by giving the Justice Department greater ability to investigate and prosecute these crimes, and to help the states do so as well. Now is the time for Congress to speak with one voice, insisting that all Americans will be guaranteed the equal protection of the laws. We must pay more than lip service to this core principle of our democracy. We must give those words practical meaning in our modern society. No Americans should feel that they are second-class citizens because Congress refuses to protect them against hate crimes.

S. 625 is the same bipartisan bill passed two years ago with 57 votes. Over the last 2 years, support for passage of this bill has only grown, as more and more Senators become aware that hate crimes impact every community, every neighborhood and every family across the nation.

We can and should pass this legislation swiftly. Not another day should pass before we take action to fight and prevent these senseless acts of violence.

I thank the leadership for giving the American people the assurances we will take action on this legislation.

Mr. DASCHLE. I thank the Senator again for his presence on the floor and his strong statement.

I add a couple of additional thoughts. In 1996, two women were found murdered, their hands bound, their throats cut, just off the Appalachian trail in Shenandoah National Park. Their deaths were profound tragedies for those families and their loved ones. They also sparked a wave of fear among women and the gay community, that what happened to those two hikers could just as easily happen to them.

That response, that fear, is exactly what makes hate crimes different from all other crimes. They target individuals, but they intimidate and dehumanize entire groups of people. Last month, Attorney General Ashcroft announced that the defendant in this case will be tried using the Hate Crimes Sentencing Enhancement Act. This is the first time a Federal murder prosecution will use this provision of the law.

At his press conference announcing the indictments, Attorney General Ashcroft said:

> Criminal acts of hate run counter to what is best in America—our belief in equality and freedom.

Attorney General Ashcroft is absolutely right. Americans know that hate crimes injure the victim, the community, and the entire Nation. No one should be attacked simply because of his or her race, religion, gender, physical disabilities, or sexual orientation. However, it is ironic to hear the Attorney General say that the Department of Justice will aggressively investigate, prosecute, and punish criminal acts of violence motivated by hate and intolerance. It is ironic because the only reason the Attorney General is able to pursue this case in this manner is because the two women were on Federal property when the crime was committed. Had this tragedy occurred outside the National Park, it would have been up to the State and local authorities, and the sentencing enhancement that the Justice Department is seeking would not have even been a possibility.

As Senator KENNEDY has said, until we pass the hate crimes legislation pending before Congress, the promise to aggressively prosecute hate crimes is an empty promise. For several years now we have attempted to pass the hate crimes legislation that he and others have introduced. I included it as part of our leadership bills introduced at the beginning of this Congress because I believe it is much more than a Democratic priority. It ought to be a national priority.

The Local Law Enforcement Enhancement Act would assist State and local authorities when a hate crime such as the Shenandoah murders occurs within their jurisdiction. The bill would expand current Federal protections against hate crimes based on race, religion, and national origin. It would amend the criminal code to cover hate crimes based on gender, sexual orientation, and disability. It would authorize grants for State and local programs designed to combat and prevent hate crimes, and help the Federal Government to assist State and local law enforcement officials investigating and prosecuting hate crimes.

I might say, Mr. President, this is directed just as much at those who are the perpetrators of hate for reasons of religion. There is a rising and disconcerting trend in anti-Semitism in this country that also ought to be addressed. Hate crimes are committed in the name of anti-Semitism just as they are committed with other motivations. Those who profess to be concerned about anti-Semitism in this country ought to be concerned about the passage of this legislation. That also is why I am troubled by those who now choose, for whatever reason, to oppose this unanimous consent request and oppose moving this legislation forward.

In the fall of 2000 this same legislation passed the Senate as an amendment to the Department of Defense authorization bill, as we noted just a minute ago. There is no more need to delay. If we could pass it before, we can pass it again. We know the need is clear, the support is there. It is time to finish the job we started 2 years ago. We need to pass the Local Law Enforcement Enhancement Act and pass it quickly.

MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT

Mr. DASCHLE. Mr. President, I am concerned that there has been a Republican objecting to considering the Motor Vehicle Franchise Contract Arbitration Fairness Act, S. 1140. Senator LOTT and I are cosponsors of this bill to provide basic fairness to many small businesses in Mississippi and South Dakota, and thousands more across the country.

This legislation enjoys exceptional bipartisan support. In fact, more than 60 Senators have cosponsored the Motor Vehicle Franchise Contract Arbitration Fairness Act, including, I might add, the chairman and ranking members of the Judiciary Committee.

It enjoys such exceptional bipartisan support because it restores fundamental fairness to the automobile franchising process.

Today, large automobile manufacturers are forcing small business automobile dealers to sign away their legal

rights as a condition of entering into a franchise agreement. These franchise contracts are presented by the automobile manufacturers as a ''take it or leave it'' proposition, without any room for good faith negotiations. It is wrong for one party to take advantage of its raw negotiating power to limit the legal rights of another party.

This bipartisan bill amends the Federal Arbitration Act to right this wrong by simply reserving voluntary arbitration to resolve disputes between the dealers and manufacturers.

Senator JOHNSON and I have heard from many automobile dealers in South Dakota who agree with us that this is an important piece of legislation. They have had enough of being forced into accepting mandatory binding arbitration clauses as part of their franchise contracts. They are just small business owners trying to keep their legal rights and make a living. South Dakota automobile dealers tell me they just want to be treated fairly, and they should be treated fairly.

I hope the minority will soon allow the Senate to consider the bipartisan act. This matter is a matter of basic fairness for thousands of small business owners across the country. The time has come for the majority of the Senate to be heard on this important issue.

Mr. President, I see no one who is seeking recognition, so I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Mrs. HUTCHISON. Mr. President, I ask the pending amendment be set aside for the purpose of introducing an amendment.

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

AMENDMENT NO. 3441 TO AMENDMENT NO. 3401

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3441 to amendment No. 3401.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit a country that has not taken steps to support the United States efforts to combat terrorism from receiving certain trade benefits, and for other purposes)

Section 204(b)(5)(B) of the Andean Trade Preference Act, as amended by section 3102, is amended by adding the following new clause:

''(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism.

''Section 4102 is amended by striking the matter preceding paragraph (1) and inserting the following:

''(a) ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended by striking the period at the end and inserting ''or such country has not taken steps to support the efforts of the United States to combat terrorism.''.

''(b) DEFINITION OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—''.

Mrs. HUTCHISON. Mr. President, I am introducing an amendment to the trade package that is currently before us. I strongly support the intent of both the Andean Trade Preference Act and the Generalized System of Preferences. These programs seek to help the Andean countries of Bolivia, Colombia, Ecuador, Peru, and other developing nations, by applying preferential treatment to their exports. We agree to reduce or eliminate tariffs on imports from these countries in order to help them develop a stronger economy.

These programs benefit both sides. They improve the lives of the exporting countries' citizens through improved economic opportunities that result from open access to the U.S. market—the best market in the world.

For example, since the Andean Trade Preference Act went into effect in 1991, the Andean nations have experienced $3.2 billion in new output and $1.7 billion in new exports. This has led to the creation of more than 140,000 legitimate jobs in the region.

But this act expires, and we must renew it. These programs help the United States by developing better markets for our exports. If we can help developing countries increase economic growth and prosperity, they, inevitably, will demand more imports, which provide U.S. manufacturers with more consumers for our products. This, of course, is good for the U.S. economy.

Another important benefit from the Andean Trade Preference Act is that by providing people of these regions with employment opportunities in legitimate businesses, they will, hopefully, not participate in the narcotic business that is rampant in parts of those areas. This will contribute to the stability of their region and the stability of our hemisphere.

It is clear that the Andean Trade Preference Act and the Generalized System of Preferences help both sides. Since we are giving a benefit to these countries, we are also asking something in return, to ensure that we do not help any country that works against our interests in other ways.

For this reason, we have established, in the underlying bill, conditions that a country must meet in order to qualify as a beneficiary. Conditions we have required in the past include that a beneficiary not be a Communist-controlled country. We have insisted that a country not be one that has or will expropriate the property of U.S. citizens. There must be a rule of law so that if an investment is made in that country, they will be safe from having it expropriated.

In the Andean trade bill before us, we add several new conditions. For example, we require that the President consider the extent to which countries are committed to the World Trade Organization and are participating in negotiations for a Free Trade Area of the Americas. This will ensure their commitment to free trade.

The President also must consider the extent to which they have helped us in our counter-narcotics efforts and anti-corruption efforts before providing these trade benefits. These and other conditions play an important role in ensuring we do not help countries that may turn around and work against us or our citizens in the future.

As I reviewed the list of criteria we have established, I noticed a glaring omission. We are in the middle of a war on terrorism, yet there is no requirement that a country support our efforts in this battle for freedom. It is clear we cannot win this war alone. We need the help of our friends around the world to track down terrorists and cut off funds. More than $100 million in assets of terrorists and their supporters have been frozen around the world. The United States has frozen about $30 million of this money. The rest has been cut off by various allies.

We need cooperation like this to defeat this enemy. Therefore, I am offering an amendment to the trade package that establishes a requirement that a country support our efforts in the war on terrorism in order to receive beneficiary status under the Andean Trade Preference Agreement or Generalized System of Preferences.

The kind of help each country can give to us will vary, and it may depend on the circumstances a particular country faces and the opportunities presented to that country. Some will help us militarily. Some will help cut off funds. Others will share intelligence. Some may do so publicly, others privately. It is even possible that a country might not have the opportunity to provide us with anything but moral support. So I do not think it is appropriate to specify the kind of help a country must give. But I do believe we must make it clear that we expect any country receiving these preferences to do what they can, and what they are requested to do, and that the President take that into consideration when determining these preferences.

I hope my colleagues will support this effort to ensure that we are able to

prosecute this critical war effectively with the help of nations that will benefit from our preferential treatment.

Also, as we increase commerce with these countries—which we surely will because of these good trade agreements—we want to make sure they are cooperating so that they will help us keep any contraband product out of America, as we would also expect not to take contraband into their country.

So I think these are good additions to this bill. We have certain conditions already. We are in the fight for our life for the freedom of our country, and we want every country with whom we have commerce, and where there is an ingress and an egress, to work with us to make sure we do not have any kind of terrorist activity in our country or in our hemisphere.

We have already suffered enough. September 11 has changed our way of life. It has changed our attitude. It has changed so much about what is necessary to protect our country. So we must ask every country—especially countries in this hemisphere, but every country—that we will have trade with, and commerce with, countries where we will go in and out, and work with them on a basis of trust, to help us in whatever way we request.

I think it is little to ask, and certainly it will be in their best interest, as well as ours, for terrorists not to come in and be active in their countries. That will hurt them in their efforts to represent their people and have free markets in their countries.

So I hope that my colleagues will support this amendment at the appropriate time. I will certainly speak later as we move on with this bill.

I certainly hope we are going to pass this bill. The Andean Trade Preferences and the General System of Preferences are so important to our country. There are 130 free trade agreements in the world. The United States is party to only 3. That hurts our exporters. It hurts our jobs market. And it hurts countries that we could do more trade with if we did not have the tariffs that would keep prices from being as low as possible for all of our consumers.

So we need this bill. We need to give the President the ability to promote trade and to make trade agreements. I hope we will move on toward finishing this bill next week and giving the President another tool to open markets and strengthen our economy and help other countries strengthen theirs.

Mr. President, I ask unanimous consent that my amendment be laid aside so that we can have other amendments offered through the day.

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

The Senator from North Dakota.

AMENDMENT NO. 3442 TO AMENDMENT NO. 3401

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3442 to amendment No. 3401.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the United States Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board)

At the appropriate place, insert the following:

SEC. ___. TRADE REMEDIES WITH RESPECT TO CANADIAN WHEAT.

(a) FINDINGS.—Congress makes the following findings:

(1) On February 15, 2002, the United States Trade Representative issued an affirmative finding under section 301 of the Trade Act of 1974 that the acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States commerce.

(2) In its section 301 finding, the United States Trade Representative expressed a desire for long-term reform of the Canadian Wheat Board. However, since concluding on February 15, 2002, that the Canadian Government and the Canadian Wheat Board are engaged in unfair trade practices, the United States Trade Representative has not undertaken any initiative to seek reform of the Canadian Wheat Board. Moreover, the United States Trade Representative has not imposed any trade remedy that would provide United States wheat farmers with prompt relief from the unfair trade practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should identify specific trade remedies that will provide United States wheat farmers with prompt relief from the unfair trade practices of the Canadian Wheat Board in addition to efforts to seek long-term reform of the Canadian Wheat Board.

(c) REPORTING REQUIREMENT.—No later than October 1, 2002, the United States Trade Representative shall report to Congress a specific plan for implementation of specific trade remedies to provide United States wheat farmers with prompt, real relief from the unfair trade practices of the Canadian Wheat Board, and a specific timetable to seek long-term reform of the Canadian Wheat Board, ensuring that there is no undue delay.

Mr. DORGAN. Mr. President, I will describe this amendment very briefly. It deals with the wheat trade dispute we have had with Canada.

Wheat growers in my State, on behalf of wheat growers all around our country, brought a Section 301 case alleging unfair wheat trade by Canada.

Following an investigation by the International Trade Commission, the U.S. Trade Ambassador's office came to the following conclusion, and I quote:

The [Canadian Wheat Board] has taken sales from U.S. farmers and is able to do so because it is insulated from commercial risks, benefits from subsidies, has a protected domestic market and special privileges, and has competitive advantages due to its monopoly control over a guaranteed supply of wheat. The wheat trade problem is long-standing and affects the entire U.S. wheat industry.

That is from the U.S. Trade Ambassador's office.

When the U.S. Trade Ambassador decided that our farmers were victims of unfair trade from Canada, his office said they were committed to four trade remedies, but they would explicitly not impose tariff rate quotas as a penalty on the Canadians. They said, instead, that they would pursue other approaches.

First, they say they will take the Canadians to the WTO. Of course, that means years and years and years of talk, and likely no action.

Second, they said they would examine the possibility of initiating U.S. countervailing duty and antidumping petitions. They can self-initiate those cases. I don't think they will. They seldom ever self-initiate countervailing duty or antidumping cases. I hope they do. I would encourage them to do it. But I am not holding my breath. I expect they will—as most trade officials have over decades and decades—fail to self-initiate such a remedy.

Third is to identify specific impediments preventing United States wheat from entering Canada and present these to the Canadians. Well, these impediments have been around for a long while. I have seen them firsthand in a trip I took to the Canadian border, riding in a little orange truck with a friend of mine. We were stopped at the border and couldn't take the durum wheat into Canada. We did it just as a demonstration. All the way to the border, we found Canadian 18-wheel trucks bringing wheat south, but you couldn't get any wheat into Canada. I think the Canadians know all about the impediments they have erected they don't need to have the U.S. trade ambassador coming to them with a list.

Fourth, the trade ambassador hopes to seek a solution to the problem of the WTO agricultural negotiations, which are scheduled to be completed by 2005. A fair number of farmers will be out of business by then. My amendment today says what we would like is that a remedy be provided sooner than that.

You know, when the U.S. Trade Ambassador announced that he was not willing to impose tariff rate quotas at this time, here is what the president of the Canadian Wheat Board president said: ''Since the United States did not impose tariffs, we have successfully come through our ninth trade challenge.'' In other words, he said that the fact that the United States found them guilty of violating trade rules meant nothing, because no tariffs have been imposed.

Well, that does not sit right with me. My amendment expresses the sense of Congress that prompt action is in order. And it sets forth a reporting requirement: No later than October 1, 2002, the United States Trade Representative shall report to the Congress, first, a plan for implementation of specific trade remedies to provide United States wheat farmers with prompt relief from the unfair trade

practices of the Canadian Wheat Board and, second, a specific timetable to seek long-term reform of the Canadian Wheat Board, ensuring there is no undue delay.

It is just not acceptable for the U.S. Trade Representative to tell U.S. farmers who put together their own money to file expensive 301 petitions: Yes, you are right that Canada is playing unfairly, but we are not going to do anything about it anytime soon.

This amendment says we demand action. We will expect a report on October 1 from the trade ambassador about what specific remedies he will propose on behalf of American farmers who are now victims of this unfair trade.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so I might offer amendments on behalf of other Senators, and that in each instance the amendments to be set aside and, once the amendment has been reported by number, the reading be dispensed with.

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

AMENDMENT NO. 3430 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator KERRY, I call up amendment No. 3430.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KERRY, proposes an amendment numbered 3430 to amendment No. 3401.

The amendment is as follows:

(Purpose: To ensure that any artificial trade distorting barrier relating to foreign investment is eliminated in any trade agreement entered into under the Bipartisan Trade Promotion Authority Act of 2002)

Section 2102(b) is amended by striking paragraph (3) and inserting the following new paragraph:

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade distorting barriers to trade-related foreign investment. A trade agreement that includes investment provisions shall—

(A) reduce or eliminate exceptions to the principle of national treatment;

(B) provide for the free transfer of funds relating to investment;

(C) reduce or eliminate performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) ensure that foreign investors are not granted greater legal rights than citizens of the United States possess under the United States Constitution;

(E) limit the provisions on expropriation, including by ensuring that payment of compensation is not required for regulatory measures that cause a mere diminution in the value of private property;

(F) ensure that standards for minimum treatment, including the principle of fair and equitable treatment, shall grant no greater legal rights than United States citizens possess under the due process clause of the United States Constitution;

(G) provide that any Federal, State, or local measure that protects public health, safety and welfare, the environment, or public morals is consistent with the agreement unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against foreign investors or investments, or demonstrates that the measure violates a standard established in accordance with subparagraph (E) or (F);

(H) ensure that—

(i) a claim by an investor under the agreement may not be brought directly unless the investor first submits the claim to an appropriate competent authority in the investor's country;

(ii) such entity has the authority to disapprove the pursuit of any claim solely on the basis that it lacks legal merit; and

(iii) if such entity has not acted to disapprove the claim within a defined period of time, the investor may proceed with the claim;

(I) improve mechanisms used to resolve disputes between an investor and a government through—

(i) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(ii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iii) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(J) ensure the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(III) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, nongovernmental organizations, and other interested parties.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3415 TO AMENDMENT NO. 3401

Mr. REID. On behalf of Senator TORRICELLI, I call up amendment No. 3415.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. TORRICELLI, proposes an amendment numbered 3415 to Amendment No. 3401.

The amendment is as follows:

(Purpose: To amend the labor provisions to ensure that all trade agreements include meaningful, enforceable provisions on workers' rights)

On page 244, beginning on line 19, strike all through page 246, line 15, and insert the following:

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws;

(B) to ensure that parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-up;

(C) to ensure that the parties to a trade agreement ensure that their laws provide for labor standards consistent with the ILO Declaration of Fundamental Principles and Rights at Work and the internationally recognized labor rights set forth in section 13(2) and constantly improve those standards in that light;

(D) to ensure that parties to a trade agreement do not weaken, reduce, waive, or otherwise derogate from, or offer to waive or derogate from, their labor laws as an encouragement for trade;

(E) to create a general exception from the obligations of a trade agreement for—

(i) Government measures taken pursuant to a recommendation of the ILO under Article 33 of the ILO Constitution; and

(ii) Government measures relating to goods or services produced in violation of any of the ILO core labor standards, including freedom of association and the effective recognition of the right to collective bargaining (as defined by ILO Conventions 87 and 98); the elimination of all forms of forced or compulsory labor (as defined by ILO Conventions 29 and 105); the effective abolition of child labor (as defined by ILO Conventions 138 and 182); and the elimination of discrimination in respect of employment and occupation (as defined by ILO Conventions 100 and 111); and

(F) to ensure that—

(i) all labor provisions of a trade agreement are fully enforceable, including recourse to trade sanctions;

(ii) the same enforcement mechanisms and penalties are available for the commercial provisions of an agreement and for the labor provisions of the agreement; and

(iii) trade unions from all countries that are party to a dispute over the labor provisions of the agreement can participate in the dispute process;

(G) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 13(2));

(H) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(I) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(J) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(K) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3443 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator REED of Rhode Island, I call up amendment No. 3443.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. REED, proposes an amendment numbered 3443 to amendment No. 3401.

The amendment is as follows:

(Purpose: To restore the provisions relating to secondary workers)

On page 9, beginning on line 24, strike all through page 10, line 9, and insert the following:

''(11) DOWNSTREAM PRODUCER.—The term 'downstream producer' means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.''

On page 12, beginning on line 19, strike all through line 24, and insert the following:

''(24) SUPPLIER.—The term 'supplier' means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term 'supplier' also includes a firm that provides services under contract to a firm or subdivision covered by such certification.''

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3440 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, on behalf of Senator NELSON of Florida, I call up amendment No. 3440.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. NELSON of Florida, proposes an amendment numbered 3440 to amendment No. 3401.

The amendment is as follows:

(Purpose: To limit tariff reduction authority on certain products)

At the end of section 2103(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

The PRESIDING OFFICER. The amendment is set aside.

AMENDMENT NO. 3445 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I call up amendment No. 3445, offered by Senator BAYH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAYH, proposes amendment No. 3445 to amendment No. 3401.

The amendment is as follows:

(Purpose: To require the ITC to give notice of section 202 investigations to the Secretary of Labor, and for other purposes)

At the end of title VII, insert the following:

SEC. 702. NOTIFICATION BY ITC.

(a) IN GENERAL.—Section 225 of the Trade Act of 1974, as added by section 111, is amended to read as follows:

''SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

''(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation.

''(b) NOTIFICATION OF AFFIRMATIVE FINDING.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately notify the Secretary of that finding.''.

(b) INDUSTRY-WIDE CERTIFICATION.—Section 231(c) of the Trade Act of 1974, as added by section 111, is amended by adding at the end the following new paragraph:

''(5) INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a petition under subsection (b)(2)(E) on behalf of all workers in a domestic industry producing an article or receives 3 or more petitions under subsection (b)(2) within a 180-day period on behalf of groups of workers producing the same article, the Secretary shall make a determination under subsections (a)(1) and (c)(1) of this section with respect to the domestic industry as a whole in which the workers are or were employed.''.

(c) COORDINATION WITH OTHER TRADE PROVISIONS.—

(1) RECOMMENDATIONS BY ITC.—

(A) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking '', including the provision of trade adjustment assistance under chapter 2''.

(B) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by striking '', including the provision of trade adjustment assistance under chapter 2''.

(2) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2252(a)(1)(A)) is amended to read as follows:

''(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

''(i) the President shall take all appropriate and feasible action within his power; and

''(ii) the Secretary of Labor, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate, shall certify as eligible for trade adjustment assistance under section 231(a), 292, or 299B, workers, farmers, or fishermen who are or were employed in the domestic industry defined by the Commission if such workers, farmers, or fishermen become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the date on which the Commission made its report to the President under section 202(f).''.

(3) SPECIAL LOOK-BACK RULE.—Section 203(a)(1)(A) of the Trade Act of 1974 shall apply to a worker, farmer, or fisherman if not more than 1 year before the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 the Commission notified the President of an affirmative determination under section 202(f) of such Act with respect the domestic industry in which such worker, farmer, or fisherman was employed.

(d) NOTIFICATION FOR FARMERS AND FISHERMEN.—

(1) FARMERS.—Section 294 of the Trade Act of 1974, as added by section 401, is amended to read as follows:

''SEC. 294. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

''(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation.

''(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing an agricultural commodity, the Commission shall immediately notify the Secretary of that finding.''.

(2) FISHERMEN.—Section 299C of the Trade Act of 1974, as added by section 501, is amended to read as follows:

''SEC. 299C. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

''(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to fish or a class of fish, the Commission shall immediately notify the Secretary of the investigation.

''(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing fish or a class of fish, the Commission shall immediately notify the Secretary of that finding.''.

The PRESIDING OFFICER. The amendment is set aside.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the record remain open today until 2:00 p.m. for the introduction of legislation and the submission of statements.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

AFGHAN SECURITY FORCE

Mr. BIDEN. Mr. President, I rise to speak on a matter at the very heart of our war on terror: the deteriorating security conditions in Afghanistan. If current trends continue, we may soon find that our hard-won success on the battlefield has melted away with the winter snow.

In the eastern part of the country, brutal warlords are openly defying the authority of the central government and slaughtering innocent civilians.

''Kill them all: men, women, children, even the chickens.'' Those were the orders of warlord Bacha Khan when

a rival drove him out of the city of Gardez in January. Three weeks ago he returned, and rained 200 rockets on the sorry city. About 30 civilians were killed and 70 others wounded, most of them women and children. Today, this thug's tanks still occupy the streets of Gardez, his bandits terrorize the inhabitants of nearby Khost, and the central government can do nothing but watch.

Chairman Karzai, the legitimate leader of Afghanistan, sees his authority openly flouted, while his Defense Minister weighs the pros and cons of obeying his superior's lawful orders. Meanwhile, the helpless governor of the province warns that the chaos is rapidly turning the local population against both the Karzai administration and America. He's hardly alone: journalists quote many local residents blaming the United States for the deterioration of security, and even longing for the order of the Taliban period.

''America has replaced the Taliban with the warlords,'' one villager told the New York Times, ''and what we have is the death of innocents.''

Nor is Gardez an isolated example. In Mazar-e Sharif, at the other side of the country, clashes between two rival warlords killed half a dozen people earlier this month. Both of these warlords were, and still are, on the U.S. payroll, but that hasn't brought a cessation of violation. Just last week, the airport at Jalalabad came under missile attack, for the first time since the Taliban vacated the city in November.

What is going on? What happened to the images of Afghans dancing in the street that we all remember from the liberation of Kabul last fall? What happened to the widespread joy and optimism that I encountered during my own visit to Afghanistan in January? Why are people actually looking back on the Taliban era with nostalgia rather than horror? It is simple: the very same conditions that enabled the Taliban to come to power in the mid-1990s are rapidly emerging again. Let's remember why the Taliban were able to make their regime stick. It wasn't their military prowess—we found that out in November. It wasn't the popularity of their oppressive ideology—we found that out last fall as well. What enabled the Taliban to hold power was simply that, for a critical mass of the Afghan people, they represented the least-bad option. For many Afghans, the cruel order of the Taliban was preferably to cruel of warlords.

And now this same disorder is overtaking Afghanistan once again. Not only is the United States failing to rein in the warlords, we are actually making them the centerpiece of our strategy. Unless we take a serious look at our policy, I greatly fear we may be setting the stage for a tragic replay of recent Afghan history.

Why do the people of Gardez blame America for the vicious actions of warlords like Bacha Khan? Well, maybe it is due to the fact that this killer is on the U.S. payroll. He has been taking our money since December, when his troops stood by and let al-Qaeda terrorist escape from Tora Bora; many U.S. military sources believe that Osama bin Laden himself escaped, due to the double-dealing of Bacha Khan and his comrades. Granted, the war effort in Afghanistan forces us to rely on some unsavory characters. I am under no illusions here. Sometimes, in warfare, you have got to make a deal with the Devil. But sometimes the Devil just takes your money and laughs. Bacha Khan is a perfect example. After letting al-Qaeda troops escape from Tora Bora, he conned the U.S. military into bombing his personal rivals—by labeling them al-Qaeda.

He, and other warlords like him, are supposedly helping us hunt down Taliban remnants, but with allies like than, who needs enemies? I regret to say that this is exactly the question many Afghans are asking about us. The United States, and the world community, have pledged billions of dollars to the recovery of Afghanistan. But all the money in the world won't do much good without one overriding thing: security.

> Anyone knows that without security, very little else is possible; humanitarian workers can't move around, internally displaced people won't go back to their homes, refugees won't return to the country, the Afghan diaspora won't be willing to send money in and send in themselves to try to help put structure back into that terribly war-torn nation.

This is not just my opinion; it is a direct quote from Secretary of State Rumsfeld, on April 22. So why does the administration steadfastly resist any expansion of the U.N.-mandated International Security Assistance force, or ISAF?

Afghan leader Hamid Karzai, U.N. Secretary-General Kofi Annan, and just about every expert on the map has called for an expansion of ISAF, in both scope—it is currently confined to Kabul—and tenure. Its mandate expires long before the transition to democratic government is scheduled to take place.

The long-term solution is to rebuild Afghanistan's army and police force, and we have taken our first steps in this process. But it can't happen overnight: it will take at least 18 months, more likely several years, just to train and equip a barebones force capable of bringing basic order to the country. In the meantime, there are only three alternatives: having American troops to serve as peacekeepers, building up a robust international force, or permitting Afghanistan to revert to bloody chaos.

The first option can be described as status quo-minus. U.S. forces are currently imposing a rough order in the country, but, as the current chaos in Gardez shows, not on any consistent basis. They are spread thin, and they are not officially tasked to perform this function. ''Our mission here is to capture or kill al-Qaeda and senior Taliban,'' said a U.S. military spokesman, as the rockets fell on Gardez, ''But particular factional fighting? I don't think it's for us to get into.''

In the coming months, U.S. forces will be even less able to serve as de facto peacekeepers. As large scale offensive operations shift to smaller scale Special Forces deployments, the number of U.S. troops available will drop accordingly. There are currently about 7,000 American soldiers in Afghanistan—far too few to serve as peacekeepers as well as warfighters—and the assets are already being redeployed. In April the Pentagon cut its naval force commitment to Operation Enduring Freedom in half, to one carrier and 2,000 marines afloat. This month, eight B–1 bombers based in Oman began returning home to Dyess Air Force Base in Texas. The redeployment says good things about our success against al-Qaeda—but does not signal a strong commitment to stay the course.

Soon the crunch time could come in a matter of months and our policy will be put to the test. As local warlords keep probing our resolve, we will either have to re-task more and more U.S. troops to de facto peacekeeping operations, or we will have to retreat. Wouldn't it be better to let allies share the burden? An international security force is clearly in our national interest: if we want our military presence in Afghanistan to be focused on fighting al-Qaeda and Taliban holdouts, we should be eager for other countries to take the lead in peacekeeping. We should be lending our full support to ISAF expansion, to view it as a force-multiplier. Instead, the administration treats it as an impediment to ongoing operations. One administration source even described ISAF expansion as a ''cancer that could metastasize'' throughout the country. Is it any surprise, given this attitude, that other nations are reluctant to help fill the security void? Without strong, decisive U.S. leadership, including, but not limited to, an ironclad commitment to back up our allies militarily if their troops come under enemy attack, no international force can possibly succeed.

So what about option three—placing our trust in the hands of the warlords? Maybe we can bribe and cajole them into turning themselves into good citizens. Maybe they will behave better in the future than they have in the past, better than they are behaving today. Maybe—but I wouldn't bet on it. Yet this bet—the wager that the warlords will halt their deprivations during the 2 years before an Afghan army can be trained—seems to be the totality of the administration's strategy.

Three weeks ago, on April 22, Secretary Rumsfeld essentially admitted as much: ''How ought security to evolve in that country depends on really two things,'' he said. ''One is what the interim government decides they think ought to happen, what the warlord forces in the country decide they

think ought to happen, and the interaction between those two.'' I must disagree with the Secretary on this: we should let out policy be dictated by ''what the warlord forces think ought to happen.''

Did we put American troops in harm's way merely to do the bidding of ''the warlord forces''? Did we spend $17 billion in military expenditures in the Afghan campaign merely to serve the interests of ''the warlord forces''? Did we decimate al-Qaeda and remove the Taliban from power merely to hand power over to ''the warlord forces''? Brutal, bloodthirsty, barbaric warlords are not the solution to Afghanistan's problems. These ''warlord forces'' are the source of Afghanistan's problems.

Does this matter to America? What about the option of letting Afghanistan degenerate into the state of lawlessness that made way for the Taliban? That is obviously not in the interest of Afghanistan, but is preventing it a national priority for the United States? I submit that it most certainly is.

After the Soviet withdrawal from Afghanistan in 1989, America turned its back as the country disintegrated into chaos. The President was right when, in his speech at the Virginia Military Institute last month, he promised not to repeat this mistake. The brutal disorder of the early 1990s created the Taliban—and if we permit this condition to return, the cycle will almost certainly repeat itself. Let's not forget why we went to war in the first place: Afghanistan had become a haven for the mass-murderers who attacked our homeland on September 11. Without internal security, the country will again become a den of terrorists, narcotics traffickers, and exporters of violent insurgency. The President was right to say, ''We will stay until the mission is done''—but I hope he understands what our mission really is. In concrete terms, our mission, in addition to ferreting out remnants of al-Qaeda and the Taliban, is ensuring basic security for the fledgling Afghan Government—providing it protection from the vast array of internal and external threats to its very existence.

For the immediate future, probably 2 years, that means an international armed presence, whether U.S. troops or an expanded ISAF. I believe ISAF makes much more sense, but however the force is constituted it must have the following components: It must be deployed throughout the country, controlling the five to seven major cities and the main highways connecting them. It must have robust rules of engagement, and the weapons to impose order on unruly warlords. These must be peacemakers as much as peacekeepers. It must have the full diplomatic, financial, and military support of the United States.

Whether or not American troops are part of this force—they currently are not, but we shouldn't rule this option out—we must provide an unquestionable commitment to back up ISAF as it fulfils its mission. Other nations are willing to take on the dangerous work of patrolling the front lines—but not unless they know that the cavalry stands ready to ride to the rescue. It must have the assurance that the world community—and particularly the U.S.—will stay the course. We can't cut and run if resistance increases. The greater the uncertainty about American commitment to security, the greater incentive our enemies will have to challenge our resolve.

Secretary of Defense Rumsfeld has suggested that $130 million of funds previously appropriated to the Defense Department be devoted to a fund for quasi-diplomatic endeavors related to the war against terrorism. I suggest that the best use of this money would be to support peacekeeping efforts in Afghanistan, whether conducted by the Defense Department directly or by our coalition partners operating under an expanded ISAF. Funding an effective international security force in Afghanistan would not only free up American military assets for warmaking missions, it would also deter terrorist forces from reclaiming the ground they have so decisively lost. With the Loya Jirga process scheduled to start in mid-June and Afghanistan's nascent government under daily attack by enemies both internal and external, I can think of no better or more urgent use for these funds.

We must, I submit, lead the way in guaranteeing the security of Afghanistan for the relatively brief period before it can stand on its own. We must do this to honor the promise that President Bush made, on behalf of all Americans. We must do this to demonstrate our values to the wrest of the world. We must do this to safeguard our own national security interests, to make sure that our military gains since September 11 are not all wiped away. We must do this because it is smart, because it is necessary, and because it is right.

I believe that the best way to achieve this goal is through an expansion of ISAF. The immediate devotion of $130 million, money which the Defense Department stipulates that it does not require or want for the costs of warfighting operations, would be an excellent place to start.

TRAGIC TOLL

Mr. LEVIN. Mr. President, in just the last 16 weeks, tragically ten children have been murdered in metro Detroit. Eight of these kids have died after being shot. The oldest was 16 years old and the youngest was a mere 3 years old. Three years old, Mr. President. According to the Detroit Free Press, in the last four months in metro Detroit nearly as many children have been murdered by guns as in all of last year. These are truly horrific events made even more so by their randomness. Many of these kids were simply in the wrong place at the wrong time.

Destinee Thomas, one of the youngest victims, only 3 years old, was killed while watching television in her own bedroom when someone fired an AK47 into her home. The Detroit Police Department and the people of Detroit were so outraged by her death that the police department launched Project Destinee, a special effort by law enforcement to aggressively investigate and pursue gang members involved in the shooting.

Eight year old Brianna Caddell was also killed by an AK–47 when an unknown gunman opened fire on her house. This little girl was in bed sleeping.

Another victim, 16 year old Alesia Robinson, was killed by a single gunshot to the face. According to police, her 19 year old boyfriend was playing with a gun on the front porch, firing it into the air. When Alesia asked him to stop, police said, he pointed the gun at her and fired. The 19 year old has been charged with first-degree murder.

These horrific events underline the need for the vigorous enforcement of our gun laws and the overwhelming need for common sense gun safety legislation. In light of these tragic events, I once again urge my colleagues to support gun safety legislation.

I know my colleagues join me in extending our thoughts and prayers to all of those who have lost their friends and family members to gun violence.

I ask unanimous consent that the article from the Detroit Free Press be entered into the RECORD.

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

[FROM THE DETROIT FREE PRESS, MAY 14, 2002]

10 LIVES CUT SHORT

This year, 10 children ages 16 and younger have died as a result of homicides in the metro area—all of them in Detroit.

JANUARY 13—JAMEISE SCAIFE, 3 DAYS OLD

Doctors performed an emergency cesarean section to deliver Jameise after his pregnant mother jumped from a burning apartment building set ablaze by an arsonist. Jameise died three days later from bleeding in the brain.

FEBRUARY 11—JOSEPH WALKER, 16

Died of multiple gunshot wounds in the parking lot of the Budget Inn on Plymouth Road. Police say Walker and a 19-year-old friend allegedly planned to rob two men as they left the motel. But when they announced the holdup, one of the men pulled out a gun and shot Walker, police said.

FEBRUARY 21—BRENNON CUNNINGHAM, 3

Died of strangulation. Brennon was found dead in a bedroom, wet from a bath. Police allege that his mother, Aimee Cunningham, 34, tried to make authorities believe Brennon drowned. She is charged with first-degree murder.

FEBRUARY 25—AJANEE POLLARD, 7

Fatally shot in the head when a gunman opened fire on her family's car as they were about to go shopping. Her brother, Jason Pollard Jr., 6, lost his pancreas and suffered other internal organ damage from gunshots. Her two sisters, Aerica, 6, and Alyah, 4, also were wounded, as was their mother, Aelizabeth Niebrzydowski. Two men, Joel

Allen, 24, and Willie Robinson, 25, are charged with Ajanee's killing and with assault with intent to commit murder. Police say the shooting was prompted by a dispute over a $40 radio.

MARCH 23—DESTINEE THOMAS, 3

Shot and killed while watching television in her bedroom when someone opened fire on her home with an AK47. Two men, Julian Key, 19, and Cedric Pipes, 21, are charged with first-degree murder. Outraged by her death, police and prosecutors launched Project Destinee, an effort to round up all members of the rival gangs they allege were involved in the dispute that led to the shooting.

MARCH 28—ALESIA ROBINSON, 16

Killed by a single gunshot wound to the face. Alesia's boyfriend, Darron Kilgore, 19, is charged with first-degree murder. According to police, Kilgore was playing with a gun on the front porch, firing it into the air. When Alesia asked him to stop, police said, Kilgore pointed the gun at her and fired.

APRIL 3—CHRISTOPHER JAMES, 11

Killed by a single gunshot wound to the head. Christopher's 12-year-old half-brother was charged in juvenile court with manslaughter and possession of a firearm. The suspect's family said the pair were playing with a gun they found in a playground and that the shooting was an accident.

APRIL 10—BRIANNA CADDELL, 8

Shot and killed while sleeping in her bed. A man on foot opened fire on her home with an AK47. No one is in custody.

APRIL 18—IRISHA KEENER, 3

Killed by a gunshot wound to the head in a murder-suicide. Police say Irisha's mother, Ira Keener, 39, shot the little girl as they lay in bed at their home. Ira Keener then turned the gun on herself. Police said Ira Keener, who suffered from severe asthma, had experienced delusions and had a mental breakdown about a month before the shooting. She left a note saying that she had to die, but did not want to leave Irisha behind.

APRIL 30—CHERREL THOMAS, 15

Shot and killed in the backseat of a car, possibly in a dispute over clothing. A 17-year-old suspect, Terrill Johnson, has been charged with first-degree murder and a 21-year-old suspect, Jesse Freeman, has been charged with second-degree murder.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 1, 1995 in Bedford, MA. A gay man and his companion were assaulted by men who used anti-gay slurs. The assailants, Brian Zawatski, 21, and Tim Donovan, were charged with assault and battery and civil rights violations in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

IN RECOGNITION OF MRS. SYLVIA FACTOR ON HER 80TH BIRTHDAY

• Mr. CRAIG. The world was a bustling time in 1922: the tomb of King Tutankhamen was unearthed, Benito Mussolini was granted temporary dictatorial powers in Italy, James Joyce's Ulysses was published, insulin was isolated leading to the first successful treatment for diabetes, and the Lincoln Memorial here in Washington, DC, was opened to the public. It also marked the year that a very special lady was born. Her name is Sylvia Factor.

I want to take this opportunity to recognize Sylvia on the occasion of her 80th birthday on May 17. I have met Sylvia and can say without hesitation she is a truly exceptional woman. She has witnessed a lot in her lifetime and is living proof the American dream can come true. A first-generation American, her parents immigrated to this country from Eastern Europe in the hopes of making a better life for their family.

Sylvia grew up in Wilkes Barre, PA, and the Bronx, NY, and was swept up into the war effort as a young woman. During World War II she answered the call to support her country like so many other ''Rosies,'' by helping manufacture the Corsair airplane for the United States Marines at Chance Vought. She later supported her family by working at Columbia Records in Bridgeport, CT, and then 28 years at Raybestos-Manhattan in Stratford, CT.

Today, she is still an active member of her community, using her retirement years to contribute to the well-being of others in many forms. Sylvia volunteers at the Jewish Home for the Elderly in Fairfield, CT, and the Jewish Family Services of Bridgeport. She sets the kind of example President Bush was seeking in his call for all citizens to volunteer in their communities, and it is an example worth following.

She also enjoys visiting with her friends and family, including her son Mallory, daughter-in-law Elizabeth and grandchildren: India, Mallory III, and Cailley Factor. Today I congratulate Sylvia for all she has done, and continues to do, for her country and community. I only hope that I can be as active and vibrant as she is when I reach 80. I wish her a heartfelt happy birthday, with many more to follow.•

TRIBUTE TO VAL G. HEMMING, M.D.

• Mr. SARBANES. Mr. President, today I pay tribute to Dr. Val G. Hemming, M.D., Dean of the F. Edward Hebert School of Medicine at the Uniformed Services University of the Health Sciences, USUHS. Tomorrow, on May 18, 2002, following the graduation ceremonies at the School of Medicine, Dr. Hemming will mark the end of his 37 year career in Federal service.

Dean Hemming's Federal career began in the United States Air Force where he served for 25 years as a career officer and physician from 1965 through 1990. In 1987, Dr. Hemming was selected to serve as the Chair of the USUHS School of Medicine Department of Pediatrics, a position in which he continued to serve as a civilian upon his retirement from the Air Force, at the rank of Colonel. In 1995, he was appointed interim Dean of the School of Medicine, and following an extensive search process, he was selected as Dean in May of 1996.

As dean, Dr. Hemming has worked to further the established mission and goals of the USUHS School of Medicine. Under his leadership, the University has continued to provide the Nation with highly qualified health professionals dedicated to career service in the Department of Defense and the U.S. Public Health Service. These graduates leave USUHS trained to provide continuity in ensuring medical readiness and the preservation of lessons learned during combat and casualty care. This critical role is, in fact, the significant factor that led the Congress to establish USUHS in 1972.

During his career, Dr. Hemming has served as an advisor to Congress, most recently testifying before the House Veteran's Affairs Committee's Subcommittee on Oversight and Investigations during hearings that resulted from the events of September 11, 2001. Dr. Hemming's knowledge and unique expertise provided valuable insight as the Committee discussed the urgent requirement for civilian physicians to be trained in the medical response to weapons of mass destruction, WMD. Significantly, those hearings resulted in proposed legislation recommending that the USUHS School of Medicine share its WMD-focused curricula with the Department of Veterans Affairs.

It is exceptional leadership such as that of Dean Hemming and the dedicated careers of his uniquely trained School of Medicine graduates, combined with the extraordinary USUHS faculty and staff, which led to the awarding of the Joint Meritorious Unit Award to USUHS by the Secretary of Defense on December 11, 2000. Dr. Hemming's commitment and leadership was also recognized in the tribute paid by the Secretary of Defense Donald Rumsfeld who recently wrote:

> The Department takes great pride in the fact that the USUHS graduates have become the backbone for our Military Health System. The training they receive in combat and peacetime medicine is essential to providing superior force health protection, and improving the quality of life for our service members, retirees, and families. All of us in the Office of the Secretary of Defense place great emphasis on the retention of quality physicians in the military. The USUHS ensures those goals are met.

As Dean Hemming retires from his distinguished career, it is incumbent to point out that amid all of his successes as an academic leader, Dr. Hemming also achieved significant success as a scientist. His research interests have included pathogenesis of Lancefield group B streptococcal infections in the neonate and pathogenesis of lower respiratory tract bacterial and viral infections in infants and young children. Indeed, his research in the Respiratory Syncytial Virus, RSV, infection resulted in the first biological product for the prevention and reduction of RSV infection in children; his product, which was approved by the Food and Drug Administration in January of 1996, has contributed to the fight against an infection that had claimed the lives of 4,500 children and hospitalized more than 90,000 children in our Nation each year.

Our Nation can be proud of Dr. Hemming's long and distinguished career of service and I am pleased to join with his family, friends and colleagues in expressing appreciation for the significant contributions he has made to the health of the uniformed services and that of all citizens, particularly our children. I certainly wish him continued success and happiness in the years to come.●

OREGON HERO OF THE WEEK

● Mr. SMITH of Oregon. Mr. President, I am proud to rise today to pay tribute to a true American Patriot from my home state of Oregon. This week, I want to recognize the service and compassion of Sho Dozono, of Portland, OR.

Mr. Dozono, President and CEO of Azumano Carlson Wagonlit Travel and the Azumano Group, is a respected member of the Portland business community. He continually tries to improve his community and has served on a number of boards and commissions including the Portland Metro YMCA, Portland Multnomah Progress Board, and was recently elected to serve as the chair of the Portland Metropolitan Chamber of Commerce board of directors.

But like so many employers, after September 11, 2001, Mr. Dozono was forced to lay off employees and watch as the effects of the terrorist attacks spread across the country to his west coast home. Mr. Dozono and his wife Loen decided that they would not allow their own financial difficulties to keep them from showing their love and support to the victims in New York City. What started as an idea of a bus convoy across the United States grew into an inspirational display of patriotism and compassion, aptly named the ''Flight for Freedom''. Mr. Dozono brought together over 1,000 Oregonians to answer the call of Mayor Rudy Giuliani for tourists. Not only did the group lend a healing hand to the broken economy of New York City, but the ''Flight for Freedom'' was instrumental in convincing Americans everywhere to travel again. The week-long trip, which included marching in the Columbus Day Parade, attracted worldwide publicity and earned recognition from New York and national officials. At a crucial time, Dozono persevered to share his belief in the American dream with those whose light had been tragically dimmed.

I rise to salute Sho Dozono, not only for his inspirational efforts after 9/11, but because his desire to improve his community is a life-long commitment. In 1997, Dozono traveled to Philadelphia to represent the City of Portland at the Presidential Summit on Volunteerism in America, chaired by then-retired General Colin Powell. He is a former chair of the Portland Public Schools Foundation and co-chaired a march that raised over $11 million to save teaching positions that would have otherwise been cut because of reduced funding.

This month as we honor and celebrate Asian Pacific American Heritage Month, I find it very appropriate to rise and recognize the efforts of Sho Dozono. I believe Mr. Dozono is to be commended for his ongoing efforts to serve his community and country, and I salute him as a true hero for Oregon.●

TRIBUTE TO HENRY WOODS

● Mrs. LINCOLN. Mr. President, today I pay tribute to the life of Henry Woods, a great scholar and beloved Federal judge in Arkansas. Judge Woods passed away unexpectedly in March, and I wish to take a moment today to honor his many achievements and express sorrow for his loss. There is no question but that his legal expertise, unique perspective and commanding presence will be sorely missed by so many in my home State.

Henry Woods was born on March 17, 1918, in Abbeville, MS. He attended the University of Arkansas, Fayetteville, where he received a bachelor's degree in 1938 and a law degree in 1940. Following his formal education, Judge Woods served in a variety of positions, including as a special agent in the Federal Bureau of Investigation, a trial attorney in Texarkana and Little Rock and as coordinator for the successful gubernatorial campaigns of both Sid McMath and Dale Bumpers. Henry was also past president of the Arkansas Bar Association and Arkansas Trial Association. At 62, he was nominated U.S. District Judge, Eastern District of Arkansas, by President Carter and began a new chapter in his professional life while most of his peers were planning for retirement.

Like so many Arkansans who had the good fortune to know Judge Woods, I will always remember him for his intellect and commitment to social justice. Whether Judge Woods was in the courtroom or the classroom, he never wavered in his passion for fairness and equality, even when he endorsed positions he knew would ignite strong criticism. As long as Judge Woods believed what he did was right, he was prepared to take the heat. This was true when he spoke loudly and openly against Gov. Orval Faubus' use of the National Guard at Central High and later when he issued several controversial court rulings in his role as presiding Judge in the Pulaski County school desegregation case.

As I have reflected on Judge Woods' prolific life, I am comforted by the fact that his towering legacy and impassioned spirit will live on through the countless individuals he inspired. Death has ended Henry Woods' life, but it hasn't extinguished his invaluable contribution to public service in Arkansas. I and others who were raised to believe that serving in public office is a high and noble calling owe a deep debt of gratitude to Judge Woods and others from his generation. I, for one, have been deeply moved by his life and will always be mindful of the example and high standard he set.●

SALEM NEW HAMPSHIRE MARCHING BAND

● Mr. SMITH of New Hampshire. Mr. President, I rise here today to honor the achievements of the Salem High School Band and Color Guard on their exemplary show in the competition leading to their selection to play in the nationally televised Macy's Thanksgiving Day Parade.

Congratulations are in order for Salem High, as they have also played in the 2001 Tournament of Roses parade, which is attributed with some of the success this time around in the granting of the New York parade. There were only 12 bands chosen nationwide between nearly 300 high schools or colleges competing for the honor. The country was dazzled by the Salem High band at the Macy's Day parade in 1977 and once again has the opportunity to please onlookers this year.

Salem is the only high school in the state of New Hampshire that has marched in this, one of the largest parades in America. The band will have to march for 2½ miles with an estimated live gathering of almost 2 million. Best wishes to them in a successful march and once again congratulations.●

NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS

● Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to the outstanding successes of the recipients of the New Hampshire Excellence in Education Awards. This annual event, which began in 1994, recognizes the hard work of teachers from throughout the state.

This serves as one of the largest ceremonies acknowledging the positive difference these professionals are making in the lives of students. Praiseworthy

public schools, programs, and educators are used as incentives for others. These individuals demonstrate their worthiness in six areas: curriculum, teaching/learning process, student achievement, community/parental involvement, leadership/ decisionmaking, and climate.

Teachers with these qualities are exactly what is needed to guide our youth today. With the attitude and hard work brought to the table by these individuals I am confident that they will provide the best education possible lending to a spectacular future for our children. It is an honor and privilege to serve these individuals in the U.S. Senate.●

TRIBUTE TO MANCHESTER AIRPORT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the outstanding growth of the Manchester Airport. Recently it has completed the changes and additions that have been underway for the last 8 years helping pave its path as one of the premier airports in the state. These changes include a 158,000-square-foot passenger terminal with a 70,000-square-foot terminal addition, and a six level parking garage and connecting pedestrian walkway. These drastic improvements have taken this once small, and seldom used airport and turned it into a legitimate point of travel. With all this advancement it has been a point of destination for more than 3.2 million passengers in 2001.

In addition, cargo shipping has become a growing factor at the Manchester airport as it is now ranked the third largest cargo airport in New England. A recent impact report has shown that the business related to the airport added 500 million in 1998 and is estimated at more than 1 billion annually by 2010.

Factors such as convenience, ample parking, and greater customer service has created an airport that the citizens of Manchester can be proud of. I commend Kevin Dillion, airport director of Manchester for being named the Travel Person of the Year in 2001. The outstanding services available at Manchester will surely be a factor in the growth of the airport. This project has truly added to the appeal Manchester holds for all travelers. It is an honor and privilege representing the good people of Manchester.●

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to a pillar in the entrepreneurial community of New Hampshire. Mrs. Annalee Davis Thorndike, the creator and manufacturer of the collectible Annalee Dolls, passed away Sunday April 7, 2002, at the age of 87. The Annalee Mobilitee Dolls are considered some of the most famous manufactured items to come from New Hampshire in the 20th century.

Beginning in 1930, Annalee and her husband took the first step in turning her dollmaking hobby into a business. Flourishing, the business reached a total of 250 to 300 employees in the Lakes Region. Displaying her dolls in the White House at times, Thorndike was awarded the ''Collectibles and Gift Industry Pioneer Award'' in 1997. Epitomizing the American spirit and following through with her dreams, Annalee's dolls will always be a proud part of the communities as the greatest collectible dolls to ever come from New Hampshire.

Five years ago Thorndike stepped down from head of operations and turned the business over to her sons. New Hampshire is excited to see the Annalee Mobilitee Dolls continue to be manufactured in the same location they have been since 1955 when Annalee founded the company. Today a museum of dolls can be visited at the manufacturing site. A true spirit and friend of New Hampshire, Annalee David Thorndike will be sorely missed by all citizens of the great state. It is an honor and privilege to have represented Mrs. Annalee Davis Thorndike in the U.S. Senate.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 3694. An act to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

H.R. 4560. An act to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

*Harold D. Stratton, of New Mexico, to be Chairman of the Consumer Product Safety Commission.

*Harold D. Stratton, of New Mexico, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2006.

*Coast Guard nominations beginning Rear Adm. (lh) Vivien S. Crea and ending Rear Adm. (ih) Charles D. Wurster, which nominations were received by the Senate and appeared in the Congressional Record on April 22, 2002.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*Coast Guard nomination of Mikeal S. Staier.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

ADDITIONAL COSPONSORS

S. 145

At the request of Mr. THURMOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1572

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1572, a bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures of the United States to prohibit financial holding companies

and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1850

At the request of Mr. CHAFEE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1850, a bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

S. 1924

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1945

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2452

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2452, a bill to establish the Department of National Homeland Security and the National Office for Combating Terrorism.

S. 2462

At the request of Ms. COLLINS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2462, a bill to amend section 16131 of title 10, United States Code, to increase rates of educational assistance under the program of educational assistance for members of the Selected Reserve to make such rates commensurate with scheduled increases in rates for basic educational assistance under section 3015 of title 38, United States Code, the Montgomery GI Bill.

S. RES. 244

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 244, a resolution eliminating secret Senate holds.

S. RES. 248

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 248, A resolution concerning the rise of anti-Semitism in Europe.

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as ''National Cystic Fibrosis Awareness Week.''

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 2531. A bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce the Human Tissue Transplant Safety Act of 2002, which would provide a much needed regulatory framework to help ensure the safety of transplanted human tissue. In 1997, the U.S. Food and Drug Administration, FDA examined the public health issues posed by human tissue transplantation and concluded that the existing regulatory framework was insufficient and needed to be strengthened. Yet more than 5 years later, the agency has failed to implement critical regulatory changes and strengthen oversight of tissue processors, known as tissue banks. The legislation I am introducing today is designed to help remedy the gaps in the regulatory safety net.

While people are familiar with the concept of organ donation, tissue donation is not well understood by most Americans. Yet the tissue industry is very diverse and is growing rapidly. In fact, tissue donations now make possible about 750,000 transplants per year. The recovery and medical use of tissue, including skin, bone, cartilage, tendons, ligaments, and heart valves, are unlike organ transplants because the tissue is usually not transplanted ''as-is'' from the donor's body into that of the recipient. Rather, donated tissue frequently undergoes considerable processing before it can be used. Bone from a donor's femur, for example, can be reshaped into a component designed to give support to a recipient's spine.

Technology that greatly reduces the risk of rejection now allows surgeons to use actual bone in their patients rather than metal or other synthetic substances. In addition, donated tissue, once it is processed, can frequently be stored for a period of time. In contrast, organs must be transplanted into the recipient's body within hours of their recovery.

The organizations that make up the tissue industry are collectively referred to as tissue banks. Some are engaged in tissue recovery, while others process, store, and distribute human tissue. Tissue donation is a generous, selfless act that improves the lives of many Americans. Just one donor, in fact, can help a large number of people in various ways. Skin donations, for instance, can be used to heal burn victims or aid in reconstructive surgical procedures. Ligaments and tendons can be used to repair worn-out knees. Bone donations can be used in hip replacements or spinal surgery enabling recipients to regain mobility. Donated arteries and veins can restore circulation, and heart valves can be transplanted to save lives.

The phenomenal growth and increasing competitiveness of the industry in its search for new sources of donated tissue, however, have resulted in some problems. Tissue obtained from unsuitable donors has been allowed to enter the American tissue supply, raising serious doubts about the adequacy of federal regulations. Other concerns involve whether or not the practices of some tissue banks are sufficient to reduce the danger of spreading such illnesses as the human variant of mad cow disease. Because communicable diseases such as HIV and hepatitis, among others, can also be transmitted through tissues, it is vital that potential donors be screened for suitability and tissue be tested effectively, to make sure it is safe.

FDA recognized these issues in 1997, and the agency published its ''Proposed Approach to the Regulation of Cellular and Tissue-Based Products.'' The FDA proposed to: (1) require infectious disease screening and testing for cells and tissue transplanted from one person to another; (2) require that cells and tissues be handled according to procedures designed to prevent contamination and preserve tissue function and integrity; and (3) require all tissue processing facilities to register with the agency. Thereafter, FDA promulgated three separate regulations that address these requirements. But of those, only a registration requirement has been implemented.

Five years later, the majority of the proposed regulatory changes still have not been adopted, and, remarkably, FDA officials recently advised me that the agency cannot even tell me when the remaining regulations will be made final.

The FDA's failure to act in this area that affects public health and safety is simply inexcusable. It is a case, apparently, of bureaucratic inertia at its worst.

I have long been concerned about the vulnerabilities that exist in the tissue industry and the adequacy of the Government's oversight.

Last year—exactly a year ago—as the chairman of the Senate Permanent Subcommittee on Investigations, I held a hearing to look at tissue banks and the efficacy of the current regulatory framework. The testimony was deeply troubling.

For example, one witness testified that some unscrupulous tissue banks have engaged in a practice in which tissues that were initially tested positive for contamination were simply tested over and over again until the technicians achieved the negative result they wanted.

Let me explain that again. This is human tissue that has tested positive for contamination, and the reaction to that was to keep testing it until a negative result came up. You cannot keep testing into compliance. Obviously, there is a problem if, even once, the tissue tests positive for contamination; and it should not be used.

The FDA official in my hearing called this ''testing tissue into compliance'' a practice that is obviously unsafe and must be stopped.

The hearing also revealed that scores of tissue banks have never once been inspected by the FDA. And of those that have been inspected, some were found to have had deficiencies, but they were never reinspected to see that the problems had been corrected.

Moreover, the FDA had no concept, prior to the registration requirement, of how many tissue banks were actually operating. The FDA thought there were possibly 150. More than 350 registered as a result of the one requirement that the FDA did put into effect.

As a result of the subcommittee's in-depth investigation, I concluded that serious gaps existed in the FDA's regulation. But I also thought, and hoped, and have received promises from the agency, that it would act. After all, it had developed a good, sound strategy back in 1997.

So last year, in the hearings that I held a year ago this month, the FDA promised me that the regulations would be made final.

Unfortunately, I have been proven wrong about the FDA's commitment to reform. And the lack of action has had serious, indeed, tragic consequences.

In November of last year, a 23-year-old man died in Minnesota after undergoing routine knee surgery in which tissue was transplanted into his body. It contained a deadly bacteria which ultimately killed this young man. Others have fallen seriously ill because of the tainted tissue transplants.

In March of this year, the Centers for Disease Control and Prevention released findings that linked bacterial infections in donated human tissue to allografts that had been used for transplants in 26 cases. And the number, undoubtedly, is going to increase since the CDC's investigation is still ongoing.

I have tried to work with the FDA to expedite the implementation of the proposed regulations. I have asked, repeatedly: What does the FDA need? Are more resources needed? Just tell us what you need. But, unfortunately, the threat to public health that the FDA identified so long ago continues to exist today.

In an effort to prevent any further tragedies, I am today introducing legislation to require the FDA to go forward and issue these much needed regulations.

First, my legislation will explicitly authorize the FDA to regulate any entity that engages in the recovery, screening, testing, processing, storage, or distribution of human tissue, or human tissue-based products. In other words, all tissue banks would be required to adhere to the standards that the FDA has identified as necessary for ensuring public safety. This provision would remove any doubt about the FDA's authority to regulate tissue banks.

Second, the legislation will make it mandatory for all tissue banks to register with the FDA. If any tissue bank is out of compliance with FDA requirements, the agency will be authorized to suspend and, if necessary, revoke the tissue bank's registration, to prevent the bank from operating.

Third, the legislation will require tissue banks to report adverse incidents, including the detection of an infection within 15 days. Currently, tissue banks are not required to report adverse incidents to the Federal Government. And if they do not voluntarily report incidents, it is very difficult for the Federal Government to take effective action.

Finally, the bill also requires the Secretary of Health and Human Services to develop a database to store the adverse incident reports. That central repository of information would be very useful to the CDC.

I want to emphasize that the vast majority of tissue banks operate in a safe, professional manner. We are now very fortunate that advances in technology allow tissue to be used in ways that truly enhance lives for thousands of Americans.

This legislation will help ensure that the transplantation of human tissue saves lives, not ends them.

By Mr. SMITH of Oregon (for himself and Mrs. FEINSTEIN):

S. 2533. A bill to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes; to the Committee on Finance.

Mr. SMITH of Oregon. Mr. President, I rise today to introduce The Social Security Benefit Enhancements for Women Act of 2002. I am proud to be joined by my colleague from California, Senator FEINSTEIN. This legislation makes fiscal improvements in benefits for women under the current Social Security system. These improvements will increase the benefits for disabled widows, divorced retirees, and widows whose husbands died quickly after an early retirement.

While these benefit changes are small in scope, they represent a bipartisan effort to provide more economic security for women who work hard, sacrifice much and yet still live near poverty. Women comprise the majority of Social Security beneficiaries, representing almost 60 percent of all Social Security recipients at age 65 and 71 percent of all recipients by age 85. Those impacted by this legislation, the disabled, divorced and elderly widows are more likely to live near the poverty line.

Clearly we would like to do more for these beneficiaries. Yet there is a limit in the number and scope of improvements we are able to make as we face broader Social Security reform issues. This small benefit package passed the House on May 14, 2002, by a stunning vote of 418 to 0. We feel that a similar vote can send these changes to the President and we can show that bipartisanship is a route that will work when it comes to future Social Security reform.

I ask unanimous consent to have the bill printed in the RECORD.

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

S. 2533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security Benefit Enhancements for Women Act of 2002''.

SEC. 2. REPEAL OF 7-YEAR RESTRICTION ON ELIGIBILITY FOR WIDOW'S AND WIDOWER'S INSURANCE BENEFITS BASED ON DISABILITY.

(a) WIDOW'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(e) of the Social Security Act (42 U.S.C. 402(e)) is amended—

(A) in paragraph (1)(B)(ii), by striking ''which began before the end of the period specified in paragraph (4)'';

(B) in paragraph (1)(F)(ii), by striking ''(I) in the period specified in paragraph (4) and (II)'';

(C) by striking paragraph (4) and by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(D) in paragraph (4)(A)(ii) (as redesignated), by striking ''whichever'' and all that follows through ''begins'' and inserting ''the first day of the seventeenth month before the month in which her application is filed''.

(2) CONFORMING AMENDMENTS.—

(A) Section 202(e)(1)(F)(i) of such Act (42 U.S.C. 402(e)(1)(F)(i)) is amended by striking ''paragraph (5)'' and inserting ''paragraph (4)''.

(B) Section 202(e)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(e)(2)(C)(ii)(III)) is amended by striking ''paragraph (8)'' and inserting ''paragraph (7)''.

(C) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking ''paragraph (7)'' and inserting ''paragraph (6)''.

(D) Section 226(e)(1)(A)(i) of such Act (42 U.S.C. 426(e)(1)(A)(i)) is amended by striking ''202(e)(4),''.

(b) WIDOWER'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(f) of such Act (42 U.S.C. 402(f)) is amended—

(A) in paragraph (1)(B)(ii), by striking ''which began before the end of the period specified in paragraph (5)'';

(B) in paragraph (1)(F)(ii), by striking ''(I) in the period specified in paragraph (5) and (II)'';

(C) by striking paragraph (5) and by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively; and

(D) in paragraph (5)(A)(ii) (as redesignated), by striking ''whichever'' and all that follows through ''begins'' and inserting ''the first day of the seventeenth month before the month in which his application is filed''.

(2) CONFORMING AMENDMENTS.—

(A) Section 202(f)(1)(F)(i) of such Act (42 U.S.C. 402(f)(1)(F)(i)) is amended by striking ''paragraph (6)'' and inserting ''paragraph (5)''.

(B) Section 202(f)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(f)(2)(C)(ii)(III)) is amended by striking ''paragraph (8)'' and inserting ''paragraph (7)''.

(C) Section 226(e)(1)(A)(i) of such Act (as amended by subsection (a)(2)) is further amended by striking ''202(f)(1)(B)(ii), and 202(f)(5)'' and inserting ''and 202(f)(1)(B)(ii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after November 2002.

SEC. 3. EXEMPTION FROM TWO-YEAR WAITING PERIOD FOR DIVORCED SPOUSE'S BENEFITS UPON OTHER SPOUSE'S REMARRIAGE.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(5)(A) of the Social Security Act (42 U.S.C. 402(b)(5)(A)) is amended by adding at the end the following new sentence: ''The criterion for entitlement under clause (ii) shall be deemed met upon the remarriage of the insured individual to someone other than the applicant during the 2-year period referred to in such clause.''.

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(5)(A) of such Act (42 U.S.C. 402(c)(5)(A)) is amended by adding at the end the following new sentence: ''The criterion for entitlement under clause (ii) shall be deemed met upon the remarriage of the insured individual to someone other than the applicant during the 2-year period referred to in such clause.''.

(c) CONFORMING AMENDMENT TO EXEMPTION OF INSURED INDIVIDUAL'S DIVORCED SPOUSE FROM EARNINGS TEST AS APPLIED TO THE INSURED INDIVIDUAL.—Section 203(b)(2)(B) of such Act (42 U.S.C. 403(b)(2)(B)) is amended by adding at the end the following new sentence: ''The requirement under such clause (ii) shall be deemed met upon the remarriage of the insured individual to someone other than the individual referred to in paragraph (1) during the 2-year period referred to in such clause.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after November 2002.

SEC. 4. MONTHS ENDING AFTER DECEASED INDIVIDUAL'S DEATH DISREGARDED IN APPLYING EARLY RETIREMENT RULES WITH RESPECT TO DECEASED INDIVIDUAL FOR PURPOSES OF LIMITATION ON WIDOW'S AND WIDOWER'S BENEFITS.

(a) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(2)(D)(i) of the Social Security Act (42 U.S.C. 402(e)(2)(D)(i)) is amended by inserting after ''applicable,'' the following: ''except that, in applying paragraph (7) of subsection (q) for purposes of this clause, any month ending with or after the date of the death of such deceased individual shall be deemed to be excluded under such paragraph (in addition to months otherwise excluded under such paragraph),''.

(b) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(3)(D)(i) of such Act (42 U.S.C. 402(f)(3)(D)(i)) is amended by inserting after ''applicable,'' the following: ''except that, in applying paragraph (7) of subsection (q) for purposes of this clause, any month ending with or after the date of the death of such deceased individual shall be deemed to be excluded under such paragraph (in addition to months otherwise excluded under such paragraph),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after November 2002.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 112—EXPRESSING THE SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE WEEK BEGINNING MAY 19, 2002, AS ''NATIONAL MEDICAL SERVICES WEEK''

Mr. HATCH (for himself, Mr. DORGAN, Mr. INOUYE, Mr. CORZINE, Mr. JOHNSON, Ms. CANTWELL, Mr. BREAUX, Mr. INHOFE, Mr. FRIST, Mr. EDWARDS, Ms. COLLINS, Mr. TORRICELLI, Ms. SNOWE, Mr. CAMPBELL, Mr. BUNNING, Mr. VOINOVICH, Mr. MURKOWSKI, Mr. BAUCUS, Mr. AKAKA, Ms. MIKULSKI, Mr. KERRY, Mr. BAYH, Mr. JEFFORDS, Mr. DURBIN, Mrs. MURRAY, Mr. BINGAMAN, Mr. SARBANES, Ms. STABENOW, Ms. LANDRIEU, Mrs. CARNAHAN, Mr. DAYTON, Mrs. HUTCHISON, Mrs. CLINTON, Mr. LEAHY, Mr. GRAHAM, Mr. MILLER, Mr. CLELAND, Mr. WELLSTONE, Mr. WYDEN, Mr. THOMAS, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. BENNETT, Mr. GRASSLEY, Mr. DEWINE, Mr. FEINGOLD, Mr. THURMOND, Mr. BROWNBACK, Mr. BOND, Mr. CHAFEE, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. SMITH of Oregon, Mr. LEVIN, and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 112

Whereas emergency medical services are a vital public service;

Whereas the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, 7 days a week;

Whereas emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others;

Whereas these emergency medical services teams served our country with bravery and heroism on September 11, 2001;

Whereas emergency medical personnel (emergency physicians, nurses, and emergency medical technicians) courageously defended the Nation when called upon to identify and treat anthrax, the bioterrorist weapon released in October 2001;

Whereas access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury;

Whereas providers of emergency medical services have traditionally served as the safety net of America's health care system;

Whereas approximately ⅔ of all emergency medical services providers are volunteers;

Whereas the members of emergency medical services teams, whether career or volunteer, undergo thousands of hours of specialized training and continuing education to enhance their lifesaving skills;

Whereas Americans benefit daily from the knowledge and skills of these highly trained individuals; and

Whereas injury prevention and the appropriate use of the emergency medical services system will help reduce health care costs and save lives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the week beginning May 19, 2002, as ''National Emergency Medical Services Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 113—RECOGNIZING AND SUPPORTING THE EFFORTS OF THE STATE OF NEW YORK TO DEVELOP THE NATIONAL PURPLE HEART HALL OF HONOR IN NEW WINDSOR, NEW YORK, AND FOR OTHER PURPOSES

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 113

Whereas George Washington, at his headquarters in Newburgh, New York, on August 7, 1782, devised the Badge of Military Merit to be given to enlisted men and noncommissioned officers for meritorious action;

Whereas the Badge of Military Merit became popularly known as the ''Purple Heart'' because it consisted of the figure of a heart in purple cloth or silk edged with narrow lace or binding and was affixed to the uniform coat over the left breast;

Whereas Badges of Military Merit were awarded during the Revolutionary War by General George Washington at his headquarters, in Newburgh, New York, on May 3 and June 8, 1783;

Whereas the Badge of Military Merit, an award for valor in the Revolutionary War, is the inspiration for today's Purple Heart medal;

Whereas on the bicentennial of General Washington's birthday in February 1932, the Badge of Military Merit was redesignated by General Douglas MacArthur, then Chief of Staff of the Army, as the Purple Heart, to be awarded to persons killed or wounded in action against an enemy of the United States;

Whereas more than 800,000 members of the Armed Forces have been awarded the Purple Heart;

Whereas the Nation, as it fights the forces of evil that would undermine those democratic principles upon which the Nation was founded, continues to add brave members of the Armed Forces to the ranks of those who have received the Purple Heart;

Whereas the State of New York has dedicated substantial resources to the creation of the National Purple Heart Hall of Honor to be constructed at the New Windsor Cantonment, a New York State Historic Site, in New Windsor, New York, to honor those individuals who have been awarded the Purple Heart and to inform and educate the people of the United States about the history and importance of this distinguished combat award;

Whereas the National Purple Heart Hall of Honor will be a permanent place of remembrance of the service and sacrifices made by the members of the Armed Forces wounded or killed in service to America from World War I through the current war against terrorism, both at home and abroad; and

Whereas as the Nation continues to defend the American way, there will be a need for a distinguished place to honor those who in the future are awarded the Purple Heart for their service and sacrifice: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and supports the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York;

(2) encourages the people of the United States to participate in the development of the National Purple Heart Hall of Honor; and

(3) encourages Federal departments and agencies to cooperate, assist, and participate in the development of the National Purple Heart Hall of Honor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3439. Mr. DORGAN (for himself, Mr. ENZI, Ms. CANTWELL, Mr. HAGEL, Mr. JOHNSON, Mr. ROBERTS, and Mrs. MURRAY) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

SA 3440. Mr. REID (for Mr. NELSON, of Florida (for himself and Mr. GRAHAM)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3441. Mrs. HUTCHISON proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3442. Mr. DORGAN proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3443. Mr. REID (for Mr. REED (for himself, Mr. BINGAMAN, and Mr. CORZINE)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3444. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3445. Mr. REID (for Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, Ms. MIKULSKI, and Mr. ROCKEFELLER)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3446. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3447. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3448. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3449. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3450. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3451. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3452. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3453. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3454. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3455. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3439. Mr. DORGAN (for himself, Mr. ENZI, Ms. CANTWELL, Mr. HAGEL, Mr. JOHNSON, Mr. ROBERTS, and Mrs. MURRAY) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. AGRICULTURAL SALES TO CUBA.

(a) IN GENERAL.—Section 908 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207) is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—Section 908(a) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207(a)) (as amended by subsection (a)), is amended—

(1) by striking ''(a)'' and all that follows through ''Notwithstanding'' and inserting the following:

''(a) IN GENERAL.—Notwithstanding'';

(2) by striking ''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)'' and inserting the following:

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)''; and

(3) by striking ''(3) WAIVER.—The President may waive the application of paragraph (1)'' and inserting the following:

''(c) WAIVER.—The President may waive the application of subsection (a)''.

SA 3440. Mr. REID (for Mr. NELSON of Florida (for himself and Mr. GRAHAM)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of section 2103(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

SA 3441. Mrs. HUTCHISON proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Section 204(b)(5)(B) of the Andean Trade Preference Act, as amended by section 3102, is amended by adding the following new clause:

''(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism.

''Section 4102 is amended by striking the matter preceding paragraph (1) and inserting the following:

''(a) ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended by striking the period at the end and inserting ''or such country has not taken steps to support the efforts of the United States to combat terrorism.''.

''(b) DEFINITION OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—''.

SA 3442. Mr. DORGAN proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. TRADE REMEDIES WITH RESPECT TO CANADIAN WHEAT.

(a) FINDINGS.—Congress makes the following findings:

(1) On February 15, 2002, the United States Trade Representative issued an affirmative finding under section 301 of the Trade Act of 1974 that the acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States commerce.

(2) In its section 301 finding, the United States Trade Representative expressed a desire for long-term reform of the Canadian Wheat Board. However, since concluding on February 15, 2002, that the Canadian Government and the Canadian Wheat Board are engaged in unfair trade practices, the United States Trade Representative has not undertaken any initiative to seek reform of the Canadian Wheat Board. Moreover, the United States Trade Representative has not imposed any trade remedy that would provide United States wheat farmers with prompt relief from the unfair trade practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should identify specific trade remedies that will provide United States wheat farmers with prompt relief from the unfair trade practices of the Canadian Wheat Board in addition to efforts to seek long-term reform of the Canadian Wheat Board.

(c) REPORTING REQUIREMENT.—No later than October 1, 2002, the United States Trade Representative shall report to Congress a specific plan for implementation of specific trade remedies to provide United States wheat farmers with prompt, real relief from the unfair trade practices of the Canadian Wheat Board, and a specific timetable to

seek long-term reform of the Canadian Wheat Board, ensuring that there is no undue delay.

SA 3443. Mr. REID (for Mr. REED (for himself, Mr. BINGAMAN, AND MR. CORZINE)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

On page 9, beginning on line 24, strike all through page 10, line 9, and insert the following:

''(11) DOWNSTREAM PRODUCER.—The term 'downstream producer' means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

On page 12, beginning on line 19, strike all through line 24, and insert the following:

''(24) SUPPLIER.—The term 'supplier' means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term 'supplier' also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

SA 3444. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, line 21, insert ''expeditious'' after ''providing for''.

SA 3445. Mr. REID (for Mr. BAYH (for himself, Mr. DURBIN, Mr. DAYTON, Ms. MIKULSKI, and Mr. ROCKEFELLER)) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of title VII, insert the following:

SEC. 702. NOTIFICATION BY ITC.

(a) IN GENERAL.—Section 225 of the Trade Act of 1974, as added by section 111, is amended to read as follows:

''SEC. 225. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

''(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission begins an investigation under section 202 with respect to an industry, the Commission shall immediately notify the Secretary of that investigation.

''(b) NOTIFICATION OF AFFIRMATIVE FINDING.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately notify the Secretary of that finding.''.

(b) INDUSTRY-WIDE CERTIFICATION.—Section 231(c) of the Trade Act of 1974, as added by section 111, is amended by adding at the end the following new paragraph:

''(5) INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a petition under subsection (b)(2)(E) on behalf of all workers in a domestic industry producing an article or receives 3 or more petitions under subsection (b)(2) within a 180-day period on behalf of groups of workers producing the same article, the Secretary shall make a determination under subsections (a)(1) and (c)(1) of this section with respect to the domestic industry as a whole in which the workers are or were employed.''.

(c) COORDINATION WITH OTHER TRADE PROVISIONS.—

(1) RECOMMENDATIONS BY ITC.—

(A) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking '', including the provision of trade adjustment assistance under chapter 2''.

(B) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2252(a)(3)(D)) is amended by striking '', including the provision of trade adjustment assistance under chapter 2''.

(2) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2252(a)(1)(A)) is amended to read as follows:

''(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

''(i) the President shall take all appropriate and feasible action within his power; and

''(ii) the Secretary of Labor, the Secretary of Agriculture, or the Secretary of Commerce, as appropriate, shall certify as eligible for trade adjustment assistance under section 231(a), 292, or 299B, workers, farmers, or fishermen who are or were employed in the domestic industry defined by the Commission if such workers, farmers, or fishermen become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the date on which the Commission made its report to the President under section 202(f).''.

(3) SPECIAL LOOK-BACK RULE.—Section 203(a)(1)(A) of the Trade Act of 1974 shall apply to a worker, farmer, or fisherman if not more than 1 year before the date of enactment of the Trade Adjustment Assistance Reform Act of 2002 the Commission notified the President of an affirmative determination under section 202(f) of such Act with respect the domestic industry in which such worker, farmer, or fisherman was employed.

(d) NOTIFICATION FOR FARMERS AND FISHERMEN.—

(1) FARMERS.—Section 294 of the Trade Act of 1974, as added by section 401, is amended to read as follows:

''SEC. 294. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

''(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary of the investigation.

''(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing an agricultural commodity, the Commission shall immediately notify the Secretary of that finding.''.

(2) FISHERMEN.—Section 299C of the Trade Act of 1974, as added by section 501, is amended to read as follows:

''SEC. 299C. NOTIFICATION BY INTERNATIONAL TRADE COMMISSION.

''(a) NOTIFICATION OF INVESTIGATION.—Whenever the International Trade Commission (in this chapter referred to as the 'Commission') begins an investigation under section 202 with respect to fish or a class of fish, the Commission shall immediately notify the Secretary of the investigation.

''(b) NOTIFICATION OF AFFIRMATIVE DETERMINATION.—Whenever the Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry producing fish or a class of fish, the Commission shall immediately notify the Secretary of that finding.''.

SA 3446. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DEMOCRACY AND FREEDOM THROUGH TRADE ACT.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is now engaged in a war against terrorism, and it is vital that the United States respond to this threat through the use of all available resources.

(2) Open markets between the United States and friendly nations remains a vital component of our Nation's national security for the purposes of forming long, lasting friendships, strategic partnerships, and creating new long-term allies through the exportation of America's democratic ideals, civil liberties, freedoms, ethics, principles, tolerance, openness, ingenuity, and productiveness.

(3) Utilizing trade with other nations is indispensable to United States foreign policy in that trade assists developing nations in achieving these very objectives.

(4) It is in the United States national security interests to increase and improve our ties, economically and otherwise, with Russia, Central Asia, and the South Caucasus.

(5) The development of strong political, economic, and security ties between Russia, Central Asia, the South Caucasus, and the United States will foster stability in this region.

(6) The development of open market economies and open democratic systems in Russia, Central Asia and the South Caucasus will provide positive incentives for American private investment, increased trade, and other forms of commercial interaction with the United States.

(7) Many of the nations in this region have secular Muslim governments that are seeking closer alliance with the United States and that have diplomatic and commercial relations with Israel.

(8) The nations of Russia, Central Asia and the South Caucasus could produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(9) Normal trade relations between Russia, Central Asia, the South Caucasus, and the United States will help achieve these objectives.

(b) SENSE OF CONGRESS.—(1) Prior to extending normal trade relations with Russia and the nations of Central Asia and the South Caucasus, the President should—

(A) obtain the commitment of those countries to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the ''Helsinki Final Act'') regarding human rights and humanitarian affairs;

(B) ensure that those countries have endeavored to address issues related to their national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(C) ensure that those countries have also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism; and

(D) ensure that those countries have continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of each of those countries and establishing the legal framework for completion of this process in the future.

(2) Earlier this year the Governments of the United States and Kazakhstan exchanged letters underscoring the importance of religious freedom and human rights, and the President should seek similar exchanges with all nations from the region.

(c) PERMANENT NORMAL TRADE RELATIONS FOR RUSSIA.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President, after certifying to Congress that all outstanding trade disputes have been resolved with Russia, may—

(A) determine that such title should no longer apply to Russia; and

(B) after making a determination under subparagraph (A) with respect to Russia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Russia included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(d) PERMANENT NORMAL TRADE RELATIONS FOR KAZAKHSTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Kazakhstan; and

(B) after making a determination under subparagraph (A) with respect to Kazakhstan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Kazakhstan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(e) PERMANENT NORMAL TRADE RELATIONS FOR TAJIKISTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Tajikistan; and

(B) after making a determination under subparagraph (A) with respect to Tajikistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Tajikistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(f) PERMANENT NORMAL TRADE RELATIONS FOR UZBEKISTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Uzbekistan; and

(B) after making a determination under subparagraph (A) with respect to Uzbekistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Uzbekistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(g) PERMANENT NORMAL TRADE RELATIONS FOR ARMENIA.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Armenia; and

(B) after making a determination under subparagraph (A) with respect to Armenia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Armenia included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(h) PERMANENT NORMAL TRADE RELATIONS FOR AZERBAIJAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Azerbaijan; and

(B) after making a determination under paragraph (1) with respect to Azerbaijan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Azerbaijan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(i) PERMANENT NORMAL TRADE RELATIONS FOR TURKMENISTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Turkmenistan; and

(B) after making a determination under subparagraph (A) with respect Turkmenistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Turkmenistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

SA 3447. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Strike section 2107 (a) and (b)(1) and insert the following:

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall jointly establish and convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The Speaker of the House of Representatives.

(B) The Majority Leader of the House of Representatives.

(C) The Minority Leader of the House of Representatives.

(D) Eight additional members appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party. Four members shall be selected from the minority party, after consultation with the Minority Leader of the House of Representatives. None of the eight members appointed under this paragraph may be members of the Committee on Ways and Means.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The President Pro Tempore of the Senate.

(B) The Majority Leader of the Senate.

(C) The Minority Leader of the Senate.

(D) Eight additional members appointed by the President pro tempore of the Senate. Four members shall be selected from the majority party, after consultation with the Majority Leader of the Senate. Four members shall be selected from the minority party, after consultation with the Minority Leader of the Senate. None of the eight members appointed under this paragraph may be members of the Committee on Finance.

(4) APPOINTMENT OF CO-CHAIRMEN AND STAFF.—The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each designate a member to serve as a co-chairman of the Congressional Oversight Group.

(5) COORDINATION WITH CONGRESSIONAL ADVISERS FOR TRADE POLICY.—All briefings, consultations, conferences, negotiations, and meetings attended by the Congressional Oversight Group shall be open to the congressional advisers for trade policy appointed pursuant to section 161 of the Trade Act of 1974 (19 U.S.C. 2211). All documents, materials, and other information provided to the Congressional Oversight Group shall be made available to the congressional advisers for trade policy appointed pursuant to such

section 161. The co-chairmen of the Congressional Oversight Group shall regularly meet with the congressional advisers for trade policy to ensure that each group is afforded equal access to the meetings, information, and consultative processes provided to the other.

(6) SENATE STAFF AND EXPENSES.—

(A) IN GENERAL.—The Senate co-chairmen are authorized to employ such staff and incur such expenses as may be necessary or appropriate to carry out the duties and functions of the Congressional Oversight Group. Payment for meals and food-related expenses may be reimbursed only to the extent such expenses are incurred in the conduct of official duties.

(B) APPOINTMENT OF STAFF.—The two Senate co-chairmen shall designate professional staff to work on the Congressional Oversight Group. The professional staff shall serve all members of the Congressional Oversight Group.

(C) SPECIAL RULE FOR SENATE STAFF.—In the case of any staff member who is an employee of a Member of the Senate (or a committee of the Senate), designated to perform duties for Congressional Oversight Group, the staff member shall continue to be paid by the member or the committee. The member and the committee shall be reimbursed by funds authorized under subparagraph (D).

(D) EXPENSES.—Expenses shall be paid from the contingent fund of the Senate, out of the account of Miscellaneous Items. For any fiscal year, not more than $200,000 shall be expended for staff and expenses (excepting expenses for foreign travel).

(7) HOUSE STAFF AND EXPENSES.—The House of Representatives may establish its own rules for the staffing, compensation, and expenses of the House co-chairmen and staff of the Congressional Oversight Group.

(8) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraphs (2) and (3) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this Act applies. The Congressional Oversight Group shall consult with 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.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the co-chairmen of the Congressional Oversight Group—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

SA 3448. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 287, beginning on line 16, strike all through page 288, line 12, and insert the following:

(bb) shall be referred to the Committee on Finance and to the Committee on Rules and Administration; and

(cc) may not be amended.

(ii) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement, except that subsection (e)(2) of such section 152 shall be applied by substituting ''6 hours'' for ''20 hours''.

(iii) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(iv) In the Senate, the Committee on Finance and the Committee on Rules and Administration shall report the procedural disapproval resolution not later than 10 days after the date the resolution is introduced. If any Committee, to which a resolution is referred, fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the Calendar.

(v) Once the procedural disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

SA 3449. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 266, beginning on line 17, strike all through page 267, line 19, and insert the following:

(B) INTRODUCTION.—Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House;

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(iii) shall be referred, in the Senate, to the Committee on Finance and the Committee on Rules and Administration.

(C) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—

(i) REPORT AND DISCHARGE OF COMMITTEES.—Each Committee to which an extension disapproval resolution is referred, shall report the resolution not later than 10 days after the date of introduction of the resolution. If any Committee fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the Calendar. Once the extension disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

(ii) APPLICATION OF TRADE ACT.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions except that subsection (e)(2) of such section 152 shall be applied by substituting ''6 hours'' for ''20 hours''.

(D) LIMITATIONS.—It is not in order for—

(i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(ii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

SA 3450. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed an to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of section 2103(b), insert the following:

(4) LIMITATIONS.—Notwithstanding any other provision of law, trade authorities procedures shall apply, if at all, only to an implementing bill that implements a single agreement obtained as a result of the global trade negotiations launched at the Fourth Ministerial Conference of the World Trade Organization in Doha, Qatar, in November, 2001.

SA 3451. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. DISCLOSURE OF INVESTMENTS AND TRANSACTIONS IN CERTAIN FOREIGN COUNTRIES.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

''(i) DISCLOSURE OF INVESTMENTS IN CERTAIN FOREIGN ENTITIES.—

''(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

''(A) disclose in each report or other document required to be filed under this section, including all annual filings, and in each registration statement required under section 14, and the Commission shall consider material, each investment or transaction in excess of $10,000 by that designated issuer in or with any designated entity; and

''(B) display all disclosures required by subparagraph (A) prominently for investors.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'designated entity' means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

''(i) that is subject to sanctions by the Office of Foreign Assets Control; or

''(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Export Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.''.

''(B) the term 'designated issuer'—

''(i) means any issuer of a security registered pursuant to section 12, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

''(ii) includes any subsidiary or other affiliate of such an issuer.''.

(b) SECURITIES ACT OF 1933.—Section 10 of the Securities Act of 1933 (15 U.S.C. 77j) is amended by adding at the end the following new subsection:

''(g) DISCLOSURE OF INVESTMENTS OR TRANSACTIONS IN CERTAIN FOREIGN ENTITIES.—

''(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

''(A) disclose in each prospectus required or permitted by this section, and the Commission shall consider material, each investment or transaction in excess of $10,000 by that designated issuer in or with any designated entity; and

''(B) display all disclosures required by subparagraph (A) prominently for investors.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'designated entity' means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

''(i) that is subject to sanctions by the Office of Foreign Assets Control; or

''(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Export Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.''.

''(B) the term 'designated issuer'—

''(i) means any issuer of a security registered pursuant to section 12 of the Securities Exchange Act of 1934, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

''(ii) includes any subsidiary or other affiliate of such an issuer.''.

SA 3452. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. ___. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means an energy supply or end-use technology that, over the lifecycle of the technology, compared with a comparable technology in commercial use in a trade partner country—

(A) results in the emission of substantially lower levels of pollutants or greenhouse gases; and

(B) may generate substantially smaller or less toxic volumes of solid or liquid waste.

(2) TRADE PARTNER COUNTRY.—The term ''trade partner country'' means a developing country, country in transition, or other country with which United States exporters engage in trade.

(b) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each Federal agency or Government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a trade partner country shall, as part of the program, support, to the maximum extent practicable, the transfer of United States clean energy technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal agencies and Government corporations described in (b) such sums as are necessary to carry out this section.

SA 3453. Mr. REID (for Mr. BYRD) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. CERTIFICATION REGARDING FORCED LABOR.

(a) SHORT TITLE.—This section may be cited as the ''Labor Certification Act of 2002''.

(b) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall require that any person importing goods into the United States from a country identified as using forced labor provide a certificate to the United States Customs Service that the goods being imported comply with the provisions of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) and that no part of the goods were made with prison, forced, or indentured labor, or with labor performed in any type of involuntary situation.

(2) DEFINITIONS.—In this section:

(A) COUNTRY IDENTIFIED AS USING FORCED LABOR.—The term ''country identified as using forced labor'' means a country identified as using forced labor by the Department of State in the most recent Country Reports on Human Rights Practices.

(B) GOODS.—For purposes of this section, the term ''goods'' includes goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country.

(C) INVOLUNTARY SITUATION.—The term ''involuntary situation'' includes any situation where work is performed on an involuntary basis, whether or not it is performed in a penal institution, a re-education through labor program, a pre-trial detention facility, or any similar situation.

(D) PRISON, FORCED, OR INDENTURED LABOR.—

(i) IN GENERAL.—The term ''prison, forced, or indentured labor'' includes forced child labor or any labor performed for which the worker does not offer himself voluntarily.

(ii) FORCED CHILD LABOR.—The term ''forced child labor'' means forced or indentured child labor that includes the use of children under the age of 18 in any form of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor.

(c) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the Commissioner of Customs, shall report to Congress on the implementation of the existing 1992 Memorandum of Understanding and 1994 Statement of Cooperation with the People's Republic of China regarding the use of forced labor to make goods destined for the United States. The report shall include information on requests by the United States to visit suspected forced labor facilities in China and the outcome of those requests. The report shall also make specific recommendations on how the Memorandum and Statement can be improved, and discuss the status of efforts to improve those agreements.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Customs shall initiate an inspection program. Pursuant to the inspection program, whenever the Commissioner receives credible evidence that a facility in the People's Republic of China is using forced labor to make goods destined for the United States, the Commissioner shall request United States officials be allowed to inspect the facility. If an inspection is not permitted within 60 days of the request, goods made at that facility shall not be permitted entry at any of the ports of the United States, and importation of such goods shall be prohibited until the inspection is carried out. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the enforcement of this provision.

(2) FORCED LABOR.—For purposes of this subsection, the term ''forced labor'' means convict or prison labor, forced labor, indentured labor, or labor performed in any type of involuntary situation.

(e) AUTHORIZATION OF CUSTOMS PERSONNEL.—Section 3701 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 is amended by striking ''for fiscal year 1999'' and inserting ''for each of fiscal years 2002 and 2003''.

SA 3454. Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

SA 3455. Mr. NELSON of Florida (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2103(a), insert the following new paragraph:

(8) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1)(A) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or

qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of the termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, May 17, 2002, at 10:30 a.m. to hold a business meeting.

The Presiding Officer. Without objection, it is so ordered.

MEASURES PLACED ON CALENDAR—H.R. 4560 AND H.R. 3694

Mr. REID. Mr. President, I understand there are two bills at the desk, H.R. 4560 and H.R. 3694, that have been read the first time.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order, en bloc, for these bills to receive a second reading, and then I will object to any further consideration of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered. The bills will be placed on the calendar.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, pursuant to the authority of the majority leader under Public Law 107–106, announces the appointment of the following individuals as members of the National Museum of African American History and Culture Plan for Action Presidential Commission: Henry L. Aaron, of Georgia, Howard Dodson, of New York, Cicely Tyson, of New York, and Robert L. Wilkins, of Washington, D.C.

The Senator from Georgia (Mr. CLELAND) (non-voting member) and announces, pursuant to the authority of the majority leader and upon the recommendation of the Republican Leader, the appointment of the following additional individuals as members of the above commission: Robert Bogle, of Pennsylvania, Beverly Thompson, of Kansas, and the Senator from Kansas (Mr. BROWNBACK) (non-voting member).

NATIONAL EMERGENCY MEDICAL SERVICES WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 112, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant bill clerk read as follows:

A concurrent resolution (S. Con. Res. 112) expressing the sense of Congress regarding the designation of the week beginning May 19, 2002, as ''National Emergency Medical Services Week.''

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 112) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 112

Whereas emergency medical services are a vital public service;

Whereas the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, 7 days a week;

Whereas emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others;

Whereas these emergency medical services teams served our country with bravery and heroism on September 11, 2001;

Whereas emergency medical personnel (emergency physicians, nurses, and emergency medical technicians) courageously defended the Nation when called upon to identify and treat anthrax, the bioterrorist weapon released in October 2001;

Whereas access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury;

Whereas providers of emergency medical services have traditionally served as the safety net of America's health care system;

Whereas approximately ⅔ of all emergency medical services providers are volunteers;

Whereas the members of emergency medical services teams, whether career or volunteer, undergo thousands of hours of specialized training and continuing education to enhance their lifesaving skills;

Whereas Americans benefit daily from the knowledge and skills of these highly trained individuals; and

Whereas injury prevention and the appropriate use of the emergency medical services system will help reduce health care costs and save lives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the week beginning May 19, 2002, as ''National Emergency Medical Services Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

DESIGNATING A DAY FOR AMERICANS TO RECOGNIZE IMPORTANCE OF TEACHING CURRENT EVENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 376, S. Res. 268.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 268) designating May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 268

Whereas, since its founding in 1902, the Weekly Reader has reported current events in a manner that is accessible to children, thereby helping millions of children learn to read, which is an indispensable foundation for success in school and in life;

Whereas the Weekly Reader's accessible style has helped children understand many of the important events that have shaped the world during the past 100 years, including World War I, the Great Depression, World War II, the Civil Rights movement, Vietnam, the first Moon landing, the collapse of the Soviet Union, and the tragic events of September 11, 2001;

Whereas a citizenry well informed about national and international current events is critical to a strong democracy;

Whereas the Weekly Reader is read by nearly 11,000,000 children each week in every State, and in more than 90 percent of the school districts in the United States; and

Whereas on May 20, 2002, children around the country will join the Weekly Reader in celebrating its 100th birthday: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe that day with appropriate activities.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business now be closed.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is now closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Mr. REID. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The trade promotion authority bill is pending before the Senate.

Mr. REID. It need not be reported, it is pending; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 3447 THROUGH 3453 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendments at the desk on behalf of Senator BYRD; that the amendment be reported by number and then set aside.

I call up those amendments at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BYRD, proposes amendments numbered 3447 through 3453 to amendment No. 3401.

The amendments are as follows:

AMENDMENT NO. 3447

(Purpose: To amend the provisions relating to the Congressional Oversight Group)

Strike section 2107 (a) and (b)(1) and insert the following:

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall jointly establish and convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The Speaker of the House of Representatives.

(B) The Majority Leader of the House of Representatives.

(C) The Minority Leader of the House of Representatives.

(D) Eight additional members appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party. Four members shall be selected from the minority party, after consultation with the Minority Leader of the House of Representatives. None of the eight members appointed under this paragraph may be members of the Committee on Ways and Means.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The President Pro Tempore of the Senate.

(B) The Majority Leader of the Senate.

(C) The Minority Leader of the Senate.

(D) Eight additional members appointed by the President pro tempore of the Senate. Four members shall be selected from the majority party, after consultation with the Majority Leader of the Senate. Four members shall be selected from the minority party, after consultation with the Minority Leader of the Senate. None of the eight members appointed under this paragraph may be members of the Committee on Finance.

(4) APPOINTMENT OF CO-CHAIRMEN AND STAFF.—The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each designate a member to serve as a co-chairman of the Congressional Oversight Group.

(5) COORDINATION WITH CONGRESSIONAL ADVISERS FOR TRADE POLICY.—All briefings, consultations, conferences, negotiations, and meetings attended by the Congressional Oversight Group shall be open to the congressional advisers for trade policy appointed pursuant to section 161 of the Trade Act of 1974 (19 U.S.C. 2211). All documents, materials, and other information provided to the Congressional Oversight Group shall be made available to the congressional advisers for trade policy appointed pursuant to such section 161. The co-chairmen of the Congressional Oversight Group shall regularly meet with the congressional advisers for trade policy to ensure that each group is afforded equal access to the meetings, information, and consultative processes provided to the other.

(6) SENATE STAFF AND EXPENSES.—

(A) IN GENERAL.—The Senate co-chairmen are authorized to employ such staff and incur such expenses as may be necessary or appropriate to carry out the duties and functions of the Congressional Oversight Group. Payment for meals and food-related expenses may be reimbursed only to the extent such expenses are incurred in the conduct of official duties.

(B) APPOINTMENT OF STAFF.—The two Senate co-chairmen shall designate professional staff to work on the Congressional Oversight Group. The professional staff shall serve all members of the Congressional Oversight Group.

(C) SPECIAL RULE FOR SENATE STAFF.—In the case of any staff member who is an employee of a Member of the Senate (or a committee of the Senate), designated to perform duties for Congressional Oversight Group, the staff member shall continue to be paid by the member or the committee. The member and the committee shall be reimbursed by funds authorized under subparagraph (D).

(D) EXPENSES.—Expenses shall be paid from the contingent fund of the Senate, out of the account of Miscellaneous Items. For any fiscal year, not more than $200,000 shall be expended for staff and expenses (excepting expenses for foreign travel).

(7) HOUSE STAFF AND EXPENSES.—The House of Representatives may establish its own rules for the staffing, compensation, and expenses of the House co-chairmen and staff of the Congressional Oversight Group.

(8) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraphs (2) and (3) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this Act applies. The Congressional Oversight Group shall consult with 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.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the co-chairmen of the Congressional Oversight Group—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

AMENDMENT NO. 3448

(Purpose: To clarify the procedures for procedural disapproval resolutions)

On page 287, beginning on line 16, strike all through page 288, line 12, and insert the following:

(bb) shall be referred to the Committee on Finance and to the Committee on Rules and Administration; and

(cc) may not be amended.

(ii) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement, except that subsection (e)(2) of such section 152 shall be applied by substituting ''6 hours'' for ''20 hours''.

(iii) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(iv) In the Senate, the Committee on Finance and the Committee on Rules and Administration shall report the procedural disapproval resolution not later than 10 days after the date the resolution is introduced. If any Committee, to which a resolution is referred, fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the Calendar.

(v) Once the procedural disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

AMENDMENT NO. 3449

(Purpose: To clarify the procedures for extension disapproval resolutions)

On page 266, beginning on line 17, strike all through page 267, line 19, and insert the following:

(B) INTRODUCTION.—Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House;

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(iii) shall be referred, in the Senate, to the Committee on Finance and the Committee on Rules and Administration.

(C) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—

(i) REPORT AND DISCHARGE OF COMMITTEES.—Each Committee to which an extension disapproval resolution is referred, shall report the resolution not later than 10 days after the date of introduction of the resolution. If any Committee fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution

and the resolution shall be placed on the Calendar. Once the extension disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

(ii) APPLICATION OF TRADE ACT.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions except that subsection (e)(2) of such section 152 shall be applied by substituting ''6 hours'' for ''20 hours''.

(D) LIMITATIONS.—It is not in order for—

(i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(ii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

AMENDMENT NO. 3450

(Purpose: To limit the application of trade authorities procedures to a single agreement resulting from DOHA)

At the end of section 2103(b), insert the following:

(4) LIMITATIONS.—Notwithstanding any other provision of law, trade authorities procedures shall apply, if at all, only to an implementing bill that implements a single agreement obtained as a result of the global trade negotiations launched at the Fourth Ministerial Conference of the World Trade Organization in Doha, Qatar, in November, 2001.

AMENDMENT NO. 3451

(Purpose: To address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations)

At the appropriate place, insert the following:

SEC. ___. DISCLOSURE OF INVESTMENTS AND TRANSACTIONS IN CERTAIN FOREIGN COUNTRIES.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

''(i) DISCLOSURE OF INVESTMENTS IN CERTAIN FOREIGN ENTITIES.—

''(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

''(A) disclose in each report or other document required to be filed under this section, including all annual filings, and in each registration statement required under section 14, and the Commission shall consider material, each investment or transaction in excess of $10,000 by that designated issuer in or with any designated entity; and

''(B) display all disclosures required by subparagraph (A) prominently for investors.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'designated entity' means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

''(i) that is subject to sanctions by the Office of Foreign Assets Control; or

''(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Export Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.''.

''(B) the term 'designated issuer'—

''(i) means any issuer of a security registered pursuant to section 12, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

''(ii) includes any subsidiary or other affiliate of such an issuer.''.

(b) SECURITIES ACT OF 1933.—Section 10 of the Securities Act of 1933 (15 U.S.C. 77j) is amended by adding at the end the following new subsection:

''(g) DISCLOSURE OF INVESTMENTS OR TRANSACTIONS IN CERTAIN FOREIGN ENTITIES.—

''(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

''(A) disclose in each prospectus required or permitted by this section, and the Commission shall consider material, each investment or transaction in excess of $10,000 by that designated issuer in or with any designated entity; and

''(B) display all disclosures required by subparagraph (A) prominently for investors.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'designated entity' means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

''(i) that is subject to sanctions by the Office of Foreign Assets Control; or

''(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Export Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.''.

''(B) the term 'designated issuer'—

''(i) means any issuer of a security registered pursuant to section 12 of the Securities Exchange Act of 1934, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

''(ii) includes any subsidiary or other affiliate of such an issuer.''.

AMENDMENT NO. 3452

(Purpose: To facilitate the opening of energy markets and promote the exportation of clean energy technologies)

On page ___, between lines ___ and ___, insert the following:

SEC. ___. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means an energy supply or end-use technology that, over the lifecycle of the technology, compared with a comparable technology in commercial use in a trade partner country—

(A) results in the emission of substantially lower levels of pollutants or greenhouse gases; and

(B) may generate substantially smaller or less toxic volumes of solid or liquid waste.

(2) TRADE PARTNER COUNTRY.—The term ''trade partner country'' means a developing country, country in transition, or other country with which United States exporters engage in trade.

(b) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each Federal agency or Government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a trade partner country shall, as part of the program, support, to the maximum extent practicable, the transfer of United States clean energy technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal agencies and Government corporations described in (b) such sums as are necessary to carry out this section.

AMENDMENT NO. 3453

(Purpose: To require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States)

At the appropriate place, insert the following:

SEC. ___. CERTIFICATION REGARDING FORCED LABOR.

(a) SHORT TITLE.—This section may be cited as the ''Labor Certification Act of 2002''.

(b) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall require that any person importing goods into the United States from a country identified as using forced labor provide a certificate to the United States Customs Service that the goods being imported comply with the provisions of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) and that no part of the goods were made with prison, forced, or indentured labor, or with labor performed in any type of involuntary situation.

(2) DEFINITIONS.—In this section:

(A) COUNTRY IDENTIFIED AS USING FORCED LABOR.—The term ''country identified as using forced labor'' means a country identified as using forced labor by the Department of State in the most recent Country Reports on Human Rights Practices.

(B) GOODS.—For purposes of this section, the term ''goods'' includes goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country.

(C) INVOLUNTARY SITUATION.—The term ''involuntary situation'' includes any situation where work is performed on an involuntary basis, whether or not it is performed in a penal institution, a re-education through labor program, a pre-trial detention facility, or any similar situation.

(D) PRISON, FORCED, OR INDENTURED LABOR.—

(i) IN GENERAL.—The term ''prison, forced, or indentured labor'' includes forced child labor or any labor performed for which the worker does not offer himself voluntarily.

(ii) FORCED CHILD LABOR.—The term ''forced child labor'' means forced or indentured child labor that includes the use of children under the age of 18 in any form of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor.

(c) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the Commissioner of Customs, shall report to Congress on the implementation of the existing 1992 Memorandum of Understanding and 1994 Statement of Cooperation with the People's Republic of China regarding the use of forced labor to make goods

destined for the United States. The report shall include information on requests by the United States to visit suspected forced labor facilities in China and the outcome of those requests. The report shall also make specific recommendations on how the Memorandum and Statement can be improved, and discuss the status of efforts to improve those agreements.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Customs shall initiate an inspection program. Pursuant to the inspection program, whenever the Commissioner receives credible evidence that a facility in the People's Republic of China is using forced labor to make goods destined for the United States, the Commissioner shall request United States officials be allowed to inspect the facility. If an inspection is not permitted within 60 days of the request, goods made at that facility shall not be permitted entry at any of the ports of the United States, and importation of such goods shall be prohibited until the inspection is carried out. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the enforcement of this provision.

(2) FORCED LABOR.—For purposes of this subsection, the term ''forced labor'' means convict or prison labor, forced labor, indentured labor, or labor performed in any type of involuntary situation.

(e) AUTHORIZATION OF CUSTOMS PERSONNEL.—Section 3701 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 is amended by striking ''for fiscal year 1999'' and inserting ''for each of fiscal years 2002 and 2003''.

The PRESIDING OFFICER. The amendments are now set aside.

Mr. REID. Mr. President, I appreciate your patience. We know it is late in the day and we have things to do, but we appreciate your doing overtime duty as the Presiding Officer.

ORDERS FOR MONDAY, MAY 20, 2002

Mr. REID. I ask unanimous consent when the Senate completes its business today, it adjourn until 1 p.m. Monday, May 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the first half hour of time under the control of Senator DORGAN or his designee and the second half hour under the control of the Republican leader or his designee; and that at 2 p.m. the Senate resume consideration of the trade act.

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

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes on Monday. The next rollcall vote will occur at approximately 11 a.m. on Tuesday on cloture on the steel amendment to the trade act.

I would say all staff members and all Senators should understand that the majority leader, in consultation with the Republican leader, today announced we are going to do a much better job of condensing the votes. Votes will be 15 minutes, and we have, over months, said that we would extend those 5 minutes. But that extension has now gone 15 minutes, so our votes have now become 30-minute votes.

People are going to start missing votes. I know they are going to be upset, but people are going to miss votes. We are not going to continually waste everyone else's time. We have numerous votes to conduct next week, as indicated by all these amendments that have been offered. Even if we did not have a lot of votes, there is no need to have people, when there is a vote, stand around waiting for other people to complete their business. People waste lots of time.

One reason people are not here when they are supposed to be is they know the votes do not take the amount of time they are supposed to take. So I hope people cooperate. If not, they are going to have a voting record not as good as they would like.

ADJOURNMENT UNTIL MONDAY, MAY 20, 2002, AT 1 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:13 p.m., adjourned until Monday, May 20, 2002, at 1 p.m.