

and consumers. In fact, I have supported trade agreements previously, including the U.S.-Jordan FTA. Unfortunately, however, I cannot find many positive developments in either the U.S.-Chile Free Trade Agreement or the U.S.-Singapore Free Trade Agreements. Reluctantly, Mr. Speaker, I will vote "no" on H.R. 2738 and on H.R. 2739. I urge my colleagues to do likewise.

Mr. BRADY of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 329, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

Pursuant to section 3 of House Resolution 329, the Chair postpones further consideration of the bill until later today.

#### GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

On July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At 3:40 p.m. today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

#### UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 329, I call up the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2739 is as follows:

H.R. 2739

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Singapore Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

#### TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

- Sec. 101. Approval and entry into force of the agreement.
- Sec. 102. Relationship of the agreement to United States and State law.
- Sec. 103. Consultation and layover provisions for, and effective date of, proclaimed actions.
- Sec. 104. Implementing actions in anticipation of entry into force and initial regulations.
- Sec. 105. Administration of dispute settlement proceedings.
- Sec. 106. Arbitration of certain claims.
- Sec. 107. Effective dates; effect of termination.

#### TITLE II—CUSTOMS PROVISIONS

- Sec. 201. Tariff modifications.
- Sec. 202. Rules of origin.
- Sec. 203. Customs user fees.
- Sec. 204. Disclosure of incorrect information.
- Sec. 205. Enforcement relating to trade in textile and apparel goods.
- Sec. 206. Regulations.

#### TITLE III—RELIEF FROM IMPORTS

- Sec. 301. Definitions.
  - Subtitle A—Relief From Imports Benefiting From the Agreement
    - Sec. 311. Commencement of action for relief.
    - Sec. 312. Commission action on petition.
    - Sec. 313. Provision of relief.
    - Sec. 314. Termination of relief authority.
    - Sec. 315. Compensation authority.
    - Sec. 316. Confidential business information.
      - Subtitle B—Textile and Apparel Safeguard Measures
        - Sec. 321. Commencement of action for relief.
        - Sec. 322. Determination and provision of relief.
        - Sec. 323. Period of relief.
        - Sec. 324. Articles exempt from relief.
        - Sec. 325. Rate after termination of import relief.
        - Sec. 326. Termination of relief authority.
        - Sec. 327. Compensation authority.
        - Sec. 328. Business confidential information.
  - Subtitle C—Cases Under Title II of the Trade Act of 1974
    - Sec. 331. Findings and action on goods from Singapore.

#### TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS

- Sec. 401. Nonimmigrant traders and investors.
- Sec. 402. Nonimmigrant professionals.

#### SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to approve and implement the Free Trade Agreement between the United States and the Republic of Singapore entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002;

- (2) to strengthen and develop economic relations between the United States and Singapore for their mutual benefit;

- (3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

- (4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the United States-Singapore Free Trade Agreement approved by Congress under section 101(a).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

#### TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

#### SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Singapore Free Trade Agreement entered into on May 6, 2003, with the Government of Singapore and submitted to Congress on July 15, 2003; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on July 15, 2003.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Singapore has taken measures necessary to bring it into compliance with those provisions of the Agreement that take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Singapore providing for the entry into force, on or after January 1, 2004, of the Agreement for the United States.

#### SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States, unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement.

#### SEC. 103. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

(a) CONSULTATION AND LAYOVER REQUIREMENTS.—If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974; and

(B) the United States International Trade Commission;

(2) the President has submitted a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days beginning on the first day on which the requirements of paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

(b) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under subsection (a) may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

**SEC. 104. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.**

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations—

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date of entry into force.

(2) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in section 103(b) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date of entry into force of the Agreement. In the case of any implementing action that takes effect on a date after the date of entry into force of the Agreement, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

**SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.**

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. Such office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2003 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share

of the expenses of panels established under chapter 20 of the Agreement.

**SEC. 106. ARBITRATION OF CERTAIN CLAIMS.**

(a) SUBMISSION OF CERTAIN CLAIMS.—The United States is authorized to resolve any claim against the United States covered by article 15.15.1(a)(i)(C) or article 15.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section C of chapter 15 of the Agreement.

(b) CONTRACT CLAUSES.—All contracts executed by any agency of the United States on or after the date of entry into force of the Agreement shall contain a clause specifying the law that will apply to resolve any breach of contract claim.

**SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.**

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—

(1) Sections 1 through 3 and this title take effect on the date of enactment of this Act.

(2) Section 205 takes effect on the date on which the textile and apparel provisions of the Agreement take effect pursuant to article 5.10 of the Agreement.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

**TITLE II—CUSTOMS PROVISIONS**

**SEC. 201. TARIFF MODIFICATIONS.**

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties— as the President determines to be necessary or appropriate to carry out or apply articles 2.2, 2.5, 2.6, and 2.12 and Annex 2B of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Singapore regarding the staging of any duty treatment set forth in Annex 2B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties— as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Singapore provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States set forth in Annex 2B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

**SEC. 202. RULES OF ORIGIN.**

(a) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is wholly obtained or produced entirely in the territory of Singapore, the United States, or both;

(2) each nonoriginating material used in the production of the good—

(A) undergoes an applicable change in tariff classification set out in Annex 3A of the Agreement as a result of production occurring entirely in the territory of Singapore, the United States, or both; or

(B) if no change in tariff classification is required, the good otherwise satisfies the applicable requirements of such Annex; or

(3) the good itself, as imported, is listed in Annex 3B of the Agreement and is imported into the territory of the United States from the territory of Singapore.

(b) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided for in paragraphs (2) and (3), a good shall be considered to be an originating good if—

(A) the value of all nonoriginating materials used in the production of the good that do not undergo the required change in tariff classification under Annex 3A of the Agreement does not exceed 10 percent of the adjusted value of the good;

(B) if the good is subject to a regional value-content requirement, the value of such nonoriginating materials is taken into account in calculating the regional value-content of the good; and

(C) the good satisfies all other applicable requirements of this section.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4 of the HTS or in subheading 1901.90 of the HTS that is used in the production of a good provided for in chapter 4 of the HTS.

(B) A nonoriginating material provided for in chapter 4 of the HTS or in subheading 1901.90 of the HTS that is used in the production of a good provided for in heading 2105 or in any of subheadings 1901.10, 1901.20, 1901.90, 2106.90, 2202.90, and 2309.90 of the HTS.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11.00 through 2009.39, of the HTS, that is used in the production of a good provided for in any of subheadings 2009.11.00 through 2009.39 or in subheading 2106.90 or 2202.90 of the HTS.

(D) A nonoriginating material provided for in chapter 15 of the HTS that is used in the production of a good provided for in any of headings 1501.00.00 through 1508, 1512, 1514, and 1515 of the HTS.

(E) A nonoriginating material provided for in heading 1701 of the HTS that is used in the production of a good provided for in any of headings 1701 through 1703 of the HTS.

(F) A nonoriginating material provided for in chapter 17 of the HTS or heading 1805.00.00 of the HTS that is used in the production of a good provided for in subheading 1806.10 of the HTS.

(G) A nonoriginating material provided for in any of headings 2203 through 2208 of the HTS that is used in the production of a good provided for in heading 2207 or 2208 of the HTS.

(H) A nonoriginating material used in the production of a good provided for in any of chapters 1 through 21 of the HTS, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) GOODS PROVIDED FOR IN CHAPTERS 50 THROUGH 63 OF THE HTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a good provided for in any of chapters 50 through 63 of the HTS that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the

tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 3A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—

(i) TREATMENT AS ORIGINATING GOOD.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Singapore or the United States.

(ii) DEFINITION OF TEXTILE OR APPAREL GOOD.—For purposes of this subparagraph, the term “textile or apparel good” means a product listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(C) ACCUMULATION.—

(1) ORIGINATING GOODS INCORPORATED IN GOODS OF OTHER COUNTRY.—Originating materials from the territory of either Singapore or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is produced in the territory of Singapore, the United States, or both, by 1 or more producers is an originating good if the good satisfies the requirements of subsection (a) and all other applicable requirements of this section.

(D) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (a)(2), the regional value-content of a good referred to in Annex 3A of the Agreement shall be calculated, at the choice of the person claiming preferential tariff treatment for the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3), unless otherwise provided in Annex 3A of the Agreement.

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term “RVC” means the regional value-content, expressed as a percentage.

(ii) The term “AV” means the adjusted value.

(iii) The term “VNM” means the value of nonoriginating materials that are acquired and used by the producer in the production of the good.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term “RVC” means the regional value-content, expressed as a percentage.

(ii) The term “AV” means the adjusted value.

(iii) The term “VOM” means the value of originating materials that are acquired or self-produced and are used by the producer in the production of the good.

(E) VALUE OF MATERIALS.—

(1) IN GENERAL.—For purposes of calculating the regional value-content of a good

under subsection (d), and for purposes of applying the de minimis rules under subsection (b), the value of a material is—

(A) in the case of a material imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, except for a material to which subparagraph (C) applies, the adjusted value of the material; or

(C) in the case of a material that is self-produced, or in a case in which the relationship between the producer of the good and the seller of the material influenced the price actually paid or payable for the material, including a material obtained without charge, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIALS.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Singapore, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or by-product.

(B) NONORIGINATING MATERIALS.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Singapore, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or by-product.

(iv) The cost of processing incurred in the territory of Singapore or the United States in the production of the nonoriginating material.

(v) The cost of originating materials used in the production of the nonoriginating material in the territory of Singapore or the United States.

(F) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraph (2), accessories, spare parts, or tools delivered with the good that form part of the good’s standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo an applicable change in tariff classification set out in Annex 3A of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are not invoiced separately from the good;

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good; and

(C) if the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools is taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(G) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TREATMENT.—A person claiming preferential tariff treatment for a good may claim that a fungible good or material is originating either based on the physical segregation of each fungible good or material or by using an inventory management method.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term “inventory management method” means—

- (i) averaging;
- (ii) “last-in, first-out”;
- (iii) “first-in, first-out”;
- (iv) any other method—

(1) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Singapore or the United States); or

(2) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for particular fungible goods or materials shall continue to use that method for those fungible goods or materials throughout the fiscal year of that person.

(h) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 3A of the Agreement and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers in which a good is packed for shipment shall be disregarded in determining whether—

(1) the nonoriginating materials used in the production of a good undergo an applicable change in tariff classification set out in Annex 3A of the Agreement; and

(2) the good satisfies a regional value-content requirement.

(j) INDIRECT MATERIALS.—An indirect material shall be considered to be an originating material without regard to where it is produced, and its value shall be the cost registered in the accounting records of the producer of the good.

(k) THIRD COUNTRY OPERATIONS.—A good shall not be considered to be an originating good by reason of having undergone production that satisfies the requirements of subsection (a) if, subsequent to that production, the good undergoes further production or any other operation outside the territories of Singapore and the United States, other than unloading, reloading, or any other operation necessary to preserve it in good condition or to transport the good to the territory of Singapore or the United States.

(L) SPECIAL RULE FOR APPAREL GOODS LISTED IN CHAPTER 61 OR 62 OF THE HTS.—

(1) IN GENERAL.—An apparel good listed in chapter 61 or 62 of the HTS shall be considered to be an originating good if it is both cut (or knit to shape) and sewn or otherwise

assembled in the territory of Singapore, the United States, or both, from fabric or yarn, regardless of origin, designated in the manner described in paragraph (2) as fabric or yarn not available in commercial quantities in a timely manner in the United States.

(2) DESIGNATION OF CERTAIN FABRIC AND YARN.—The designation referred to in paragraph (1) means a designation made in a notice published in the Federal Register on or before November 15, 2002, identifying apparel goods made from fabric or yarn eligible for entry into the United States under subheading 9819.11.24 or 9820.11.27 of the HTS. For purposes of this subsection, a reference in the notice to fabric or yarn formed in the United States is deemed to include fabric or yarn formed in Singapore.

(m) APPLICATION AND INTERPRETATION.—In this section:

(1) The basis for any tariff classification is the HTS.

(2) Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Singapore or the United States).

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term “adjusted value” means the value of a good determined under articles 1 through 8, article 15, and the corresponding interpretative notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, except that such value may be adjusted to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the good from the country of exportation to the place of importation.

(2) FUNGIBLE GOODS AND FUNGIBLE MATERIALS.—The terms “fungible goods” and “fungible materials” mean goods or materials, as the case may be, that are interchangeable for commercial purposes and the properties of which are essentially identical.

(3) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term “generally accepted accounting principles” means the recognized consensus or substantial authoritative support in the territory of Singapore or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, and assets and liabilities, the disclosure of information, and the preparation of financial statements. The standards may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(4) GOODS WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF SINGAPORE, THE UNITED STATES, OR BOTH.—The term “goods wholly obtained or produced entirely in the territory of Singapore, the United States, or both” means—

(A) mineral goods extracted in the territory of Singapore, the United States, or both;

(B) vegetable goods, as such goods are defined in the Harmonized System, harvested in the territory of Singapore, the United States, or both;

(C) live animals born and raised in the territory of Singapore, the United States, or both;

(D) goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Singapore, the United States, or both;

(E) goods (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Singapore or the United States and flying the flag of that country;

(F) goods produced exclusively from products referred to in subparagraph (E) on board factory ships registered or recorded with Singapore or the United States and flying the flag of that country;

(G) goods taken by Singapore or the United States, or a person of Singapore or the United States, from the seabed or beneath the seabed outside territorial waters, if Singapore or the United States has rights to exploit such seabed;

(H) goods taken from outer space, if the goods are obtained by Singapore or the United States or a person of Singapore or the United States and not processed in the territory of a country other than Singapore or the United States;

(I) waste and scrap derived from—

(i) production in the territory of Singapore, the United States, or both; or

(ii) used goods collected in the territory of Singapore, the United States, or both, if such goods are fit only for the recovery of raw materials;

(J) recovered goods derived in the territory of Singapore, the United States, or both, from used goods; or

(K) goods produced in the territory of Singapore, the United States, or both, exclusively—

(i) from goods referred to in any of subparagraphs (A) through (I); or

(ii) from the derivatives of goods referred to in clause (i).

(5) HARMONIZED SYSTEM.—The term “Harmonized System” means the Harmonized Commodity Description and Coding System.

(6) INDIRECT MATERIAL.—The term “indirect material” means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production.

(7) MATERIAL.—The term “material” means a good that is used in the production of another good.

(8) MATERIAL THAT IS SELF-PRODUCED.—The term “material that is self-produced” means a material, such as a part or ingredient, produced by a producer of a good and used by the producer in the production of another good.

(9) NONORIGINATING MATERIAL.—The term “nonoriginating material” means a material that does not qualify as an originating good under the rules set out in this section.

(10) PREFERENTIAL TARIFF TREATMENT.—The term “preferential tariff treatment” means the customs duty rate that is applicable to an originating good pursuant to chapter 2 of the Agreement.

(11) PRODUCER.—The term “producer” means a person who grows, raises, mines, harvests, fishes, traps, hunts, manufactures, processes, assembles, or disassembles a good.

(12) PRODUCTION.—The term “production” means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing,

processing, assembling, or disassembling a good.

(13) RECOVERED GOODS.—

(A) IN GENERAL.—The term “recovered goods” means materials in the form of individual parts that are the result of—

(i) the complete disassembly of used goods into individual parts; and

(ii) the cleaning, inspecting, testing, or other processing of those parts as necessary for improvement to sound working condition by one or more of the processes described in subparagraph (B), in order for such parts to be assembled with other parts, including other parts that have undergone the processes described in this paragraph, in the production of a remanufactured good described in Annex 3C of the Agreement.

(B) PROCESSES.—The processes referred to in subparagraph (A)(ii) are welding, flame spraying, surface machining, knurling, plating, sleeving, and rewinding.

(14) REMANUFACTURED GOOD.—The term “remanufactured good” means an industrial good assembled in the territory of Singapore or the United States, that is listed in Annex 3C of the Agreement, and—

(A) is entirely or partially comprised of recovered goods;

(B) has the same life expectancy and meets the same performance standards as a new good; and

(C) enjoys the same factory warranty as such a new good.

(15) TERRITORY.—The term “territory” has the meaning given that term in Annex 1A of the Agreement.

(16) USED.—The term “used” means used or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annexes 3A, 3B, and 3C of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 103(a), the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than—

(i) the provisions of Annex 3B of the Agreement; and

(ii) provisions of chapters 50 through 63 of the HTS, as included in Annex 3A of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 103(a), the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) that are necessary to implement an agreement with Singapore pursuant to article 3.18.4(c) of the Agreement; and

(ii) before the 1st anniversary of the date of enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 3A of the Agreement.

#### SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by inserting after paragraph (12) the following:

“(13) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Singapore Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may

not be funded with money contained in the Customs User Fee Account.”.

**SEC. 204. DISCLOSURE OF INCORRECT INFORMATION.**

Section 592(c) of the Tariff Act of 1930 (19 U.S.C. 1592(c)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

“(7) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-SINGAPORE FREE TRADE AGREEMENT.—

“(A) An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 202 of the United States-Singapore Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, voluntarily and promptly makes a corrected declaration and pays any duties owing.

“(B) In the regulations referred to in subparagraph (A), the Secretary of the Treasury is authorized to prescribe time periods for making a corrected declaration and paying duties owing under subparagraph (A), if such periods are not shorter than 1 year following the date on which the importer makes the incorrect claim that a good qualifies as an originating good.”.

**SEC. 205. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.**

(a) DENIAL OF PERMISSION TO CONDUCT SITE VISITS.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Treasury proposes to conduct a site visit at an enterprise registered under article 5.3 of the Agreement, and responsible officials of the enterprise do not consent to the proposed visit, the President may exclude from the customs territory of the United States textile and apparel goods produced or exported by that enterprise.

(2) TERMINATION OF EXCLUSION.—An exclusion of textile and apparel goods produced or exported by an enterprise under paragraph (1) shall terminate when the President determines that the enterprise's production of, and capability to produce, the goods are consistent with statements by the enterprise that textile or apparel goods the enterprise produces or has produced are originating goods or products of Singapore, as the case may be.

(b) KNOWING OR WILLFUL CIRCUMVENTION.—

(1) IN GENERAL.—If the President finds that an enterprise of Singapore has knowingly or willfully engaged in circumvention, the President may exclude from the customs territory of the United States textile and apparel goods produced or exported by the enterprise. An exclusion under this paragraph may be imposed on the date beginning on the date a finding of knowing or willful circumvention is made and shall be in effect for a period not longer than the applicable period described in paragraph (2).

(2) TIME PERIODS.—

(A) FIRST FINDING.—With respect to a first finding under paragraph (1), the applicable period is 6 months.

(B) SECOND FINDING.—With respect to a second finding under paragraph (1), the applicable period is 2 years.

(C) THIRD AND SUBSEQUENT FINDING.—With respect to a third or subsequent finding under paragraph (1), the applicable period is 2 years. If, at the time of a third or subsequent finding, an exclusion is in effect as a result of a previous finding, the 2-year period applicable to the third or subsequent finding shall begin on the day after the day on which the previous exclusion terminates.

(c) CERTAIN OTHER INSTANCES OF CIRCUMVENTION.—If the President consults with

Singapore pursuant to article 5.8 of the Agreement, the consultations fail to result in a mutually satisfactory solution to the matters at issue, and the President presents to Singapore clear evidence of circumvention under the Agreement, the President may—

(1) deny preferential tariff treatment to the goods involved in the circumvention; and

(2) deny preferential tariff treatment, for a period not to exceed 4 years from the date on which consultations pursuant to article 5.8 of the Agreement conclude, to—

(A) textile and apparel goods produced by the enterprise found to have engaged in the circumvention, including any successor of such enterprise; and

(B) textile and apparel goods produced by any other entity owned or operated by a principal of the enterprise, if the principal also is a principal of the other entity.

(d) DEFINITIONS.—In this section:

(1) GENERAL DEFINITIONS.—The terms “circumvention”, “preferential tariff treatment”, “principal”, and “textile and apparel goods” have the meanings given such terms in chapter 5 of the Agreement.

(2) ENTERPRISE.—The term “enterprise” has the meaning given that term in article 1.2.3 of the Agreement.

**SEC. 206. REGULATIONS.**

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 202, and section 203;

(2) amendments made by the sections referred to in paragraph (1); and

(3) proclamations issued under section 202(o).

**TITLE III—RELIEF FROM IMPORTS**

**SEC. 301. DEFINITIONS.**

In this title:

(1) COMMISSION.—The term “Commission” means the United States International Trade Commission.

(2) SINGAPOREAN ARTICLE.—The term “Singaporean article” means an article that qualifies as an originating good under section 202(a) of this Act.

(3) SINGAPOREAN TEXTILE OR APPAREL ARTICLE.—The term “Singaporean textile or apparel article” means an article—

(A) that is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) that is a Singaporean article.

**Subtitle A—Relief From Imports Benefiting From the Agreement**

**SEC. 311. COMMENCING OF ACTION FOR RELIEF.**

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a

duty provided for under the Agreement, a Singaporean article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Singaporean article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Singaporean article if, after the date that the Agreement enters into force, import relief has been provided with respect to that Singaporean article under—

(1) this subtitle;

(2) subtitle B;

(3) chapter 1 of title II of the Trade Act of 1974;

(4) article 6 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); or

(5) article 5 of the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

**SEC. 312. COMMISSION ACTION ON PETITION.**

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on

which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

#### SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

#### (c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief (including provisional relief) that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2B of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(C) In the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the immediately preceding corresponding season; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 7.28 of the Agreement) of such relief at regular intervals during the period of its application.

#### (d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), the import relief that the President is authorized to provide under this section may not exceed 2 years.

#### (2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section if the President determines that—

(i) the import relief continues to be necessary to prevent or remedy serious injury and to facilitate adjustment; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

#### (B) ACTION BY COMMISSION.—

(i) Upon a petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—The effective period of any import relief imposed under this section, including any extensions thereof, may not, in the aggregate, exceed 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that has been subject to import relief, after the entry into force of the Agreement, under—

(1) this subtitle;

(2) subtitle B;

(3) chapter 1 of title II of the Trade Act of 1974;

(4) article 6 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); or

(5) article 5 of the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

#### SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—No import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—Import relief may be provided under this subtitle in the case of a Singaporean article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the Presi-

dent determines that Singapore has consented to such relief.

#### SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

#### SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end of "and title III of the United States-Singapore Free Trade Agreement Implementation Act".

#### Subtitle B—Textile and Apparel Safeguard Measures

#### SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include the request and the dates by which comments and rebuttals must be received.

#### SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

#### (a) DETERMINATION.—

(1) IN GENERAL.—Pursuant to a request made by an interested party, the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Singaporean textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions that imports of the article constitute a substantial cause of serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(3) SUBSTANTIAL CAUSE.—For purposes of this subsection, the term "substantial cause" means a cause that is important and not less than any other cause.

#### (b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is—

(A) the suspension of any further reduction provided for under Annex 2B of the Agreement in the duty imposed on the article; or

(B) an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

#### SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President is authorized to provide under section 322 may not exceed 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—The effective period of any action under this subtitle, including any extensions thereof, may not, in the aggregate, exceed 4 years.

#### SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if import relief previously has been provided under this subtitle with respect to that article.

#### SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date the relief terminates.

#### SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to an article after the date that is 10 years after the date on which the provisions of the Agreement relating to trade in textile and apparel goods take effect pursuant to article 5.10 of the Agreement.

#### SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

#### SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent business confidential information is provided, a nonconfidential version of the information shall also be provided, in which the business confidential information is summarized or, if necessary, deleted.

#### Subtitle C—Cases Under Title II of the Trade Act of 1974

#### SEC. 331. FINDINGS AND ACTION ON GOODS FROM SINGAPORE.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II

of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article from Singapore are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING SINGAPOREAN IMPORTS.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall determine whether imports from Singapore are a substantial cause of the serious injury or threat thereof found by the Commission and, if such determination is in the negative, may exclude from such action imports from Singapore.

#### TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS

#### SEC. 401. NONIMMIGRANT TRADERS AND INVESTORS.

Upon a basis of reciprocity secured by the Agreement, an alien who is a national of Singapore (and any spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) of such alien, if accompanying or following to join the alien) may, if otherwise eligible for a visa and if otherwise admissible into the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), be considered to be classifiable as a non-immigrant under section 101(a)(15)(E) of such Act (8 U.S.C. 1101(a)(15)(E)) if entering solely for a purpose specified in clause (i) or (ii) of such section 101(a)(15)(E). For purposes of this section, the term "national" has the meaning given such term in Annex 1A of the Agreement.

#### SEC. 402. NONIMMIGRANT PROFESSIONALS.

Section 214(g)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(8)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(8)(A) The agreements referred to in section 101(a)(15)(H)(i)(b1) are—

"(i) the United States-Chile Free Trade Agreement; and

"(ii) the United States-Singapore Free Trade Agreement.";

(2) by amending subparagraph (B)(ii) to read as follows:

"(ii) The annual numerical limitations described in clause (i) shall not exceed—

"(I) 1,400 for nationals of Chile (as defined in article 14.9 of the United States-Chile Free Trade Agreement) for any fiscal year; and

"(II) 5,400 for nationals of Singapore (as defined in Annex 1A of the United States-Singapore Free Trade Agreement) for any fiscal year."

The SPEAKER pro tempore. Pursuant to House Resolution 329, the gentleman from Texas (Mr. BRADY) and the gentleman from Michigan (Mr. LEVIN) each will control 50 minutes, and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I yield myself 3 minutes.

The United States-Singapore Free Trade Agreement marks the first time the United States has entered an agreement with an Asian-Pacific nation of a free trade agreement. Because 99 per-

cent of trade and goods with Singapore is already tariff free, this agreement focuses on removing restrictions on trade in services to the benefit of our massive American service sector, which accounts for around 80 percent of our entire economy. Singapore is the 12th largest trading partner with the United States already, with two-way trade approaching \$40 billion last year. The U.S.-Singapore Free Trade Agreement will enhance and strengthen this already strong trade relationship.

Among the benefits of free trade with Singapore are new opportunities for U.S. service providers. U.S. negotiators secured key protections in a framework with minimal carve-outs. Services firms will not only enjoy equal treatment in crossborder supply of services but will gain the right to invest and to establish a local services presence, which is critical to selling American services to Singapore.

The U.S. direct foreign investment in Singapore was \$27 billion last year. With this new free trade agreement, we will create a secure and predictable legal framework for U.S. investors operating in Singapore because it will be treated as favorably as local investors who will have access to meaningful dispute settlements. The U.S.-Singapore Free Trade Agreement contains state-of-the-art protections for American intellectual property, which is increasingly vital in the digital age and protects tens of thousands of U.S. workers and creates potential of tens of thousands of new American workers.

Trade in ag products represents a net trade surplus for the United States. Last year American farmers exported around \$260 million worth of food products to Singapore. By binding all of its tariffs at zero, Singapore will now open its markets to American ag products and create new opportunities for American farmers to sell our produce to a nation whose small size prevents it from being able to grow enough food for consumption by its citizens. The U.S.-Singapore Free Trade Agreement will serve as the foundation for other possible free trade agreements in Southeast Asia. The free trade agreement establishes standards for trade that mirror U.S. law and sets a precedent for future agreements.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 25 of our 50 minutes to the gentleman from California (Mr. STARK) for the purposes of yielding time.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. STARK) will control 25 minutes.

There was no objection.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

I rise once again in opposition this time to H.R. 2739, the United States-Singapore Free Trade Agreement Implementation Act.

It is not bad enough that we trash workers' rights in Chile. We might as well do two of them at once and trash any hope for workers' rights in Singapore.

I am happy to note that organized labor in the United States opposes the Singapore, as well as the Chile, Free Trade Agreement. The International Brotherhood of Teamsters, the AFL-CIO, the International Brotherhood of Boilermakers, the International Brotherhood of Electrical Workers, the United Auto Workers, United Steelworkers of American, Unite! the Needle Trades Union, and the Machinists Union have all informed us of their opposition to both the Singapore and Chile free trade agreements.

If we are at all interested in protecting workers' rights around the globe, then we must oppose this piece of legislation. In Singapore in particular, a one-party dictatorship has consistently suppressed workers' rights just as they are being suppressed in Cuba, China, Liberia, Haiti, Pakistan, and many other areas of the world; and we are not doing anything about that. And we do set a standard which might very well be followed in Central America as we proceed into that free trade agreement later this year.

This agreement fails the test for acceptable labor rights provisions and trade agreements most miserably, and nowhere is it near the standard we set in the U.S.-Jordan Free Trade Agreement. It does not require Singapore to adopt even the most basic ILO standards for workers' rights. Singapore claims to uphold the ILO core standards; yet our U.S. negotiators have not obligated Singapore even to its hollow claims. Meanwhile, workers' rights are being trampled on.

The State Department outlines the numerous violations in its "2002 Human Rights Report," stating that "there were no laws or regulations on minimum wages or unemployment compensation," and their report goes on to say that there was a prohibition on strikes by workers in the water, gas and electricity sectors; and for the workers that can strike, there were no specific laws that prohibited retaliation against strikers, allowing corporations to apply virtually any tactic they choose to break up a strike.

I realize that the majority would like to see labor standards in this country returned to those conditions that we had in this country in the early part of the 20th century; but it is not going to work, and it is obscene to think that we will turn our backs on the poorest workers in poor nations across the globe where we are exporting jobs from our American workers. Even if this free trade agreement included the ILO core labor standards, it would be toothless. The agreement fails to provide the same enforcement mechanisms for labor violations as it provides for commercial violations; so if one disobeys the rights on patents or copyrights, they will be severely punished; but if

they torture our shoot or otherwise bother workers, there is no retaliation. Once again, the administration chooses to relegate labor to a substandard class.

Under the Singapore agreement once a determination of the labor violation has been made, the first course of action is a fine which is capped at \$15 million annually, a mere slap on the wrist. The negotiated course of enforcement pales in comparison to the sanctions that are available to protect our industries. The rich in this country get protected by this administration. Working people around the world are ignored. And without binding labor rights provisions, governments around the world will continue to trample on workers with impunity.

It is for this reason that I must strenuously oppose the U.S.-Singapore Free Trade Agreement and urge my colleagues to join me.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield the balance of my time and the ability to subdivide as necessary to the gentleman from Illinois (Mr. CRANE), chairman of the Trade Subcommittee and one of the leading voices of trade in Congress.

Mr. STARK. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Washington (Mr. McDERMOTT) for the purpose of yielding time.

The SPEAKER pro tempore. Without objection, the gentleman from Washington (Mr. McDERMOTT) will control the balance of the time allotted to the gentleman from California (Mr. STARK).

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my strong support for H.R. 2739, a bill which will implement the U.S.-Singapore Free Trade Agreement that was concluded between the United States and Singapore in January of this year. The U.S.-Singapore Free Trade Agreement is, along with the U.S.-Chile Free Trade Agreement, a watershed in U.S. trade policy. These are the first FTAs to be considered by Congress since the passage of the U.S.-Jordan FTA in 2001 and the first to be considered under Fast Track procedures established as part of last year's landmark bipartisan trade promotion authority since the passage of the North American Free Trade Agreement almost 10 years ago.

The fact that this agreement is one of the first to be considered under TPA authority, however, is not only the first for the U.S.-Singapore agreement. The U.S.-Singapore FTA, along with the U.S.-Chile FTA, is one of the first agreements of its kind, laying the groundwork and establishing high benchmarks for future trade agreements. For example, in the area of investment, the U.S.-Singapore FTA makes improvements to NAFTA chapter 11 model called for in TPA by pro-

viding more transparency, greater public input in the dispute resolutions process, and mechanisms to improve the investor-state process by eliminating frivolous claims.

The agreement is also groundbreaking in the area of intellectual property rights, providing new WTO plus state-of-the-art protections for U.S. patents and trade secrets and for digital products such as U.S. software, music, text, and videos. Enforcement of intellectual property rights is also enhanced and strengthened under this agreement.

I am also pleased that Singapore, as part of this agreement, has agreed both to permit the importation of certain chewing gums into Singapore and to allow some chewing gums with therapeutic value to be sold without a prescription in Singapore pharmacies. This issue may seem small to us, but it is a big step for them, demonstrating Singapore's commitment to the FTA and its willingness to strengthen its strong trade and economic relationship with the United States.

Mr. Speaker, I believe that this agreement is a win-win agreement for both the United States and Singapore. I urge my colleagues to support the bill and to support the further opening of trade between the United States and Singapore.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

It tickles me to sit here and listen to these Members talk about agriculture and opening markets with a subsidized product; and if those of us from the Midwest talk about subsidizing steel, we would be Neanderthals. So I just hope everyone understands the duplicity that is going on here.

We all want trade. We all want to trade with other countries. We all recognize the comparative advantage that certain countries have, and we want to help them lift the standards.

□ 1245

The question we have is why do we put commercial standards at such a high level, and we are taking down the environmental and the labor standards that we have agreed to in the last agreement we had with Jordan?

Now, this is a great example from 1994 after we delinked with China human rights from commercial interests. In 1995 there were some property rights that were in question. McDonald's had a lease problem. Mickey Mouse had an intellectual property and royalties problem, and the United States Government threatened a \$1 billion trade sanction to protect Mickey Mouse.

Now, give me a break. But we do not have enough energy and commitment to protect the environmental and the

workplace rights that we have established over the last century in this country.

Now we are saying that this is also going to create jobs, when the NAFTA agreement that we agreed to has lost us 3 million jobs. I was in college in 1992, 1993, 1994; and I remember the NAFTA debate and how the United States Government was going to be a country club. Everyone was going to have a great high-tech job, nobody had to use their hands, we would be able to have flex-time at work, and it was going to be a great society.

Now we are finding out that IBM is sending 3 million high-tech software jobs, computer-design jobs to India, so is Microsoft, so is Oracle, and we wonder why there is not a recovery in this country. The investments, the capital, are going to countries that we are doing trade deals with that have low environmental standards and low labor standards.

It is time to start protecting the jobs here in this country and to start exporting our ideals that we have in this country.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of both the Chilean and the Singapore free trade agreements. I want to compliment Ambassador Zoelick, as well as the gentleman from Michigan (Mr. LEVIN), the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. THOMAS), and others who played such an important role in ensuring that these agreements are advancing the interests of the U.S. businesses as well as the people they employ.

In the passage of these measures, we are really reaping the benefits that result from the passage of Trade Promotion Authority last year, which gave the United States the ability to maximize its leadership internationally, to ensuring that we can advance a policy of economic engagement that will create additional opportunities for the citizens of this country, and at the same time ensuring that we can facilitate and accelerate the development of economies throughout the world, and, in this case, Chile and Singapore.

These agreements are important because of the enhanced market access that they provide to U.S. farmers as well as many other products that are produced in the United States.

These agreements are also important because they help to strengthen the partnership with the United States and Singapore that ensure that we have a platform in that region of the world that allows us to expand further opportunities. The same case can be made with Chile. With the agreement we have negotiated with Chile, we are once again demonstrating that the United States has a commitment to be

a good partner with our friends in South America.

This is going to be important, both in Singapore and Chile, so that we can advance our interests in terms of regional and multilateral trade agreements. We want to continue to build upon these agreements and see progress in the Doha Round of the WTO in order to once again ensure that we can benefit the entire international economy by seeing greater levels of market access.

I am also pleased that we have been able to distinguish that we have to have different approaches in how we advance the issues of labor and the environment and different agreements with different countries. I think the way that we have advanced the issue of ensuring enforcement of domestic labor laws in Chile is appropriate, that we understand that we can invest in the ability and capacity of the government of Chile to enforce their labor laws. That is going to be an important tool in terms of seeing advancement in labor conditions there. We always hold out the tool and the enforcement mechanism of sanctions if we do not see progress.

I think this is an excellent way to achieve the objectives that we all share and seeing the ability of the policy of economic engagement and trade to provide the ability to see greater progress in the improvement of environmental conditions.

Once again, in closing, both the Singapore agreement and the Chilean agreement are very important to the economic welfare of the citizens of the United States and will certainly strengthen the partnership of the United States in two very important regions of the world, in South America as well as Asia.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, as we debate in this Chamber today, I believe a vast majority of the American people are angry. And why are they angry? They are angry because over the last 3 years, since President Bush came into office, this country has lost approximately 3 million jobs.

I believe the people in this country are skeptical. Why are they skeptical? Because there is a disconnect between what so many of us say and what we do, a disconnect between rhetoric and reality. We talk about how these trade deals will result in additional exports and conveniently forget to talk about the imports that will flood our markets as a result of what we do in this Chamber.

The American people are puzzled. They are puzzled because they think we are United States Representatives, that our first obligation ought to be to the American people, to the American worker, the American company, the

American community; and yet we hear so much talk about what this will do to help the citizens of Singapore or Chile.

Well, you know, I am concerned about those citizens; but our first obligation is right here at home. This agreement will result in jobs being sent out of the country and workers being brought into the country. Under this agreement, 5,400 workers from Singapore can come into this country every year, every year, with a visa that will be forever renewable. That means that in 10 years we can have 54,000 people from Singapore here in our country taking jobs that ought to be held by American citizens, by the people we are obligated to be representing.

I do not know what it is going to take to cause this Congress to come to its senses. Vote "no" on this unwise trade deal.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend from Michigan (Mr. LEVIN) for his leadership on these issues.

Mr. Speaker, I want to speak both to the Chile and Singapore Free Trade Agreements. With regard to Chile, this is going to level the trade playing field for U.S. companies and workers. Chile's uniform tariff of 6 percent will be immediately removed for more than 85 percent of all U.S. exports, and the remaining tariff is going to be phased out. By contrast, 65 percent, two-thirds of Chile's exports to the United States are already duty free, and there is an average of one-half of one percent tariff on those goods that face any duty.

But the problem with Chile has been that, while the U.S. has spent years debating Trade Promotion Authority, Chile has been busy striking free trade deals with Canada, Brazil, Argentina, Mexico, and the European Union. Because of these agreements, the U.S., which was once the dominant market for Chile's foreign trade, has seen its share of the Chilean market drop by one-third since 1997, and its bilateral trade agreement has reversed from surplus to deficit.

Equally important, this is going to promote broader U.S. foreign policy goals in the Americas. Because Chile is one of the most stable, transparent and wealthy South American nations, it boasts impressive labor and environmental standards. We are also going to have the opportunity to further exercise our world leadership role by actively promoting democracy, civil rules of law, and human rights.

With regard to Singapore, again, this should be a no-brainer for the Congress. Singapore is our 11th largest trading partner. It is renowned for its world-class infrastructure and very well-educated workforce. In my congressional district, for example, and there are many such suburban technology-oriented districts like mine

across the country, it is going to have a very significant positive impact for the high-tech community.

High-technology trade between the United States and Singapore represents about half of the total two-way trade. In 2002, the U.S. exported nearly \$6 billion in high-tech goods to Singapore.

The technology sector is the largest merchandise exporter in the United States, and that is the sector that is going to benefit most from the free trade agreement with Singapore.

With respect to intellectual property rights, the U.S.-Singapore Free Trade Agreement contains protections to ensure that a rich, diverse, and competitive marketplace will be maintained throughout Asia. Singapore is our key gateway to the rest of Asia; so it is very important that they are going to grant our inventors, our writers, our artists, our business people strong enforceable property rights over the fruits of their creations.

It establishes standards of protection that are consistent with U.S. law and requires that those protections be effectively enforced. Each party has to protect copyrights, trademarks, and patents against the illegal manufacture, import and export of pirated goods. It is terribly important. This is the right thing in promoting long-term economic growth for the United States and for Singapore and for this entire region of the world.

So both with respect to Chile and Singapore, these are major advancements. This is the right thing to do for our economy, and for our foreign policy and I trust that these agreements are going to pass overwhelmingly.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), our distinguished chairman of the Committee on Ways and Means, for a colloquy with our other distinguished colleague, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Pennsylvania.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as we have studied this treaty, and as I have talked to people in northwestern Pennsylvania who have had an interest in the results of this trade agreement, I have heard concerns regarding the so-called integrated sourcing initiative. Is it true that this provision can be used to openly transship products from China to the United States duty free?

Mr. THOMAS. Mr. Speaker, reclaiming my time, the short answer can be quickly dealt with, but I think a longer one is necessary for people to fully appreciate.

The integrated sourcing initiative, or the ISI, the products on this list currently have no duty or restrictions when they enter the United States, re-

gardless of where they come from or what country they pass through. The Singapore agreement identifies these goods and deems them to be of Singaporean origin for certain carefully delineated, limited purposes when they do move through Singapore for the administrative convenience of businesses and our own Customs Service. However, they are still considered of third-country origin for purposes of applying the global safeguard.

Many people are alarmed by, I think, the word "transshipment," because they think it would be an illegal movement or smuggling of goods. But that is simply not true here. These are legal goods that under current law can enter the U.S. without restriction. In this case, the Chinese goods on the ISI list could come directly to the United States without duty or restriction currently. So what difference does it make if it goes through Singapore or any number of other countries along the way?

I have heard concerns from Members about the nature and impact of this provision. As a result, I think it is prudent to ask the International Trade Commission to monitor Singapore trade in certain ISI goods and associated downstream products. If there is a significant change in the level of trade, the commission then will be asked to investigate further and report to us.

Frankly, I do not anticipate significant changes in trade in these goods as a result of the ISI provisions, but I do not think it does any harm to monitor it either. This provision makes it marginally easier on businesses, but I do not believe enough to change trade flows very much. But I want to underscore, notwithstanding that, I think it is prudent to monitor.

□ 1300

Mr. ENGLISH. Mr. Speaker, that is most reassuring.

On another point, if the gentleman will continue to yield, reading the proposal that is before us, can the administration add products to the ISI list as it sees fit without congressional approval and oversight?

Mr. THOMAS. Mr. Speaker, reclaiming my time, in the measure before us the very short and direct answer is "no." Whatever may have occurred in the process of developing this legislation or whatever was a desired result really is the past.

The measure in front of us says the list that is in this bill is the list, period. If Congress wants to address it, if Congress wants to expand or shrink the list, that is within the congressional prerogative. No other group, administration or otherwise, can change the list. Of course, the administration could be offering a proposal to Congress to consider, but it will be Congress' decision to modify the list that is in front of us in this bill.

Mr. ENGLISH. Mr. Speaker, if the gentleman will again yield, I want to thank the chairman for clarifying

these points. Let me say that having participated in the process of vetting these two treaties, I believe they have been examined with a fine degree of concern, particularly for their impact on the manufacturing and agricultural sectors.

I feel very strongly that what we have here is the best kind of treaty that we can have to expand our economy, open up markets, and allow for trade on a very fair and balanced basis, with transparency and provisions that are very clearly enforceable.

So I want to thank the gentleman for his comments and add my voice to the long list of those who are urging that these two agreements be passed to create opportunities, to create good-paying American jobs, and to promote healthy trade relationships with two of our better trading partners.

Mr. THOMAS. Mr. Speaker, I want to make it perfectly clear that although that list of items is contained in this bill, which is being handled under the trade promotion authority, the so-called fast track with no amendments, if the administration or a Member introduced a piece of legislation which was to expand or contract that list, it would not be handled under the trade promotion structure; it would be handled as an ordinary piece of legislation, open to amendment and modification.

Mr. ENGLISH. Mr. Speaker, I recognize that as a very important parting shot, because that provides, I think, a greater level of protection and transparency by requiring any changes go through congressional oversight and the full legislative process.

I thank the gentleman for his points of clarification.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for his continued interest in these very important pieces of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 5 minutes and 15 seconds to the gentleman from Texas (Mr. DOGGETT), a distinguished colleague of mine on the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I rise to question these agreements, reluctant in support, not because my interest in expanding international commerce has waned over the years, but reluctant because of this Administration's consistent refusal to support a balanced, bipartisan trade policy.

Like most of its foreign policy, the Administration's guiding principle is not moderation, but arrogance. It pursues go-it-alone, one-on-one trade deals like these instead of reforming the structure that would promote more multilateral world trade.

These agreements perhaps represent a perfect fit for this Administration, whose approach toward environmental protection and worker rights ranges from conscious indifference to open hostility, an Administration that apparently views a few attacks on health and safety laws by a foreign multinational investor trading partner as more of a help than a hindrance.

All the hullabaloo that we heard this morning about these agreements is more symbolic than it is real. The economic impact of these agreements is minuscule: less than one-hundredth percent of our gross domestic product for Singapore and less than five-hundredths for Chile. Not much to crow about for an Administration whose trade policy has followed rather crooked twists and turns.

Its enthusiasm for giant subsidies to giant agribusiness corporations impedes and distorts our efforts to expand world commerce. It cannot even permit trading catfish without demanding that the catfish be called something other than "catfish."

And, of course, this very day, efforts are under way to deny seniors in America the right to reimport FDA-approved prescriptions from Canada.

Against this backdrop of protection for its buddies, this bill represents the crowning achievement of this Administration in trade, free trade with the important, but tiny, island of Singapore. I am not willing to say "no" to this modest achievement, but we should recognize that it speaks more of failure than of success.

As a model for the future, the provisions on investor protection, on workers' rights, on environmental protection are a complete failure. Those provisions are not the result of hard-fought negotiations. In the case of Singapore, for example, that country was willing to accept most anything the United States tendered on these issues. And the Administration requested just as little as possible to justify a pseudo-claim that it cared about these issues.

As a precedent, these agreements deserve just as little respect as this Administration has now shown toward the stronger, but still very flawed, U.S.-Jordan Free Trade Agreement.

Freeing markets is very important, but so is freeing children from sweatshops. In contrast with its willingness to protect catfish farmers, the Administration is indifferent to the lakes in which those fish swim. These agreements do not guarantee that governments have the right to prevent a public nuisance like pollution of our air or water without paying compensation. The Administration is willing to protect special interests from foreign lumber competition, but not the forests that our families enjoy and the wilderness areas that are so important to our global future.

Countries should have the right to insist that electric utilities include devices that reduce air pollution, the right to limit roads into forests, and insist on replanting as a condition to investment. Expanding the investor-state language in these agreements to derivatives, stocks, and bonds raises questions about future demands for post-Enron-type accountability that may well reduce a corporate insider's short-term return on investment, even though the reform increases the secu-

rity of the public as a whole over the long term. There is a great danger that these agreements will be misconstrued to facilitate challenges to all of these.

Bipartisan support for more international trade has been greatly weakened by this Administration's consistent indifference to meaningfully opening up trade to public participation. More is required than allowing a few hand-picked industry representatives with national security clearances in the back door to review documents. When key decisions are being made behind closed doors, shielded from the press, the public, and watchdog organizations like the Sierra Club, we all lose.

Reacting to its defeat in a Freedom of Information Act lawsuit recently, to force disclosure, the U.S. Trade Representative audaciously began classifying documents, and the Administration issued an Executive Order blocking the public's right to know about what was happening on trade—hardly "free and open trade" when it is closed to the people of America, even though our trading partners know what secrets are under way.

How trade affects our water, our food and working families should not be a trade secret. America's most important export—democracy—is weakened by "star chamber" trade policies.

It is possible to promote more world trade, economic growth, and opportunity without undermining our environment and facilitating child labor, but only by pursuing a different course. Open government is not inconsistent with opening markets. It is the only path that will ultimately lead to our achieving that goal.

The SPEAKER pro tempore (Mr. LINDER). It is now in order under the rule to move to the Committee on the Judiciary's 20 minutes. It is my understanding the gentleman from Texas (Mr. SMITH) will control 10 minutes for the majority, and the gentlewoman from Texas (Ms. JACKSON-LEE) will control 10 minutes for the minority.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. KING), a valued member of the Committee on the Judiciary.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in support of both resolutions, H.R. 2738 and H.R. 2739, the Chilean and Singapore Free Trade Agreements.

The U.S.-Singapore and -Chile agreements will help a wide range of U.S. businesses, including manufacturers, service providers and farmers to get back into the game on international trade. This Free Trade Agreement also raises the bar for the Free Trade Area of the Americas. Implementing the Free Trade Agreement with Chile, the leading economic reformer in Latin America, sends a message to other countries taking part in the Free Trade

Agreement negotiations that the U.S. is prepared to improve trade relations with countries that stay on the path of economic reform, free markets, and democracy.

U.S. agriculture needs trade agreements in order to obtain the global market access necessary to expand sales and farm incomes. Since 96 percent of the world's population resides outside the United States, access to foreign markets is essential for the continued growth and viability of U.S. agriculture. Bilateral agreements such as the Singapore and the Chile Free Trade Agreements are essential, because they provide benefits immediately. They help the U.S. keep pace with global competitors who currently have better access than U.S. exporters due to existing preferential trade agreements. This agreement is comprehensive, calling for an eventual duty-free, quota-free access for all products.

I would point out that Adam Smith wrote this in about 1776, that "if you can buy it cheaper than you can make it, you ought to buy it; if you can make it cheaper than you can buy it, you ought to make it." That is what this is about, this Free Trade Agreement.

The Free Trade Agreement for Singapore works to guarantee access for U.S. firms into Singapore's industries, such as express delivery, legal services, financial services, and communications.

Congress, not the U.S. Trade Representative, has plenary power over immigration. I firmly believe that immigration policy does not belong in free trade agreements.

I thank the U.S. Trade Representative for working with the Committee on the Judiciary to address some of our bipartisan concerns about the Chile and Singapore agreements. As a member of the Committee on the Judiciary, I offered amendments to help fix problematic immigration provisions in the Chile and Singapore trade agreements. I particularly appreciate the cooperation and promise of Ambassador Zoellick that immigration provisions will not be included in future trade agreements.

Many Members have supported trade promotion authority in the past. However, if the U.S. Trade Representative includes immigration provisions in future trade agreements, support for extensions of this authority and of the free trade agreements themselves will be jeopardized. The outcry here in Congress shows that the U.S. Trade Representative cannot garner the necessary support for any future trade agreements containing immigration provisions.

The message is clear: Immigration provisions will not be tolerated in future trade agreements; that is the province of the United States Congress, according to our United States Constitution.

We must step forward and fulfill our constitutional obligations here. We have done so from the Committee on

the Judiciary. I will continue observing these trade agreements as they are negotiated and carried out.

I do appreciate the cooperation of the Trade Representative and also of our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), who has led the battle on this issue, and I intend to be part of that team. But I will vote in support of this trade agreement.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I claim the 10 minutes on behalf of the Committee on the Judiciary Democrats, and on behalf of the gentleman from Michigan (Mr. CONYERS), and I yield myself such time as I may consume.

Mr. Speaker, first of all, let me, since we have done two, this is the second trade bill, acknowledge the hard work of the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) on one of the key elements of dissension in this legislation, and that, of course, is the fact of immigration policy on a trade bill.

We are familiar with the concept of legislating on appropriations bills. Many of our colleagues and many of us, might I say, attempt on many occasions to try and find ways to instruct this Congress as it relates to appropriations bills in terms of policy; and we suggest that there is a nexus in spending money and policy.

Well, frankly, the nexus that the USTR has tried to create between a trade bill and immigration policy is a bogus one and inappropriate. Might I cite for my colleagues again, Mr. Speaker, the constitutional clause that under article I, section 8, clause 4 of the Constitution provides that Congress shall have the power to establish a uniform rule of naturalization. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policies.

□ 1315

Statutory law and legislative law suggests the same.

Now, let me say that I am a friend of Singapore, as well as a friend of Chile, and believe that we should create and enhance friendships. We are an equal trading partner with Singapore. But I also believe we have not established the necessity for Fast Track Authorization, which from my perspective again violates some of the authority of Congress.

The commerce clause, or commerce, is adjudged by the Constitution so it is a power constitutionally provided for and should be respected. But the question is are we adhering to the Constitution by protecting the interests of the American people? Do we have a clause in this trade bill that requires employers to attest that they cannot find anyone to do the job, that they are now providing a visa, both in Chile and Singapore, for those individuals to come to the United States? Are they

attesting to the fact that they need to have this visa perpetual, no end to it?

The H1-B visas had an end, a 3-year term; and it could be renewed. We were not even allowed to put a cap, nor were we allowed to direct the visa fees that would come from these perpetual visas to be able to help bring down the overload of the costs of processing visas throughout the world.

So what happens? Medical institutions are penalized, like the Texas Medical Center, because they cannot get their researchers here to do good work, researchers from around the world because of the clogging of the system. Who else is hurt? Peoples lives are lost. Why? Because those who are patients of American doctors who are trying to come back for treatment are backlogged because we cannot get visas because of the backlogged system. But yet the U.S. Trade Representative would not even tolerate that kind of discussion. Further, the U.S. Trade Representative staff, thereby him, would not even engage in negotiations around these very issues that might have made this palatable.

As I close, Mr. Speaker, let me simply say that we can see jobs leaving now. IBM, Microsoft, Oracle sending 3 million jobs overseas as we speak. There is a 6.4 million unemployment. It may be rising. This is not an appropriate time, even with our friends, to suggest that we should have Fast Track Authority and overlook the economic crisis that is in the United States today.

I close by simply saying that the real angst of this bill is for us to accept the abdication, if you will, of congressional power on immigration laws. I will not do so, and on behalf of the American people I will not do so.

I will begin by saying that I value the trade relations that the United States has with Singapore. Singapore is America's largest trading partner in Southeast Asia with two-way trade of \$31 billion and a United States bilateral merchandise trade surplus in 2002 of \$1.4 billion. Singapore is the 11th largest export market for the United States with \$16.2 billion in merchandise exports in 2002. It is the 16th largest source for goods imported into the United States with \$14.8 billion in 2002. The United States is Singapore's second largest trading partner. I support trade with Singapore.

My concern is with the details of the trade agreement. The U.S. Trade Representative (USTR) should not have included immigration provisions in the Singapore Free Trade Agreement. The negotiating objectives that Congress laid out for the USTR in Trade Protection Act of 2002 (TPA) do not include a single work on temporary entry into the United States. There is no specific authority in the TPA to negotiate new visa categories or to impose new requirements on our temporary entry system, yet that is exactly what USTR has done in the Singapore Free Trade Agreement.

The inclusion of immigration provisions overstepped the bounds of the USTR and usurped the jurisdiction of the Congress. Article I, section 8, clause 4 of the Constitution provides that Congress shall have the power

to establish a uniform Rule of Naturalization. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. The Court has found that the formulation of policies [pertain to the entry of aliens and their rights to remain here] is entrusted exclusively to Congress has become firmly embedded in the legislation and judicial tissues of our body politics as any aspect of our government. Nonetheless, the Administration has negotiated a new visa program in the Singapore Free Trade Agreement; usurping Congress' clear constitutional role in creating immigration law.

The Singapore Free Trade Agreement creates a new visa classification for the temporary admission of nonimmigrant professionals that is similar in many respects to the existing H-1B nonimmigrant classification. The new nonimmigrant visa classification, however, would differ from the existing H-1B program in significant ways.

The provisions for the new nonimmigrant visa permit an unlimited number of extensions in 1-year increments. This makes it possible for a foreign employee entering the country on a supposedly temporary basis at the age of 22 to remain until he is ready to retire at the age of 70. In effect, this gives American employers the option of keeping permanent workers in a temporary legal status. In contrast, under the H-1B program, workers are granted a three-year visa that can be extended only once. A single three-year extension is available.

The Labor Certification Attestation is one of the few safeguards we have in our H-1B system for ensuring that employers do not abuse temporary workers to undermine the domestic labor market. The implementing legislation contains some, but not all, of the attestation requirements that apply in our H-1B program.

The implementing legislation completely omits the category of H-1B dependent employers and the additional attestation requirements that apply to them. H-1B dependent employers are required to attest that new entrants will not displace American workers and demonstrate that they have tried to recruit American workers. The implementing legislation should have a similar provision.

In addition, the H-1B program authorizes the Secretary of Labor to initiate her own investigations and enforcement proceedings based on credible information that an employer is violating the rules of the H-1B program. No such authority is granted to the Secretary in the Singapore agreement's implementing legislation.

The Singapore Free Trade Agreement requires permanent changes to our immigration system, but for now these changes are limited to two countries. Unfortunately, we may see these programs expanded to dozens of additional countries in future Free Trade Agreements. The administration is currently negotiating additional Free Trade Agreements with Australia, Morocco, five countries in Southern Africa, five countries in Central America, and the 34 countries of the Western Hemisphere.

Immigration policy is a sensitive, political matter. Changes in immigration law traditionally have been the result of intense, open negotiations between workers, employers, immigration advocates, and Members of Congress. These issues simple do not belong in fast-tracked trade agreements negotiated by executive agencies. Because the legislation is

being fast-tracked, Congress does not have the power to amend it. We have to vote on it as written with no power to make any changes.

If amendments had been permitted, I would have offered one to put a limit on renewals. My amendment would have permitted no more than 8 one-year renewals of the nonimmigrant status. That would have permitted a 9-year period, which would be 50 percent longer than is allowed for employees who are here with H-1B status.

I also would have offered an amendment that would have used part of the fees generated by the new visa classification for accelerating the processing of nonimmigrant visas by the State Department's consulate offices. Delays in processing nonimmigrant visas are causing difficulty to people coming to the United States for medical treatment, to do important research, or for any of a number of other urgent reasons.

I urge you to vote against the U.S.-Singapore Trade Agreement Implementation Act, H.R. 2739.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise in support of the Singapore Free Trade Agreement. As many of my colleagues know, I support free trade. I believe it must be fair trade. I voted in the past for some of these agreements, but this one I think is very good with Singapore and Chile.

The free trade agreements under consideration today represent a significant step towards the goal of open and non-discriminatory international markets for services and e-commerce. The agreements contain commitments from both Singapore and Chile for substantial market access across nearly all of their service sector including banking, insurance, telecommunication, computer and related services, energy, direct selling, tourism, professional services, and even express delivery services.

This is a significant departure from trade agreements in the past, as all our service sectors are open and the few exceptions are memorialized in what is called a "negative list." Moreover, the market access and nondiscrimination commitment are bolstered by strong and detailed regulatory transparency requirements, a first in trade agreements. Regulatory transparency is very important to many service industries as they are subject to government regulation. Lack of such transparency and regulatory uncertainty are non-tariff barriers that impede trade and services.

The Chile and Singapore agreements, in my mind, provide for commitments that have been missing in past agreements. In the area of services, the commitments are regarding telecommunications, intellectual property protection, and in electronic commerce and

digital products. We have what I see as fair and nondiscriminatory treatment with regard to both cross-border trade in services and the right to invest in and establish local services.

Finally, Mr. Speaker, I would like to mention that Singapore has been a staunch ally with the United States on our war on terrorism. In December 2001, Singapore authorities were successful in foiling a potential terrorist attack on Western targets by an organization linked to al Qaeda. And today Singapore civilian police are working with us in Iraq to train the new Iraqi police force. In fact, within this first week, Singapore police trained 90 new recruits to assist in bringing and maintaining security and order to the Iraqi people.

Mr. Speaker, we already have a strong partnership with Singapore, and the agreement before us will further strengthen that partnership while providing excellent opportunities for U.S. businesses.

I rise in support of the Singapore Free Trade Agreement. As many of my colleagues know, while I support free trade, I believe it must be fair trade. I have voted, in the past, against those trade agreements that I felt were detrimental to our agriculture, textile, and manufacturing base and I stand behind those previous votes.

Though international trade is increasingly becoming an important component of our domestic economy, we must remain concerned with the consequences of some of these agreements. In a recent article, I spoke to the fact that over the past decade, the trade deficit of the United States has steadily risen. In 2002, the trade imbalance reached an all-time high of \$435 billion—a \$100 billion increase over the 2001 deficit.

Having said that, one area of trade in which the U.S. is, in fact, benefiting is the trade in services. America ran a record high surplus in services of \$69.8 billion in 2001, although that surplus shrank to \$44.7 billion in 2002. Another bright spot in our balance of trade calculus is the steadily increasing international e-commerce, which holds particular promise for U.S. companies. The Information Technology Industry Council projected that between 1999 and 2003 the market for electronically distributed software alone will grow from \$0.5 billion to \$15 billion.

The importance of the service industries to the U.S. economy today cannot be over stated. The U.S. economy is a service economy where better than 2/3 of our GDP is composed of services output. Just over 3/4 of our employment base is provided by the service industries. There is also little argument that many aspects of our Nation's economic life is now, to varying degrees, substantially reliant on e-commerce. Recent data shows that e-commerce growth is even outpacing the rosy predictions of the "dot-com bubble" period. In 1999, Forester Research Inc. estimated that U.S. e-commerce between businesses would reach a staggering \$1.3 trillion by 2003. Today, Forester Research estimates that networked business-to-business transactions stand at \$2.4 trillion.

Thus, the service industries and e-commerce are not only key components of our domestic economy, but increasingly trade in

services and electronic commerce are becoming growth areas where U.S. firms have a comparative advantage, given open and non-discriminatory access to other markets.

The FTAs under consideration today, as I noted, represent a significant step forward towards the goal of open and non-discriminatory international markets for services and e-commerce. The Agreements contain commitments from both Singapore and Chile for substantial market access across nearly all their services sectors: including banking, insurance, telecommunications, computer and related services, energy, direct selling, tourism, professional services and even express delivery services. This is a significant departure from trade agreements in the past, as all service sectors are opened up and the few exceptions are memorialized in what is called a "negative list." Moreover, the market access and non-discrimination commitments are bolstered by strong and detailed regulatory transparency requirements, a first in trade agreements. Regulatory transparency is very important to many service industries as they are subject to government regulation. Lack of such transparency and regulatory uncertainty are non-tariff barriers that impede trade in services.

In addition, the Agreements include significant commitments establishing that the principle of non-discrimination applies to products delivered electronically and prohibiting the levying of customs duties on digital products. Furthermore, the Agreements affirm that commitments made relating to services also extend to the provisioning of such services via electronic delivery.

The Chile and Singapore Agreements, in my mind, provide for commitments that have been missing in past agreements. In the area of services, the commitments regarding telecommunications, intellectual property protection, and in electronic commerce and digital products, we have what I see as fair and non-discriminatory treatment with respect to both cross-border trade in services and the right to invest in and establish local services.

Finally, I would like to mention that Singapore has been a staunch ally with the U.S. in our war on terrorism. In December 2001, Singapore authorities were successful in foiling a potential terrorist attack on western targets by an organization linked to Al-Qaeda. And today, Singapore civilian police are working with us in Iraq to train the new Iraq police force. In fact, within their first week, Singapore police trained 90 new recruits to assist in bringing and maintaining security and order to the Iraqi people.

We already have a strong partnership with Singapore and the agreement before us will further strengthen that partnership while providing excellent opportunities for U.S. businesses.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Committee on Energy and Commerce.

Ms. SCHAKOWSKY. Mr. Speaker, I rise to join my colleagues, concerned Americans, and unions that represent the hard-working people of America in opposition to the U.S.-Chile and U.S.-Singapore Free Trade Agreements.

Like many of my colleagues who stand in opposition today, I long for a trade agreement that I can support because I really believe in the essential

nature of global trade. But I am sick of seeing one after another of these agreements that come before us actually hurting U.S. working men and women; and that is why they are opposed by unions like the Teamsters; the AFL/CIO; the Brotherhood of Boilermakers; electrical workers; auto workers; steel workers; UNITE!, of which I am a proud member; and the Machinists Union.

I want to just list four of the many reasons that I am opposed to these trade agreements. They set a dangerous precedent for the Central American Free Trade Agreement, CAFTA, and the free trade agreement of the Americas. If passed, these agreements will put the United States on record as being indifferent to the gross violations of human labor rights that we know occur every day in Central America.

Two, these trade agreements would not only result in job losses here at home but would do nothing to ensure workplace standards and environmental protections elsewhere. Under the agreements, Chile and Singapore would be allowed to set labor and environmental laws below international standards in order to attract investment.

Three, under the Chile and Singapore trade agreements, corporations in Chile and Singapore would have the right to challenge environmental, health, labor and other public interest measures in this country on the grounds that these protections infringe on their profits. But perhaps most offensive of all to me is that for the first time these agreements will allow for U.S. companies to exploit foreign workers here in the United States. Corporations will no longer have to go overseas to do that. They can do it here.

The agreements create new immigration provisions that allow U.S. corporations to import foreign workers to the U.S. to do blue and white collar jobs here in this country, but do not include prevailing wage requirements and other critical labor rights guarantees. Vote "no."

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Colorado Mr. (TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding me time, especially for his very gracious allowing me to speak in opposition to this bill.

Mr. Speaker, the fact is people keep getting up and saying that we are concerned about immigration provisions in the bill. We have talked to the Trade Representative. They have responded to our issues; and, in fact, the Committee on the Judiciary will act to change one part of this bill that pertained to immigration provisions, but there are still several parts in this bill that are completely unacceptable, and that should never be in there because they are immigration provisions. It allows for L-1's, an unlimited number of

L-1's. Okay. What happens when we actually begin to deal with the violation of the L-1 category that is now rampant?

We will be unable to deal with it in terms of Chile and Singapore because it is in the trade agreement that it will not be changed. It cannot be modified. So that is an immigration proposal that is still in this bill. H1-B category visas, what we are saying is that they can be annually renewed as opposed to the present system that requires some degree of attention being paid to renewal. But, as a matter of fact, that is even being ignored significantly. So if we tried to ever reform these categories, if we try to remove them, they will be there forever for these two countries because they are in the trade agreement. And that is the problem with integrating trade agreements and immigration proposals. I am against the two proposals for that reason.

Ms. JACKSON-LEE of Texas. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LINDER). The gentlewoman from Texas has 4½ minutes remaining. The gentleman from Texas (Mr. SMITH) has 3 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding me time and for allowing me to address the House on the Chile and Singapore trade agreements, which, in my opinion, represent another attack on American working families. But this administration and people in this House do not understand the abominable effect that trade agreements have on the working people of our country. Neither agreement contains basic labor standards to protect workers' rights, freedom of association, freedom to bargain collectively, freedom from child labor, freedom from forced labor, freedom from discrimination. These agreements contain no labor law enforcement mechanism.

Let me further explain why I am opposed to this bill. Indiana working families and manufacturers simply cannot afford any more trade agreements. I find it unconscionable that the manufacturing industry, Indiana's gift to the American economy in more prosperous times, suffers the indignity of unfair competition from unfair trade agreements negotiated by our own government.

U.S. manufacturing job losses from August 2001 to 2002 numbered 606,000. Indiana lost 16,200 manufacturing jobs in the same period of time; 45,000 manufacturing jobs lost in November 2002. Unemployment in this country, Mr. Speaker, is 3.6 million.

Since NAFTA was enacted 10 years ago, there has been the loss of more than 100,000 jobs in Indiana, all attributed to NAFTA. Trade agreements undermine Indiana's businesses, working families, decent wages, and strong en-

vironmental protections that Americans have fought so hard for.

I would urge defeat of this measure.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I support the strong intellectual property protections contained in both the Chile and the Singapore trade agreements. These agreements will boost U.S. trade in open markets in both countries. They also set a standard for the protections that should be included in future trade agreements.

In today's global economy, it is becoming increasingly easier for criminals to steal intellectual property. Whether this theft takes the form of pirated music, stolen software, or counterfeited trademarks, it has a severe impact on our industries and on our economy. Intellectual property is one of our Nation's major assets. The United States is a consistent leader in manufacturing high-tech and the creative industries. Strong intellectual property protections both in our law and in our trade agreements are important to ensure our economy continues to flourish.

The intellectual property found in our country is a result of the American creativity. When properly commercialized, these works lead to jobs, profits, and a better quality of life for all Americans. These agreements will enlist international cooperation that respects and protects our intellectual property.

The strong protections in these agreements set a good precedent for future free trade agreements, such as those with Australia and Central America.

Mr. Speaker, I urge my colleagues to support both the Chile and Singapore free trade agreements.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, how much time remains, please?

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) has 3 minutes remaining. The gentleman from Texas (Mr. SMITH) has 1½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire if the gentleman has any additional speakers.

Mr. SMITH of Texas. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close by acknowledging the positive aspect of trades bills. They are deals and they help enhance relationships between our friends, and they create vehicles for trade. We recognize that.

□ 1330

There are also constitutional duties that we have in this body, and let it be very clear, this trade bill implodes the constitutional responsibility of this

Congress, and that is to create immigration policies. My greatest respect to the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) for claiming jurisdiction on behalf of the Committee on the Judiciary, but that jurisdiction did not prevail to the extent that we crafted or carved out bad immigration policy.

What do we have, Mr. Speaker? One, we have an unending visa that, in essence, gives citizenship to an individual over others who are standing in line here in the United States. It gives citizenship to those who are here undocumented, working, paying taxes and have been begging to get in line to get their citizenship. It allows an individual to have perpetual citizenship by way of a visa with no capping whatsoever.

In this climate of terrorism and the war against terrorism and the responsibilities of the Homeland Security Department, what protection do we have to prevent individuals not purposely from utilizing and abusing this visa process?

Additionally, in the backdrop of Microsoft and IBM and Oracle sending jobs overseas and high unemployment, we are providing this trade bill under fast track authority. Would it not have been more appropriate if we had been able to negotiate in the backdrop of the economic crisis?

This bill does not require employers to attest to the fact that they need this employee because they do not have American workers. It does not revenue track the visa fees so we can use it to assist our visa officers across the ocean to be able to bring in the researchers, scientific personnel that we really need and, as well, to be able to help those patients who are in line suffering from cancer and other diseases who cannot get here for treatment.

This bill is a bad bill because it should not and cannot pass constitutional muster. This fast track authority is a problem in and of itself, but the United States Trade Representative has chosen to, in essence, enhance the constitutional problems and highlight why fast track is bad because all they are doing is doing a deal. They are not concerned about the responsibilities of this Congress or the obligations to the American people.

I wish the trade representative had been responsive because I believe that Singapore and Chile have great opportunities for us to do trade in a reasonable way that protects labor rights and the environment, and that we actually have a negotiated deal that impacts positively on the American people and the American workforce. Since this bill does not do that and it violates the Constitution, I ask my colleagues to vote against it.

The SPEAKER pro tempore (Mr. LINDER). All time for the Committee on the Judiciary portion has expired.

It is now in order to return to the Committee on Ways and Means portion

with the time of the majority controlled by the gentleman from Illinois (Mr. CRANE) and the time of the minority controlled by the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Michigan (Mr. LEVIN).

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the chairman for recognizing me. This is a very positive day on the floor of the House. I commend the chairman and his staff for getting us to this point, as well as colleagues on the other side of the aisle and the U.S. Trade Representative.

These are the first two agreements we have been able to take up under so-called fast track authority, trade promotion authority, for the last decade, and particularly the U.S.-Singapore trade agreement has a number of aspects which are very positive for us. This, of course, is a milestone for us. It is the first agreement we have had with an Asian-Pacific nation. It is also an agreement that is in our interests. Two-way trade is now approaching \$40 billion with Singapore and making them our 12th largest trading partner. This agreement will enhance that trade and strengthen it.

Ninety-nine percent of the trade in goods with Singapore is already tariff free, so it really is not about goods; it is more about services. And that is great for us because we have a massive service economy in this country. In fact, I am told that our service sector now accounts for about 80 percent of our gross domestic product. So by opening up those markets to services, it helps the United States tremendously.

U.S. direct investment in Singapore was \$27 billion in 2001. This will also create a more predictable and secure legal framework for U.S. investors because they now will be treated as if they were local investors and have access to better dispute settlement mechanisms.

We also live in an advanced technological age, Mr. Speaker, and to keep jobs in the United States, we must depend on that. We must have higher technology in order to increase productivity and efficiency and keep jobs here. This agreement is good in that regard, too, because it has state-of-the-art protection for U.S. intellectual property, which is increasingly important in a digital age.

Finally, trade in agriculture is important to us. We have a net surplus, of course, in agriculture trade. In 2002, we exported around \$259 million worth of food products to Singapore. By binding all of those tariffs at zero, it helps us, it helps our farmers, it helps open up those markets to our products and, therefore, creates jobs here in the United States.

Overall, again I think this is a good day for us in that we are moving forward with positive agreements. In the

Singapore case, I think there are lots of benefits to the United States. I strongly urge my colleagues to support this good, bipartisan trade agreement.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, it has been about a year since this Congress voted to give the President fast track authority, and now we are seeing the first fruits of that effort, and I must say that for the democratic process and for our constitutional government and for the American workers, this is bitter fruit indeed.

It is sadly ironic that a half a world away we have about a quarter of a million American sons and daughters who are fighting and dying every day to remove a hostile regime both in Iraq and in Afghanistan with the hope and the purpose of bringing democratic rights, individual rights, human rights to the people in those countries. Yet here we are today with an agreement in which the U.S. Trade Representative has the ability to serve the same purpose with the stroke of a pen, and yet the U.S. Trade Representative has chosen not to do that. We have fumbled an opportunity to strike a blow for democracy in these agreements.

We should remember that our trade policy is an essential tool of democracy, and arguably the United States Trade Representative could have accomplished much on our behalf in these agreements, and I think Congress needs to get back into the process.

I think it is instructive that these agreements are very specific, very meaningful, very clearly defined when parties or countries violate the commercial terms of this agreement. However, when labor protections are denied and human rights are denied, the agreements are either silent or vague and unenforceable.

One would think that an administration that has ridden herd on the worst job creation performance of any President in this country since Herbert Hoover, one would think that that President would be reluctant to bring in tens of thousands of foreign workers into this country. One would think that with the jobs lost, 1.3 million jobs lost in the past 2 years, that this administration would be hesitant about adopting this type of agreement.

It is shameful indeed that this administration has not, and I ask my colleagues to vote "no" on both the Chile and Singapore trade agreements.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON), my distinguished colleague on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of the U.S.-Singapore FTA, and I urge my colleagues to vote for it.

This is one of the first agreements negotiated under the trade promotion

authority or under the old term "fast track authority." Many of us were concerned that the efforts we made to get labor and environmental guidance in this fast track authority would not be heeded or heeded sufficiently by the administration. I am relieved to know that this is not the case, that this agreement does address, in the way that was intended by this Congress when we passed it, the important issue of labor and environmental concerns, but it also gets to the heart of so many other concerns that I think are most important to our economy.

The U.S.-Singapore FTA is a thorough, comprehensive agreement. It will remove Singaporean restrictions through the importation of a broad range of products and a broad range of services and a broad range of sectors as different as information technology, engineering, environmental services, legal and financial services.

Singapore is already the United States 11th biggest trading partner, with bilateral trade of nearly \$40 billion. It has one of the world's most open and dynamic economies. Its port is one of the world's most efficient. Over 1,300 U.S. companies are now doing business in Singapore; some 300 of those have made Singapore their Southeast Asian regional business headquarters, it is such a vibrant area for it.

The U.S.-Singapore FTA will serve as a catalyst, I think, for broader U.S. economic engagement in Southeast Asia. It will also celebrate the progress of a multilateral trade agenda that our country has there.

Singapore has been a stalwart ally of the United States and the war on terrorism. It has worked very closely with us on container security and other important trade initiatives. It is a solid agreement that deserves our strong support, deserves bipartisan support, and I urge my colleagues to vote for it today.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to our distinguished colleague from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to commend him and the members of the Committee on Ways and Means for bringing forward these two free trade agreements with Chile and with Singapore and to commend our U.S. Trade Representative, Ambassador Zoellick, for the outstanding work that he has done to get us here.

I think I look on this as a very singular accomplishment for the United States. I remember back a few years ago traveling to Chile shortly after the adoption of the NAFTA agreement and its implementation. I went at the behest of the then-Speaker of the House Mr. Gingrich to talk about trade, and there was so much anticipation and so much excitement about the possibility of a free trade agreement; and I felt confident at that time that we would have what we then called fast track authority and now trade promotion au-

thority for the President so these agreements could be negotiated quickly.

Of course, as we know now, it was not to be, and it has only been in the last year that the President has had this authority. But today, we are seeing for the first time in a decade agreements brought to the floor of the House of Representatives that have been negotiated using this authority of the President.

Today, for the first time, we are seeing the beginning of what I believe will be a very robust period of American trade agreements that will begin to open markets for America around the world and begin to open markets in the United States for other countries as well, to make it possible for other countries to have access to our markets, to make it possible for our consumers to have more choices, to make it possible for American workers to have jobs that can allow for the export of manufactured goods and the export of services as well. That is what these agreements are all about. They are about enhancing the lives of people not only in this country, but around the world.

The Singapore Free Trade Agreement is one that is especially important, I think, to the United States because it marks the first free trade agreement we have with an East Asian country. Ninety-nine percent of all the trade of goods in Singapore is already tariff free, and so this agreement helps us by removing some restrictions on some of the other things we have not had open yet, and that is mostly service.

Singapore, like the United States, even more than the United States, is a tremendously service-oriented economy. There is not a lot of manufacturing, as we know, in Singapore. It is about trading, and it is about services; and opening up that economy to those kinds of services is extraordinarily important. Eighty percent of our GDP depends on those kinds of services.

Singapore, despite its tiny size, is the 12th largest trading partner of the United States. It has a two-way trade in goods and services of nearly \$40 billion, and this free trade agreement will enhance and strengthen this trade relationship.

I have already mentioned that there are new opportunities for U.S. service providers. U.S. negotiators in this agreement secured key protections in a framework and had minimal carve-outs, that is, the other side reserved only very small things from the application of the free trade agreement.

Our investment in Singapore was over \$27 billion last year. This will create a predictable legal framework that U.S. investors can operate in in Singapore to be sure that they are being treated as favorably as local investors; and they will also have access to meaningful dispute settlements.

Mr. Speaker, one of the very important aspects of this is to have dispute settlements so that when we do have

disagreements in our trade, whether it is at services or manufacturing, we can settle these agreements in a fashion that allows trade to move forward. We know all too well what happens when we do not have that kind of opportunity.

Mr. Speaker, I believe that this agreement is in the best interests of the United States and of Singapore and of the world, and I urge its adoption.

Mr. MCDERMOTT. Mr. Speaker, could the Chair kindly tell us the amount of time left for each of us?

The SPEAKER pro tempore. The gentleman from Washington (Mr. MCDERMOTT) has 14 minutes remaining. The gentleman from Illinois (Mr. CRANE) has 32½ minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 11¼ minutes remaining.

□ 1345

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, the Singapore and Chile agreements are wrong for labor standards, they are wrong on the environment, they are wrong on the economy, and they are wrong for the American people.

I have been a mill worker at Great Northern Paper Company for over 30 years. I have had firsthand experience with the devastation of the so-called free trade agreements on the U.S. economy. I know what they really mean to the working people of this country. Almost no one else in this Chamber can claim that experience. These kinds of agreements are bad for the working American people.

NAFTA has been nothing but a disaster in my State of Maine, costing over 24,000 manufacturing jobs alone since NAFTA came into effect. As a matter of fact, in some parts of my district, the unemployment rate is over 38 percent. Working people do not want the programs or handouts that we have created because of trade agreements, they want to keep their jobs.

No, I do not oppose all free trade agreements categorically; but they must be truly free, and they must be truly fair for our workers. Singapore and Chile are neither.

Mr. Speaker, the problem with these agreements is made far worse by the Trade Promotion Authority which shuts out the people's voice and even prevents Members of Congress from holding negotiators responsible for harmful and misguided policies. That is why today I am introducing a bill to repeal Trade Promotion Authority.

If the people had a voice in how these agreements are reached and we could amend sections of these agreements that are lacking, then we might have fair and free trade agreements. In fact, we might not even need this debate today.

So I urge my colleagues to stand up for the working Americans who sent us

here to fight for them, and I urge my colleagues to vote against both agreements.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this. I represent one of the richest agricultural areas in our Nation in northern California, the northern Sacramento Valley, just north of Sacramento. This agreement will be very, very helpful to our agricultural commodities.

Singapore imports virtually all of their food products. Trade and agricultural products represent a net trade surplus for the United States. In 2002, American farmers exported around \$259 million worth of food products to Singapore. By binding all of its tariffs at zero, Singapore will open its markets to American agricultural products and create new opportunities for American farmers to sell their produce to a nation whose small size prevents it from being able to grow enough food for consumption by its citizens.

Again, Mr. Speaker, I feel that this would be very beneficial for our country, for their country, in general; and I urge support of this.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I rise to oppose H.R. 2739, which would implement the United States-Singapore Free Trade Agreement.

I am especially opposed to the intellectual property rights provisions contained in chapter 16 of this agreement because they could restrict the access of the people of Singapore to affordable medicines for HIV/AIDS and other diseases. The agreement delays the introduction of generic competition and extends patent terms, thus extending the length of time during which people in Singapore would be required to pay monopoly prices for medicines.

The agreement also restricts Singapore's use of compulsory licensing and parallel importation mechanisms that allow governments to override patents in order to protect public health. If the United States-Singapore Free Trade Agreement becomes a template for negotiations with other developing countries, people throughout the developing world will find it harder to gain access to affordable medicines.

Currently, access to medicines is severely limited in developing countries because developing countries cannot afford to purchase medicines at the prices charged by the multinational pharmaceutical companies. More than 40 million people are living with HIV/AIDS worldwide, and over 95 percent of them live in developing countries. Yet many of the medicines that treat people with HIV/AIDS here in the United States are unavailable in most developing countries. Patients in developing

countries with other diseases, such as heart disease, diabetes, and cancer, also lack access to lifesaving medicines.

The Doha Declaration on the TRIPS Agreement and Public Health affirmed the rights of developing countries to take measures to protect public health and promote access to medicines. This declaration was adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar, on November 14, 2001. The Fast Track bill passed by Congress last year specifically directs the President to negotiate trade agreements that are consistent with the provisions of the Doha Declaration.

We cannot trust this administration to negotiate free trade agreements with developing countries when the administration ignores the explicit instructions of Congress in the Fast Track bill to respect the Doha Declaration and allow developing countries to take appropriate measures to protect public health.

I urge my colleagues to support the rights of developing countries to promote access to affordable medicines by opposing the U.S.-Singapore Free Trade Agreement.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I stand in opposition to the Singapore-Chile Free Trade Agreement.

Mr. Speaker, this agreement will do nothing to promote fair trade and nothing to help working families in this Nation. We need to create jobs here in the United States. We have seen the damage and what has happened when Congress passes free trade agreements. We have lost over 3 million jobs since NAFTA came into existence. In California alone, we have lost over 80,000 jobs. We currently have an unemployment rate right now of 6.4 percent. A 6.4 percent unemployment rate right now. Hispanics have an 8.4 percent unemployment rate. African Americans have an 11.8 percent rate. We need to create jobs here in the United States, not somewhere else. We cannot let this happen to us again.

The Chile and Singapore trade agreements will hurt American manufacturing jobs here in the United States. At one time we used to be proud to go into our stores and buy American products that said "Made in America." We are not seeing that any more. What happens when those products are not made and manufactured here in the United States? We lose revenue right here in the United States. What happens to Social Security? What happens to Medicare? It affects the kinds of income that we need in the future when we look at the services that we have to provide if we are going to some other country.

We continue to give exporters in foreign countries an opportunity to build

there but not to create the jobs here in the United States. We need to protect working families right here in the United States. We need to create jobs right here. Our families need to put food on their tables. They must not fear that they are going to lose their jobs to some foreign country.

The agreements are an insult to workers' rights. This agreement will change immigration rules, which have no place in trade agreements. The Singapore agreement will label and import raw materials from countries like China and assemble them and import them into America duty free.

We must not let this become the future example of free trade. We must stand together and fight against unfair and unsafe agreements that hurt American workers.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I am privileged to yield 3 minutes to the very distinguished gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Singapore trade agreement.

As we debate trades agreements, it is terribly important that we try to work off the same set of facts, even though we will disagree on the interpretation of those facts and, ultimately, opinions. But this is a solid trade agreement.

It is important not to overstate the impact of this agreement. While this agreement is terribly important to Singapore, our relationship with Singapore is terribly important, this trade agreement and its implementation will not have a dramatic impact on the United States in terms of imports or exports. But it is an important stepping stone for the future.

It is increasingly clear that the Far East, Asia, is a very important part of our future in terms of national security, in terms of our political relationships, in terms of the world economy. The situation in North Korea underscores the need for us to be developing friendships with countries with whom we have much in common. Singapore is a democratic society. This is a model we should be holding up throughout the world of a country that has values they have implemented in a manner that makes them compatible with us and a model that we would hold up to other countries.

Singapore has a middle class. This is a critical ingredient to having a level playing field in terms of the rights that we guarantee and sometimes take for granted with respect to our workers and protection of our environment and natural resources here. This agreement achieves a level parity in that regard, because Singapore has adopted forward laws on both labor and environment. We need to hold that up as a model as well.

We would be mistaken, though, if we were to conclude that our work is finished once this trade agreement has

been adopted. Because as has been mentioned by some of the speakers in opposition to this bill, there will be parts of the country, there will be sectors of our economy in which people will face increased competition, whether it is in the Singapore trade agreement or others we have debated or will debate on the floor of Congress. And it is critically important we recognize that ultimately this is about equipping our workers with the tools they need to compete in an increasingly competitive global economy.

Now, that means that as we begin to debate spending in this Congress in the weeks ahead, to support the States that are struggling to continue job training programs, strong community college, State university educations, even Head Start programs, we must be terribly mindful that if we do not fulfill our responsibility to equip our workers with the tools they need to do their jobs, the global economy ultimately will not work for them, it will work against them.

So let us adopt this trade agreement today; but let us fulfill our ultimate responsibility, which is to make sure the people we are here to represent have the tools they need to compete in this increasingly competitive global economy.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

(Mr. WU asked and was given permission to revise and extend his remarks.)

Mr. WU. Mr. Speaker, I rise today in support of the U.S.-Chile Free Trade Agreement and in opposition to the U.S.-Singapore Free Trade Agreement.

I believe in vibrant trade, and I believe in vibrant democracy. It has often been referred on this floor today that the U.S.-Singapore Free Trade Agreement is the first free trade agreement signed with any Asian nation. And I must point out that instead of selecting vibrant democracies, such as South Korea, Japan, Taiwan, or India, this administration has negotiated a free trade agreement with a single-party authoritarian state.

I think that by choosing this course, we are, in effect, endorsing our competing model for this next century. That is, in the last century the competition of ideas in the world was between our ideals of free markets and free societies versus fascism or communism. In this next century, the competition is between our ideals of a free market and a free society versus a free market coupled with a one-party authoritarian state, such as exists in the city-state of Singapore.

□ 1400

The Singapore Free Trade Agreement will pass. Even without that agreement, 99 percent of trade is without tariffs. But I ask at least some Members of this Chamber to stand with me today and show that there is a distinc-

tion between the Chilean and Singaporean Free Trade Agreements because when you are asked, what is the difference, since these agreements are so similar, what is the difference and why did you vote for one and not the other, the answer is, we should have free trade with free people and we should use our economic leverage to enhance democracy in this next century.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Singapore is not the same as Chile. Each negotiation has to be taken on its own. In Singapore, there was a provision relating to the integrated sourcing initiative, and we were concerned about that. We on the Democratic side initiated efforts to make sure that there could not be use of that provision so that it was misused, so that Singapore would become a vehicle for essentially evasion of the rules. Working together, we were able to very much address, I think, the most major problem, and that is any addition of components or products unless there was the approval of this Congress in the same course as with any other piece of legislation.

In both cases, there were immigration provisions. They were of major concern to us. Again, we on the Democratic side initiated a discussion of these concerns, and we worked on a bipartisan basis within the Committee on Ways and Means and between the Committee on Ways and Means and the Committee on the Judiciary. As a result, virtually all of these concerns have been, in my judgment, essentially addressed with the additional proviso, which the gentleman from Wisconsin (Mr. SENSENBRENNER) has indicated, and that is a warning to the USTR that Chile and Singapore, in terms of immigration provisions, should not be a template, should not be a model in the future for any agreement.

The same is true of core labor standards. Here I want to be very clear. Jordan is Jordan. Singapore is Singapore. Chile is Chile. The agreement as to Jordan was satisfactory. It was, however, changed to some extent by the administration through an exchange of letters. We voted for it anyway, despite the exchange of letters, with some hesitation because Jordan, in fact, has core labor standards in their laws and enforces them. Chile does also. In its own way, so does Singapore.

I do not think the Jordan or the Singapore or Chile agreements would be satisfactory as applied to Central America and the conditions for workers in those countries. They are suppressed, and to apply even Jordan to Central America would be a serious mistake because the provisions regarding enforcement of core labor standards by Jordan talk about striving to ensure. That may be okay for a country that has them; it is unsatisfactory for most countries in Central America that simply do not have, in laws or in practice, core labor standards.

So, in my judgment, the best way to approach these trade agreements is to

take them on the terrain that exists and is likely to exist. In that respect, I am going to vote for these two agreements, as many of my colleagues will, but I think for almost all of us on this side, whether we vote "yes" or "no," there is a similar message to USTR and, that is, do not consider these agreements as a model or a template for Central America or FTAA. If you do so, you are likely to jeopardize an important agreement, CAFTA, you will not bring about the benefits that these Central American countries need, and you will have the strong opposition not only of the workers of America but virtually everybody on this side of the aisle.

Under those circumstances, I close, urging the Democrats to vote "yes." However we vote, I hope the stated message is clear to this administration and, indeed, to everybody who is concerned.

Mr. Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington is recognized for 5½ minutes.

Mr. McDERMOTT. Mr. Speaker, as you listen to my colleague from Michigan and me, you will hear us say many of the same things. You kind of wonder, why does one vote "yes" and one vote "no"?

I have been on the Committee on Ways and Means since 1991. I have been involved in all the labor agreements in the last 12 years. Today, we are voting on the first two agreements negotiated by the new Trade Representative. Most of the provisions in the two agreements do not really require Chile, Singapore or the United States to do much more than they have already agreed to do in the World Trade Organization. In fact, the service sector portions of the Singapore agreement simply restate commitments made in the WTO General Agreement on Trade and Services.

I have deep concerns about these two agreements because they are indicative of the Bush administration's poor approach to trade policy. The primary mission of the United States Trade Representative is to open up foreign markets to create economic growth and raise living standards. The agreements brought here today by the President and the ones that he is currently pursuing with Morocco and Bahrain, for example, will do little to provide economic gains for the United States. In fact, the entire economy of Singapore and Chile combined does not even equal Japan's service sector.

Furthermore, considering that the size of Russia's economy is equal to 15 countries with which we are now negotiating free trade agreements, the limited resources at USTR would be perhaps better put in focusing on Russia's accession to WTO, not a free trade agreement with Namibia.

The criterion that the Bush administration employs to determine which

countries to pursue trade agreements with is dubious at best. It is apparent that our Trade Representative is basing his decisions almost exclusively on geopolitical rather than economic criteria. I believe that Secretary Powell's agency is the appropriate one to conduct our foreign policy, not the Trade Representative.

America's best exports are the democratic values that we hold dear. While capitalism and open markets may boost trade flows, democratic values must always be a centerpiece of U.S. trade. I supported the U.S.-Jordan Free Trade Agreement because it incorporated labor and environmental issues. This was a profound development, because it symbolized the acknowledgment that we need to approach international trade in a more holistic manner. While the Chile and Singapore agreements incorporate labor and environment, they treat these issues as inferior to commercial interests, as illustrated by the inadequate dispute settlement process. This is a step backward from where we were with the Jordan agreement.

Singapore, for instance, is a hub for illegal timber, illegal wildlife and restricted pollutants like chlorofluorocarbons. The Environmental Investigation Agency reports that Singapore is, quote, "a major center of illegal trade in endangered wildlife including poached elephant ivory, tiger bone, parrots and other species." The same agency reports that Singapore is central to the regional Asian black market trade in chlorofluorocarbons, even though international trade in CFCs is strictly limited by the Montreal Protocol on Ozone Depleting Substances.

The USTR had an opportunity to change Singapore's course of illegal environmental trafficking with this agreement. Unfortunately, they decided to turn a blind eye to these illegal and harmful environmental practices on behalf of free and unbridled trade. It is now up to Congress to stand up for the environment and say "no."

I mentioned in earlier remarks how disappointed I was over the clandestine, undemocratic process that the Trade Representative has gone about, negotiating these agreements. Mr. Zoellick simply does not seem to trust those whom he claims to represent.

I am voting "no," and I encourage my fellow Democrats and Republicans, vote "no" on these agreements because I do not agree with the process or the spirit in which these agreements were negotiated. And I am voting "no" because of the trade policies that these agreements symbolize.

Although I expect these agreements will pass, the Bush administration had better take to heart the concerns of the Congress, of industry and of civil society as it continues to pursue this trade liberalization. They will not always have easy little ones like Chile and Singapore, and I do not think in the administration they yet under-

stand the depth of concern that this Congress has about the environment and about labor. They continue to think if we just put some fuzzy words in there that kind of feel soft and warm, that maybe that will get it by. There is coming a time when that will not.

They have seen the evidences already, and they are going to find it in the Doha Round. People are saying, how can the United States talk about liberalizing farm commodities and then pass out of the Congress \$160 billion in trade subsidies to farmers? Where is the fairness? How are you going to keep doing that to the world? I think the Trade Representative had better listen.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

The U.S.-Singapore Free Trade Agreement marks the first time the United States has entered into an FTA with an Asia-Pacific nation. Also, our agreement with Chile marks the first time that we have entered into a free trade agreement with a South America nation. Those will serve as precedents for further, ongoing negotiations and agreements, I am sure.

Because 99 percent of trade and goods with Singapore is already tariff-free, this agreement focuses on removing restrictions on trade and services to the benefit of our massive service sector, which accounts for around 80 percent of our GDP. Singapore is the 12th largest trading partner with the United States, with two-way trade approaching \$40 billion last year. The U.S.-Singapore FTA will enhance and strengthen this trade relationship.

These agreements reflect bipartisan consensus in TPA on labor and the environment. Some Members seek to reopen that consensus, but the law does not support them. The gentleman from Michigan is right: Singapore is not the model for future agreements nor is Chile. Trade Promotion Authority is the model and the law. These agreements embody that law and contain strong, enforceable labor and environment provisions.

The U.S.-Singapore FTA will serve as the foundation for other possible FTAs in Southeast Asia just as our Chilean agreement will do the same in South America. The FTA establishes standards for trade that mirror U.S. law and sets a precedent for future agreements.

I urge my colleagues to join in collegial, bipartisan support for these important trade bills that serve our interest as well as our trading partners' interests.

Mr. BLUMENAUER. Mr. Speaker, initially, I had significant reservations about the trade agreement with Singapore. The Integrated Sourcing Initiative was too open-ended and Singaporean enforcement of environmental laws regarding commerce in endangered species was not as rigorous as it could be.

However, a willingness to compromise and address these concerns makes me optimistic about future trade between the United States and Singapore. The progress I have seen re-

garding the tightening of the Integrated Sourcing Initiative encourages me. The implementing language that we are voting on today makes it clear that ISI expansion can only occur by express approval of Congress and can only apply to products that are already approved to enter the U.S. tariff-free.

Regarding the transshipment of endangered species and illegal timber, I was buoyed by the Memorandum of Intent in Environmental Matters signed between the U.S. and Singapore last month. The statement directly addresses endangered species conservation and the intent to work regionally in Asia on best practices and capacity building. I am confident that by continuing in this spirit of cooperation, we can work to address transshipment of this contraband that is devastating to critical ecosystems.

The legislative process has, in fact, worked, and appropriate actions are being taken to answer critics. I hope that we are able to bring this atmosphere of discussion and debate to upcoming free trade agreements, thus ensuring that each is tailored to the specific needs and opportunities that we may encounter with future partners.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the Chile and Singapore free trade agreements.

We have lost three million jobs in this country over the last two and one half years. Unemployment is at a ten year high. Our trade deficit is \$500 billion per year, and hits a new high every month. Our manufacturing base is in tatters, and our workers are crying out for help. Yet the bills we are voting on today only add insult to the injuries our workers have already suffered.

Is there any question that because of the lack of labor and environmental protections in these agreements, they will cost American jobs, increase poverty overseas, and pose grave harms to our environment? Does any one not realize that these agreements do nothing but foster a race to the bottom where American workers are forced to compete with what ever foreign workers will accept the lowest wage?

If you read these bills closely you will see there is no language which will protect our jobs or our environment. There is nothing in the legislation which requires compliance with internationally recognized core workers' rights under the International Labor Organization. And there is nothing to insure that foreign manufacturers face the same environmental standards that our own companies and workers face.

Even worse, the agreements allow thousands of workers to come into this country every year from Singapore and Chile who will take even more jobs from American workers. Unlike workers from almost every other country in the world, these foreign workers will be able to stay here indefinitely, and their employers will not be forced to comply with all of the temporary worker rules we have in place.

We should never use our immigration laws as a bargaining chip to negotiate trade deals. We shouldn't have offered visas to Mexico and Canada as part of NAFTA, we shouldn't have given 6,000 visas to Chile and Singapore as part of these trade deals, and we shouldn't trade American jobs as part of the Central American Free Trade Agreement.

Chairman SENSENBRENNER and I were able to work together to make the best we could

out of a bad situation. We made sure that the new visas, and any visas which extend beyond six years, counted against the overall temporary worker cap. And we made sure the employers paid \$1000 fees for each temporary worker that would be used to pay for training Americans. These are useful and important improvements.

But at the end of the day, we are still left with a bad trade deal that harms our workers and damages our communities. I urge a "no" vote.

Ms. ESHOO. Mr. Speaker, I rise in support of both the Chile and the Singapore Free Trade Agreements.

Free trade and expanding global markets for U.S. goods and services are critical tools to spur our faltering economy.

The Chile and Singapore free trade agreements open new markets in Latin America and Asia, important regions in the midst of economic development.

The Chile Free Trade Agreement immediately drops tariffs on 85 percent of all U.S. exports, providing a penalty-free entry for almost all American products into an untapped market. We must seize this opportunity.

The Singapore Free Trade Agreement is especially critical since it's the first trade agreement we've negotiated with an Asian country.

I recognize that through trade we export more than just U.S. goods and services. We are in fact exporting our domestic standards for protecting our environment and workforce.

I have strong concerns about how this Administration has diminished the domestic environmental and labor standards they inherited.

But I also believe that we must move forward to open global markets and I think these trade agreements set a solid precedent for doing just that.

I'm encouraged that both Chile and Singapore have a history of protecting the environment and that their labor laws are based on the International Labor Organization's core principles.

It's critical that future trade deals enhance these important standards.

I urge my colleagues to join me in supporting these important trade agreements.

Mrs. MALONEY. Mr. Speaker, I rise in support of the Singapore bilateral trade agreement.

Singapore is a valued U.S. ally and a supporter in the war on terrorism. While Singapore is a good friend and a responsible world citizen I am voting for this agreement because it is a good deal for my constituents.

The bilateral trade deal allows increased access to a number of important markets such as financial services, telecom and technology.

Much of our country's exports are now products of intellectual capital. From movies and records produced in New York City's arts community, to software developed by city programmers, protecting intellectual property is an elemental key to future trade agreements.

Accordingly, I am pleased that this agreement contains strong intellectual property protections. With the U.S. trade deficit at more than \$500 billion annually it is notable that the U.S. has a \$2.7 billion trade surplus with Singapore.

Today the House is also considering the bilateral trade agreement with Chile which I support for similar reasons including the fact that Chile has reached trade agreements with Europe and other U.S. competitors. As a result,

the U.S. has lost one third of its Chilean market share since 1997.

One other reason I am talking about both these agreements together is there is one provision in each that I oppose and that I do not want to see as a precedent in future agreements.

The trade agreements contain investor-state dispute settlement procedures that determine how U.S. investors can win damages if Chile or Singapore violate the "free transfer" provisions in each agreement. As Ranking Member of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology, I was part of a hearing on this issue and have worked closely with Financial Services Ranking Member BARNEY FRANK on it.

Effectively, these provisions allow U.S. investors to seek damages in the event that Chile or Singapore take measures to limit capital flight in the event of a reoccurrence of an Asian financial crisis-like calamity.

While Chile and Singapore are unlikely to need to impose capital controls, many economists have expressed the concern that the Administration will insist on these provisions as a template in future trade negotiations with less stable countries.

Such a policy could lead to a situation where wealthy U.S. bondholders have legal claims against a country that has imposed capital controls while all other investors face losses and where the country's own people are suffering through an economic collapse.

This special status for U.S. investors sends the wrong message about promoting free trade and could increase anti-American feelings.

I will support these agreements but urge the Administration and Treasury not to include the capital control provisions in future agreements.

Ms. DUNN. Mr. Speaker, I rise in support of the U.S.-Singapore Free Trade Agreement. It is a comprehensive trade agreement that will provide greater market access for businesses, enhance protection and enforcement of intellectual property rights, and expand investment opportunities in both countries.

While Singapore is the United States' 11th largest trading partner with two-way trade in goods and services of over \$38 billion, their importance cannot be measured in trade alone. Singapore's strategic location makes it an attractive regional hub for many U.S. multinational businesses to export in Asia. This trade agreement is not only about expanding market access, but also ensuring that U.S. businesses remain strategically competitive among APEC countries and the Asia Pacific region.

The U.S.-Singapore FTA will certainly benefit those of us from the Pacific Northwest. As you are aware, Washington is the most trade dependent state in the nation, with nearly one in three jobs related to trade. In 2000, 80 percent of Washington State's \$103 billion worth of trade were with APEC countries.

Let me give a few examples why the U.S.-Singapore FTA is important.

For the 25,000 Boeing workers I represent, this FTA means keeping the aircraft industry viable in our community. Nearly 90 percent of Singapore Airlines fleet is Boeing aircrafts, making the airline one of Boeing's key customers in the Asia Pacific region and the world. Over the years, Singapore Airlines has added approximately \$20-\$25 billion to our economy.

For our high tech firms, this FTA means strengthening intellectual property standards. I represent Microsoft's corporate campus and the software industry loses \$12 billion annually due to counterfeiting and piracy. In this FTA, the Singaporean government will implement tough penalties against piracy and counterfeiting.

For our ports, increasing the volume of trade in Asia Pacific region will create high-wage jobs that would otherwise not have existed. The Ports of Seattle and Tacoma handle approximately seven percent of all U.S. export and 6 percent of all imports. Without a doubt, expanded trade with Singapore will make our ports more critical and valuable to the U.S. economy.

These are just some of the benefits of this FTA. More significant than the statistics and dollar value of goods traded, the U.S.-Singapore FTA reflects a continued commitment by President Bush, Ambassador Zoellick, and Congress to reduce global trade barriers. This FTA is a reminder to other nations in the region that they need to join us in furthering trade liberalization.

Vote for this bill to implement the U.S.-Singapore Free Trade Agreement.

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my support for H.R. 2739, legislation implementing a free trade agreement with Singapore.

This agreement represents a historic first for the United States as it will be the first FTA we sign with an Asian nation. The Asian-Pacific region represents approximately 50 percent of the world's population, and we must work aggressively to open up new markets in this region to remain competitive in the world marketplace. The Singapore FTA is an important first step in that regard.

Our high-tech industry stands to gain new opportunities with this agreement. Last year the U.S. exported nearly six billion dollar's worth of high-tech goods to Singapore. The high-tech sector is the largest merchandise exporter in the United States, and this agreement will help build on that success.

Unlike other trade agreements, this Agreement guarantees zero tariffs on all U.S. products imported by Singapore immediately upon ratification. This means companies do not have to wait years to realize the benefits of trade with Singapore.

As America's twelfth largest trading partner and export market, Singapore possesses a world-class infrastructure, a well-educated workforce, and growing middle-class. This Agreement will allow the United States to compete effectively in this vibrant market and demonstrate to the rest of Asia the benefits of fair free trade.

While this is an acceptable agreement for a nation as economically advanced and sophisticated as Singapore, I want to make it perfectly clear to the Administration that the Singapore Free Trade Agreement, and the Chile Agreement, are not sufficient models for future trade agreements.

Currently, the Administration is negotiating a Free Trade Agreement of the Americas, a Central American Free Trade Agreement, and several other FTAs with a variety of nations. As the Administration's first attempts to negotiate a free trade agreement, I believe Singapore and Chile deserve support. However, future agreements will prove to be much more difficult tests of the Administration.

I support fair trade. However, on future FTAs, the Administration will need to do a better job with regard to market access, sanitary and phytosanitary issues, labor and environmental standards, and intellectual property protection. I look forward to continuing to work with the Administration and my colleagues in Congress on all of these important issues.

I ask my colleagues to support this bill.

Mr. KIND. Mr. Speaker, I rise today in support of the U.S.-Singapore Free Trade Agreement (FTA). While I maintain reservations about certain sections of this agreement, overall I believe that this FTA will benefit Wisconsin and the United States.

As our nation leads the world into the 21st century, we should not shy from opportunities to guide and expand global trade. Singapore is a model of successful, pro-trade economic growth in a region still seeking to establish stable economies. Our enhanced engagement with Singapore, symbolized in the free trade agreement, is a necessary commitment to stability and economic prosperity in Asia, while at the same time serving to expand American export opportunities.

The U.S.-Singapore FTA builds upon an already strong trade relationship with mutually low tariffs. While over \$16 billion in American imports in 2002, Singapore is the 11th largest export market for the U.S. This includes over 120,000 manufactured goods exported to Singapore from Wisconsin with a total value of \$102 million, including \$42.6 million in industry machinery.

Some of the most important benefits to U.S. workers in this agreement will be realized by addressing issues of growing concern for international trade in the 21st century. Today's trade environment is constantly changing, with non-tariff trade issues impacting all aspects of our economy and law. Through numerous rounds of negotiation over 3 years, negotiators were able to reach agreements on very complicated and important issues including state-of-the-art intellectual property protections, e-commerce, market access, and government procurement. Further, this agreement increases government transparency and regulatory reform necessary to protect American businesses and women.

As I mentioned earlier, I do have concerns with this agreement, but on its merits, I believe the FTA with Singapore addresses a number of important issues and will benefit the American economy. It also serves to demonstrate to other Asian nations the high standards demanded by the U.S. when engaging in trade relationship.

As with the Chile Agreement, controversy remains on a few very important aspects of any trade agreement—those dealing with labor and environment. While these provisions are some of the most difficult to find agreement on with potential trade partners, I, along with many in Congress, believe bilateral trade agreements can serve to raise labor and environmental standards in developing nations as must be included in FTA's.

While the labor provisions in this agreement differ from those in the Jordan agreement, the labor language of this bill, requiring Singapore to enforce its labor laws or be subject to penalty, is acceptable because there is wide agreement that Singapore's labor laws are consistent with high International Labor Organization standards and are systematically enforced. In addition, there is wide agreement

that, while possible, it is very unlikely that Singapore would regress and lower labor standards to entice trade.

I, along with many members, also remain concerned with the inclusion of immigration policy in a fast tracked trade bill. While the U.S. Trade Representative (USTR) argues that the temporary worker provisions can be an aspect of services trade, I believe that Congress must thoroughly debate any changes to immigration policy. These objections were strongly conveyed by my colleagues and me to the USTR, and as a result, the implementing language before us includes language placing certain H1-B visa restrictions and caps on the temporary worker provisions in this agreement that were previously excluded.

One of the most confusing aspects of this agreement relates to the Integrated Sourcing Initiative (ISI). I, along with many members, had serious reservations about this ambiguous provision as originally drafted and raised these concerns with the USTR. The implementing bill before us, however, includes language virtually nullifying the transshipment concerns with the original draft. Under this bill, the ISI only applies to the limited number of information and medical technology products already allowed to enter the United States duty free under the WTO's Information Technology Agreement. And, contrary to the original draft, this list of eligible products cannot be expanded without congressional approval. In order for a third party to take advantage of the ISI, the eligible product would have to first be shipped to the U.S. from the country of origin, then to Singapore, and then back to the United States. Given these restrictions, there is wide agreement that the ISI will not pose a threat to American workers.

Trade agreements cannot be one-size-fits-all, and this comprehensive bilateral agreement conforms to the characteristics of Singapore and the United States. With an open and developed economy grounded in market-based principles, a strong and growing middle class, and laws respecting human rights, Singapore, like Chile, is a model trading partner. It is in the strategic interest, and economic interest to engage Singapore and complete this bilateral free trade agreement. I urge my colleagues to support this agreement.

Mr. SENSENBRENNER. Mr. Speaker, both the U.S.-Chile and U.S.-Singapore Free Trade Agreements include several important provisions within the purview of the Judiciary Committee. Both agreements contain competition clauses that ensure antitrust laws are applied in a neutral, transparent, nondiscriminatory manner while safeguarding basic procedural rights. The agreements also contain robust intellectual property protections, requiring the governments of Chile and Singapore to take affirmative steps to eradicate the piracy of trademarks, patents, satellite television signals, and other forms of intellectual property. These intellectual property provisions are widely supported and are likely to serve as a model for future Free Trade Agreements. The intellectual property and antitrust provisions required no substantive changes to U.S. law.

For the last several years, I have vocally and repeatedly expressed concern about substantive changes to U.S. law contained in free trade agreements. Before passage of Trade Promotion Authority, immigration provisions were included in earlier free trade agreements

such as NAFTA, without formal consultation with Congress. This regrettable practice created precedent for subsequent trade agreements, and immigration provisions were included in both the Chile and Singapore Free Trade Agreements before the elevated consultation requirements created by Trade Promotion Authority were enacted last year.

Mr. Speaker, Article I, Section 8, Clause 3 of the Constitution gives Congress plenary authority over matters pertaining to immigration and naturalization. During the Judiciary Committee's "mock markup" of this legislation, I, Ranking Member CONYERS, and several Members of the Committee spoke with a united bipartisan voice and declared that immigration provisions in future free trade agreements will not receive the support of the Judiciary Committee.

Following the markup, I and Ranking Member CONYERS transmitted a letter to the United States Trade Representative that reaffirmed Congress' exclusive constitutional mandate to consider immigration law. An additional letter by other Members of the Committee and several Members of Congress echoing this bipartisan commitment was also sent to the Trade Representative.

Mr. Speaker, the Judiciary Committee's July 10th pre-introduction markup of this legislation was a "mock markup" in name only. At the markup, the Committee reported several substantive amendments to this legislation which were incorporated into the legislation we consider today.

First, while the draft implementing legislation created a separate visa category for skilled workers from Chile and Singapore, the Judiciary Committee amended the Immigration and Nationality Act to ensure that these visas—6,800 in total—are now deducted from the national H-1B cap at the time they are issued and when they are renewed after five or more prior extensions.

The Committee also reported an amendment to ensure that every second extension of temporary status for citizens of Chile and Singapore be accompanied by a new employer attestation to ensure that an employer updates the prevailing wage determination after each second application for extension. In addition, the Committee approved an amendment that requires an employer to pay a fee equal to that charged to an employer petitioning for H-1B visa status whenever a temporary entry visa is granted and after every second extension of that status.

Finally, H.R. 2738 and H.R. 2739 now explicitly state that an employer generally cannot sponsor an alien for an E, L, or H-1B1 visa if there is any labor dispute occurring in the occupational classification at the place of employment, regardless of whether the labor dispute is classified as a strike or lockout. In this regard, Title IV of both bills provides greater worker protection than that presently contained in the H-1B program.

The Committee's commitment to ensuring that its amendments were incorporated into the introduced bills we consider today dramatically enhanced the quality of the legislation and recaptured a crucial prerogative of Congress. It is my hope and expectation that the Judiciary Committee's clarion call over the last two weeks that immigration provisions be excluded from future trade agreements will be clearly received by this—and future—Administrations. Given the leadership of Ambassador

Zoellick, his proven commitment to working with Congress on a cooperative and constructive basis that fully respects the constitutional prerogatives of this body, and the dedication and professionalism of his staff, I have great confidence that the will of Congress will not be ignored.

Mr. Speaker, reducing barriers to U.S. exports is crucial to restoring America's economic vibrancy. U.S. products containing intellectual property continue to lead America's exports, and it is incumbent upon this body to ensure that foreign governments stamp out the rampant piracy that costs America several billion dollars a year.

Strong safeguards in these agreements will ensure that the governments of Chile and Singapore create criminal sanctions to punish intellectual property theft with the seriousness and severity that it demands. In addition, the antitrust provisions will ensure that these governments do not rely on the increasingly common foreign practice of manipulating antitrust laws to discriminate against United States businesses.

Mr. Speaker, the Chile and Singapore Free Trade Agreements contain critical market-opening provisions which will expand commercial opportunities for America's farmers and dairy producers, and ensure that the United States continues to lead the world in exports. These agreements also advance America's broader strategic interests by liberalizing trade with two key economic allies which serve as regional models for neighboring countries.

For the reasons I've outlined, I urge my colleagues to support this legislation.

Mr. SHAYS. Mr. Speaker, I rise in strong support of this legislation to implement free trade agreements that have been negotiated with Chile and Singapore. These agreements are an important step in restoring our international competitiveness, stimulating our economy and promoting long-term economic growth.

The Administration's first two negotiated agreements since receiving trade promotion authority in 2002 will benefit businesses in Connecticut, which exported \$279 million worth of goods to Singapore and \$59 million worth of goods to Chile in 2000. More broadly, these agreements provide an excellent framework for creating larger free trade areas.

Chile could be a model for creating a Central American Free Trade Agreement, and even more broadly, a Free Trade Area of the Americas. The country is an ideal partner in South America because, unlike many other nations in the region, it has stabilized and restructured its economy, lifting price controls, deregulating labor markets, and privatizing state enterprises.

The United States is Chile's largest single-country trading partner, accounting for 20 percent of Chilean exports and 15 percent of imports in 2002. Chile is the United States' 34th largest export destination and 36th largest import contributor, but because Chile already has free trade agreements with other countries, including Canada, an agreement with Chile is critical to reduce the relatively high tariffs U.S. businesses face compared to these countries, and allow them to compete.

Singapore is a much larger trading partner for the United States. It is our 11th largest export market, with \$16.2 billion in goods, and the 16th largest source for imports, with \$14.8 billion. The United States is Singapore's sec-

ond-largest trading partner, after Malaysia and before even Japan. Both countries already have relatively open trade with very low tariffs, if any at all, so the implementation of this agreement should not create a significant imbalance of any sort.

Southeast Asia generally has been a poor partner in trade, with average tariffs near 30 percent, and I have serious concerns about these nations' respect for intellectual property (IP) rights, but this agreement is a step in the right direction. The agreement allows U.S. companies to receive monetary compensation in cases where IP rights have been violated, and establishes tough penalties under Singapore law for IP violators.

In my judgment, trade can have a positive effect on social reforms and environmental protections by facilitating economic development and creating both the income and the institutional structures to address those issues.

Since 1994, when trade promotion authority expired, the United States has been steadily losing its status as the leader of free trade. We can't afford to let this decline continue. Passing trade promotion authority was like setting up a ladder that gives us the ability to get back to the top, and passing these two free trade agreements takes the first steps up that ladder. I urge my colleagues to support H.R. 2738 and H.R. 2739.

Mr. MOORE. Mr. Speaker, I rise in support of both H.R. 2738 and H.R. 2739, the U.S.-Chile and U.S.-Singapore Free Trade Agreements, respectively.

Globalization is here to stay. With markets now linked globally by computers, satellite communications, and advanced transportation networks, international trade and investment will play an increasing role in American prosperity. We cannot, as a nation, afford to retreat from a proactive strategy of trade expansion that takes advantage of our position as the world's most prosperous and dynamic economy.

I have great faith in American workers. They are the best in the world. And, I'm convinced they can compete with workers from any other country.

Trade liberalization is also an important tool towards developing responsible global relations. It is a tool, as the preamble of the GATT states, for "raising standards of living, ensuring full employment, developing the full use of the resources of the world and expanding the production and exchange of goods." Indeed, open markets are an important engine of economic growth, which can expand opportunities, raise living standards, and affect social change. Perhaps most importantly, however, trade liberalization provides our nation with an additional diplomatic tool and a forum within which our nation may deal with international disputes and/or coalition building. Trade's national security component cannot be understated.

The Chile and Singapore Free Trade Agreements include strong and comprehensive commitments from both of these nations to open their goods, agricultural and service markets to U.S. producers. These agreements include commitments that will increase regulatory transparency and act to the benefit of U.S. workers, investors, intellectual property holders, businesses and consumers.

While some of the provisions in these FTAs could serve as a model for other agreements, a number of provisions clearly cannot be, nor

should they be. As a general rule, I believe that each country or countries with whom we negotiate are unique, and while the provisions contained in the Chile and Singapore FTAs work for Chile and Singapore, they may not be appropriate for FTAs with other countries, where there may exist very different circumstances.

Indeed, concerns have been raised that the Administration may sue some of their provisions contained in the agreements as models for other FTAs, such as the Central America Free Trade Agreement (CAFTA), where the conditions may make it inappropriate to do so. Specifically, with regard to the labor and environmental provisions, there are separate dispute settlement rules that place arbitrary caps on the enforceability of those provisions. Moreover, these agreements that contain an "enforce your own laws" standard for dealing with labor and environmental disputes. In the context of Chile and Singapore, I have limited concerns about this standard since both of these countries' laws essentially reflect internationally recognized core labor rights. How they are applied does vary in the two countries, reflecting the different characteristics of the two nations; however, there is little practical concern that these countries will backtrack.

Concerns about labor and environmental standards, however, should receive careful scrutiny on a case-by-case basis as different circumstances and situations warrant. Use of the "enforce your own law" standard is invalid as a precedent—indeed is a contradiction to the purpose of promoting enforceable core labor standards—when a country's laws clearly do not reflect international standards and when there is a history, not only of non-enforcement, but of a hostile environment towards the rights of workers to organize and bargain collectively. Using a standard in totally different circumstances will lead to totally different results.

As such, my vote for the Chile and Singapore FTAs should not be interpreted as support for using these agreements as boilerplate models for future trade negotiations. I will evaluate all future trade agreements on their merits and their applicability to each country to ensure that core international labor rights and environmental standards are addressed in a meaningful manner. Expanded trade is important to this country and the world; but it will be beneficial to a broad range of persons in our nation and in other nations only if these trade agreements are carefully shaped to include basic standards, including the requirement that nations compete on the basis of core rights for their workers, not by suppression of these basic rights.

The Singapore and Chile FTAs meet these standards and I urge my colleagues to support these two important initiatives.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 2739, the United States-Singapore Free Trade Implementation Act. A free trade agreement with Singapore allows U.S. industries access to America's 12th largest trading partner—a partner that represents roughly \$40 billion in two-way trade of goods and services.

H.R. 2739 provides direct market access for American industries and workers. With the implementation of this bill, Singapore will immediately eliminate tariffs on all goods from the United States.

The agreement before us is also critical to U.S. investors. Direct foreign investment in Singapore was more than \$27 billion in 2001. This agreement ensures U.S. investors will receive the same fair treatment as investors from Singapore.

Mr. Speaker, I salute Ambassador Robert Zoellick and his team for successfully negotiating the agreement before us today. I urge adoption of H.R. 2739.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 2738 and H.R. 2739, the U.S.-Chile FTA Implementation Act and the U.S.-Singapore FTA Implementation Act, respectively. It is unfortunate that I find myself in this position because I want to support trade agreements because I believe they can have a positive effect on our economy. However, they only can have a positive effect if they are negotiated properly. They only can have a positive effect if they have strong labor, environmental, and consumer protections. Unfortunately, these two bills before us, and the underlying Free Trade Agreements, are woefully inadequate in these regards.

Unlike the U.S.-Jordan FTA, which passed unanimously in the 107th Congress, these FTAs—the first signed by the Administration since passage of Trade Promotion Authority—will set a dangerous precedent for future agreements, including the Central American FTA and the Free Trade Area of the Americas (FTAA).

Unlike the U.S.-Jordan FTA, which provided workers with enforceable protections based on the core International Labor Organizations workers' rights—freedom of associations; the right to bargain collectively; prohibitions on child labor, forced labor and employment discrimination, these FTAs give scant attention to these important issues. The ONLY reference to workers' rights is a provision stating that each party "shall not fail to effectively enforce its labor laws," no matter how inadequate they may be. There is no parity between our strong labor laws here in the United States and the weak protections in Singapore or Chile.

As predicted during the TPA debate during the 107th Congress, these trade agreements are bad environmental policy—and now, we have no change to amend them. Contrary to the claims of the FTA supporters, the provisions on investment in the Chile and Singapore FTAs do not meet the requirements of the Trade Act of 2002 that foreign investors should receive "no greater substantive rights" than U.S. citizens under U.S. law. What this means is that foreign investors will be granted broad rights under international law that do not exist under U.S. law. For example, many companies have aggressively used NAFTA's Chapter 11 authority to undermine our strong environmental protections. This continues with the Chile and Singapore FTAs where foreign investors can bring suit against our laws to prevent pollution because they may claim a right to be compensated. This is just one example. Applied broadly, these two FTAs have investment language that could cause serious harm to the environment and the public interest.

The Chile and Singapore FTAs also undermine U.S. immigration policy. Specifically, they loosen policies regarding temporary entry to workers. Some claim the H1-B visa issue has been addressed. However, this is far from true. While the implementing legislation claims to "fix" the problem by limiting the damage by

applying SOME elements of the H1-B, these provisions are NOT legally binding because the agreements in the actual trade agreement has been violated by these "fixes" and will be eliminated in the pacts' dispute resolution systems. Furthermore, the Chile FTA has an unprecedented requirement that the U.S. provide "written justification" to any person denied a visa.

The Singapore FTA contains Integrated Sourcing Initiative (ISI)/Transshipment permissions. Last year's Fast Track, or Trade Promotion Authority contained no authority to negotiate such deals. Yet, the U.S. Trade Representative has this deal in the FTA, and the so-called "fix" largely replicates existing terms in the World Trade Organization Information Technology Agreement, for which even the Clinton Administration—as pro-free trade as any—never sought congressional approval.

Also, these FTAs could have very negative affects on the health care system. They will impede the access to life-saving medicines by extending patents beyond the 20-year limit required by the Trade-Related Aspects of Intellectual Property Rights (TRIPS); they will require a 5-year waiting period before governments can provide generic drug producers test data, thereby delaying affordable medicines; they also will permit major pharmaceutical companies to block the production of generic medicines. Also, the Singapore FTA reduces tobacco tariffs to ZERO, which actually will encourage more dumping of U.S. tobacco products in Singapore. Finally, these FTAs will open the door to further privatization and deregulation of vital human services including health care professionals, and the provisions for public control of water and sanitation services. Amazingly, these FTAs will leave the U.S. open to challenges from foreign private corporations and the subsidiaries to compete for these public sector services. This is just plain wrong.

Finally, some have claimed to have "fixed" this legislation with a "mock mark-up" in the Ways & Means Committee. I'm not quite certain what a "mock" mark-up is, but most believe it hasn't done anything. Specifically, some who support this implementing legislation say we have two choices: one, we can block this legislation to send a message to the Administration that they need to do a better job of negotiating FTAs that have real environmental and labor protections. Or, two, we can approve this implementing legislation, and then send a message to the White House to do a better job the next time. I, for one, am not willing to take that risk—the risk that this White House and this USTR will actually listen to Congress. That is one of the reasons I voted against TPA in the first place. Sadly, many of my concerns and reason for voting no have come to fruition in these first two negotiations.

I want to support free trade because I know it has the potential to help American workers and consumers. In fact, I have supported trade agreements previously, including the U.S.-Jordan FTA. Unfortunately, however, I cannot find many positive developments in either the U.S.-Chile Free Trade Agreement or the U.S.-Singapore Free Trade Agreements. Reluctantly, Mr. Speaker, I will vote NO on H.R. 2738 and on H.R. 2739. I urge my colleagues to do likewise.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 329, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on engrossment and third reading will be followed by 5-minute votes on any other questions on which record votes may be ordered in series on the pending business.

The vote was taken by electronic device, and there were—yeas 309, nays 114, not voting 11, as follows:

[Roll No. 430]  
YEAS—309

Aderholt	Cubin	Hayes
Akin	Culberson	Hayworth
Bachus	Cunningham	Hefley
Baker	Davis (CA)	Hensarling
Ballance	Davis (FL)	Herger
Ballenger	Davis (TN)	Hill
Barrett (SC)	Davis, Jo Ann	Hinojosa
Bartlett (MD)	Davis, Tom	Hobson
Barton (TX)	Deal (GA)	Hoekstra
Bass	DeGette	Honda
Beauprez	DeLay	Hooley (OR)
Bell	DeMint	Hostettler
Bereuter	Diaz-Balart, L.	Houghton
Berman	Diaz-Balart, M.	Hoyer
Berry	Dingell	Hulshof
Biggart	Doggett	Hunter
Bilirakis	Dooley (CA)	Hyde
Blackburn	Doolittle	Insee
Blumenauer	Dreier	Isakson
Blunt	Duncan	Issa
Boehlert	Dunn	Istook
Boehner	Edwards	Janklow
Bonilla	Ehlers	Jefferson
Bonner	Emanuel	Jenkins
Bono	Emerson	John
Boozman	English	Johnson (CT)
Boswell	Eshoo	Johnson (IL)
Boyd	Etheridge	Johnson, E. B.
Bradley (NH)	Everett	Johnson, Sam
Brady (TX)	Feeney	Jones (NC)
Brown (SC)	Ferguson	Keller
Brown-Waite,	Flake	Kelly
Ginny	Fletcher	Kennedy (MN)
Burgess	Foley	Kind
Burns	Forbes	King (IA)
Burr	Ford	King (NY)
Burton (IN)	Fossella	Kingston
Buyer	Franks (AZ)	Kirk
Calvert	Frelinghuysen	Kline
Camp	Galleghy	Knollenberg
Cannon	Garrett (NJ)	Kolbe
Cantor	Gerlach	LaHood
Capito	Gibbons	Lampson
Capps	Gilchrest	Larsen (WA)
Cardin	Gillmor	Latham
Carson (OK)	Gingrey	LaTourette
Carter	Gonzalez	Leach
Case	Goodlatte	Levin
Castle	Gordon	Lewis (CA)
Chabot	Granger	Lewis (KY)
Chocola	Graves	Linder
Coble	Green (WI)	LoBiondo
Cole	Greenwood	Lofgren
Collins	Gutknecht	Lowe
Conyers	Hall	Lucas (KY)
Cooper	Harman	Lucas (OK)
Cox	Harris	Majette
Crane	Hart	Maloney
Crenshaw	Hastings (FL)	Marshall
Crowley	Hastings (WA)	Matheson

□ 1436

McCotter Snyder  
 McCreery Souder  
 McHugh Stark  
 McInnis Stearns  
 McKeon Stenholm  
 Meehan Radanovich  
 Meek (FL) Ramstad  
 Meeks (NY) Rangel  
 Menendez Regula  
 Mica Rehberg  
 Miller (FL) Renzi  
 Miller (MI) Reyes  
 Miller, Gary Reynolds  
 Moore Rogers (AL)  
 Moran (KS) Rogers (KY)  
 Moran (VA) Rogers (MI)  
 Murphy Rohrabacher  
 Musgrave Ros-Lehtinen  
 Myrick Ross  
 Neal (MA) Royce  
 Nethercutt Ryan (WI)  
 Neugebauer Ryun (KS)  
 Ney Sanders  
 Northup Saxton  
 Norwood Schiff  
 Nunes Schrock  
 Nussle Scott (VA)  
 Ortiz Sensenbrenner  
 Osborne Serrano  
 Ose Sessions  
 Otter Shadegg  
 Owens Shaw  
 Oxley Shays  
 Paul Sherwood  
 Pearce Shimkus  
 Pence Shuster  
 Peterson (PA) Simmons  
 Petri Simpson  
 Pickering Skelton  
 Pitts Slaughter  
 Platts Smith (MI)  
 Pombo Smith (NJ)  
 Pomeroy Smith (TX)  
 Porter Smith (WA)

Ms. MCCARTHY of Missouri, Mr. DEUTSCH and Mr. ROTHMAN changed their vote from “yea” to “nay.”

Ms. DEGETTE, Ms. EDDIE BERNICE JOHNSON of Texas and Messrs. EMANUEL, CASE and JEFFERSON changed their vote from “nay” to “yea.”

So the bill was ordered to be engrossed and read a third time.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. LEVIN

Mr. LEVIN. Mr. Speaker, I offer a motion to reconsider the vote by which engrossment and third reading was ordered.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LEVIN moves to reconsider the vote by which engrossment and third reading was ordered.

MOTION TO TABLE OFFERED BY MR. CRANE

Mr. CRANE. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) to lay on the table the motion to reconsider the vote by which the bill was ordered engrossed and read a third time.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 153, not voting 12, as follows:

[Roll No. 431]

AYES—269

NAYS—114  
 Abercrombie Green (TX)  
 Ackerman Grijalva  
 Alexander Gutierrez  
 Allen Hoeffel  
 Andrews Holden  
 Baca Holt  
 Baird Israel  
 Baldwin Jackson (IL)  
 Becerra Jackson-Lee  
 Bishop (GA) (TX)  
 Bishop (NY) Jones (OH)  
 Boucher Kanjorski  
 Brady (PA) Kaptur  
 Brown (OH) Kennedy (RI)  
 Brown, Corrine  
 Capuano Kiecicka  
 Cardoza Kucinich  
 Carson (IN) Langevin  
 Clay Lantos  
 Clyburn Larson (CT)  
 Costello Lee  
 Cramer Lewis (GA)  
 Cummings Lipinski  
 Davis (AL) Lynch  
 Davis (IL) Markey  
 DeFazio Matsui  
 Delahunt McCarthy (MO)  
 DeLauro McCarthy (NY)  
 Deutsch McCollum  
 Dicks McDermott  
 Doyle McGovern  
 Engel McIntyre  
 Evans McNulty  
 Farr Michaud  
 Fattah Millender  
 Filner McDonald  
 Frank (MA) Miller (NC)  
 Frost Miller, George  
 Goode Mollohan

NOT VOTING—11

Berkley Hinchey  
 Bishop (UT) Kilpatrick  
 Gephardt Manzullo  
 Goss Pastor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

Aderholt Cantor  
 Akin Capito  
 Bachus Capps  
 Baker Carson (OK)  
 Ballenger Carter  
 Barrett (SC) Case  
 Bartlett (TX) Castle  
 Bass Chabot  
 Beauprez Choccola  
 Berman Coble  
 Biggart Collins  
 Bilirakis Cooper  
 Blackburn Cox  
 Blunt Crane  
 Boehlert Crenshaw  
 Boehner Crowley  
 Bonilla Cubin  
 Bonner Culberson  
 Bono Cunningham  
 Boozman Davis (CA)  
 Boyd Davis (FL)  
 Bradley (NH) Davis (TN)  
 Brady (TX) Davis, Jo Ann  
 Brown (SC) Davis, Tom  
 Brown, Corrine Deal (GA)  
 Brown-Waite, DeMint  
 Ginny Diaz-Balart, L.  
 Burgess Diaz-Balart, M.  
 Burns Doggett  
 Burr Dooley (CA)  
 Burton (IN) Doolittle  
 Buyer Dreier  
 Calvert Duncan  
 Camp Dunn  
 Cannon Edwards

Hensarling  
 Heger  
 Hill  
 Hinojosa  
 Hobson  
 Hoekstra  
 Hostettler  
 Houghton  
 Hulshof  
 Hunter  
 Hyde  
 Inslee  
 Isakson  
 Issa  
 Istook  
 Janklow  
 Jefferson  
 Jenkins  
 Johnson (CT)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones (NC)  
 Keller  
 Kelly  
 Kennedy (MN)  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk  
 Kline  
 Knollenberg  
 Kolbe  
 LaHood  
 Latham  
 LaTourette  
 Leach  
 Levin  
 Lewis (CA)  
 Lewis (KY)  
 Linder  
 LoBiondo  
 Lofgren  
 Lucas (KY)  
 Lucas (OK)  
 Manzullo  
 Marshall  
 Matsui  
 McCollum  
 McCotter  
 McCreery  
 McHugh  
 McInnis

NOES—153

Abercrombie  
 Ackerman  
 Alexander  
 Allen  
 Andrews  
 Baca  
 Baird  
 Baldwin  
 Ballance  
 Becerra  
 Bell  
 Berry  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Boswell  
 Boucher  
 Brady (PA)  
 Brown (OH)  
 Capuano  
 Cardin  
 Cardoza  
 Carson (IN)  
 Clay  
 Clyburn  
 Conyers  
 Costello  
 Cramer  
 Cummings  
 Davis (AL)  
 Davis (IL)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Deutsch  
 Dicks  
 Dingell  
 Doyle  
 Emanuel  
 Engel  
 Eshoo  
 Evans  
 Farr  
 Fattah  
 Filner  
 Ford  
 Frank (MA)  
 Frost  
 Gordon  
 Green (TX)  
 Grijalva  
 Gutierrez  
 Harman  
 Hastings (FL)  
 Hinchey  
 Hoeffel  
 Holden  
 Holt  
 Honda  
 Hoolley (OR)  
 Hoyer  
 Israel  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 John  
 Jones (OH)  
 Kanjorski  
 Kaptur  
 Kennedy (RI)  
 Kildee  
 Kiecicka  
 Kucinich  
 Lampson  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Lee  
 Lewis (GA)  
 Lipinski  
 Lowey  
 Lynch  
 Majette  
 Maloney  
 Markey  
 Matheson  
 McCarthy (MO)  
 McCarthy (NY)  
 McDermott  
 McGovern  
 McIntyre  
 McNulty  
 Meehan  
 Meek (FL)  
 Michaud  
 Millender-  
 McDonald  
 Miller (NC)  
 Miller, George  
 Mollohan  
 Moore  
 Murtha  
 Nadler  
 Napolitano  
 Neal (MA)  
 Oberstar  
 Olver  
 Owens  
 Pallone  
 Pascrell  
 Payne  
 Peterson (MN)  
 Rahall  
 Rangel  
 Rodriguez  
 Ross  
 Rothman  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Ryan (OH)

Sabo	Spratt	Udall (NM)
Sanchez, Linda T.	Stark	Velazquez
Sanchez, Loretta	Stenholm	Visclosky
Sanders	Strickland	Waters
Schiff	Stupak	Watson
Scott (GA)	Tanner	Watt
Serrano	Taylor (MS)	Waxman
Sherman	Thompson (MS)	Weiner
Slaughter	Tierney	Wexler
Solis	Towns	Woolsey
	Udall (CO)	Wynn

NOT VOTING—12

Bartlett (MD)	Gephardt	Pelosi
Berkley	Goss	Sullivan
Bishop (UT)	Kilpatrick	Turner (TX)
DeLay	Pastor	Wu

□ 1445

Mr. RENZI changed his vote from “no” to “aye.”

So the motion to table the motion to reconsider engrossment and third reading was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WU. Mr. Speaker, I entered the Chamber in the last rollcall vote prior to this one, attempting to vote by electronic device, when the electronic device would not take my vote. I approached the table and attempted to submit a vote on that motion and my attempt to vote was not accepted.

Had my vote been accepted, I would have voted “no” on that resolution.

So the bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 155, not voting 7, as follows:

[Roll No. 432]

AYES—272

Bachus	Brown (SC)	Crenshaw
Baird	Brown-Waite,	Crowley
Baker	Ginny	Cubin
Ballance	Burgess	Culberson
Ballenger	Burns	Cunningham
Bartlett (MD)	Burr	Davis (AL)
Barton (TX)	Burton (IN)	Davis (CA)
Bass	Buyer	Davis (FL)
Beauprez	Calvert	Davis (TN)
Becerra	Camp	Davis, Tom
Bereuter	Cannon	DeGette
Berman	Cantor	DeLay
Biggert	Caputo	DeMint
Bilirakis	Capps	Diaz-Balart, L.
Blackburn	Cardin	Diaz-Balart, M.
Blumenauer	Carson (OK)	Dicks
Blunt	Carter	Doggett
Boehlert	Case	Dooley (CA)
Boehner	Castle	Doolittle
Bonilla	Chabot	Dreier
Bonner	Chocola	Dunn
Bono	Cole	Edwards
Boozman	Collins	Ehlers
Boswell	Cooper	Emanuel
Boyd	Cox	Emerson
Bradley (NH)	Cramer	English
Brady (TX)	Crane	Eshoo

Etheridge	Latham	Rehberg	Miller (NC)	Rothman	Strickland
Feeney	LaTourette	Renzi	Mollohan	Roybal-Allard	Stupak
Ferguson	Leach	Reyes	Murtha	Ruppersberger	Tancredo
Flake	Levin	Reynolds	Nadler	Rush	Taylor (MS)
Fletcher	Lewis (CA)	Rogers (AL)	Napolitano	Ryan (OH)	Taylor (NC)
Foley	Lewis (KY)	Rogers (KY)	Norwood	Sabo	Thompson (MS)
Forbes	Linder	Rogers (MI)	Oberstar	Sanchez, Linda T.	Tierney
Ford	Lofgren	Ros-Lehtinen	Obey	T.	Towns
Fossella	Lowey	Royce	Olver	Sanchez, Loretta	Udall (NM)
Franks (AZ)	Lucas (KY)	Ryan (WI)	Owens	Sanders	Velazquez
Frelinghuysen	Lucas (OK)	Ryun (KS)	Pallone	Schakowsky	Visclosky
Gallegly	Majette	Sandlin	Pascrell	Scott (GA)	Waters
Garrett (NJ)	Maloney	Saxton	Paul	Scott (VA)	Watt
Gerlach	Manzullo	Schiff	Payne	Serrano	Wexler
Gibbons	Matheson	Shrock	Peterson (MN)	Sherman	Wilson (SC)
Gilchrest	Matsui	Sensenbrenner	Quinn	Simmons	Woolsey
Gillmor	McCotter	Sessions	Rahall	Slaughter	Wu
Gingrey	McCrery	Shadegg	Rodriguez	Solis	Wynn
Gonzalez	McInnis	Shaw	Rohrabacher	Spratt	Young (AK)
Goodlatte	McKeon	Shays	Ross	Stark	
Granger	Meehan	Sherwood			
Graves	Meek (FL)	Shimkus			
Greenwood	Meeke (NY)	Shuster			
Hall	Mica	Simpson			
Harman	Miller (FL)	Skelton			
Harris	Miller (MI)	Smith (MI)			
Hart	Miller, Gary	Smith (NJ)			
Hastings (WA)	Moore	Smith (TX)			
Hensarling	Moran (KS)	Smith (WA)			
Herger	Moran (VA)	Snyder			
Hill	Murphy	Souder			
Hinojosa	Musgrave	Stearns			
Hobson	Myrick	Stenholm			
Hoolley (OR)	Neal (MA)	Sweeney			
Houghton	Nethercutt	Tanner			
Hoyer	Neugebauer	Tauscher			
Hulshof	Ney	Tauzin			
Hyde	Northup	Terry			
Inslee	Nunes	Thomas			
Isakson	Nussle	Thompson (CA)			
Israel	Ortiz	Thornberry			
Issa	Osborne	Tiahrt			
Istook	Ose	Tiberi			
Janklow	Otter	Toomey			
Jefferson	Oxley	Turner (OH)			
Jenkins	Pearce	Turner (TX)			
John	Pelosi	Udall (CO)			
Johnson (CT)	Pence	Upton			
Johnson (IL)	Peterson (PA)	Van Hollen			
Johnson, Sam	Petri	Vitter			
Keller	Pickering	Walden (OR)			
Kelly	Pitts	Walsh			
Kennedy (MN)	Platts	Wamp			
Kind	Pombo	Watson			
King (IA)	Pomeroy	Waxman			
King (NY)	Porter	Weiner			
Kingston	Portman	Weldon (FL)			
Kirk	Price (NC)	Weldon (PA)			
Kline	Pryce (OH)	Weller			
Knollenberg	Putnam	Whitfield			
Kolbe	Radanovich	Wicker			
LaHood	Ramstad	Wilson (NM)			
Larsen (WA)	Rangel	Wolf			
	Regula	Young (FL)			

NOES—155

Abercrombie	Deutsch	Johnson, E. B.
Ackerman	Dingell	Jones (NC)
Aderholt	Doyle	Jones (OH)
Akin	Duncan	Kanjorski
Alexander	Engel	Kaptur
Allen	Evans	Kennedy (RI)
Andrews	Everett	Kildee
Baca	Farr	Kilpatrick
Baldwin	Fattah	Kleccka
Barrett (SC)	Filner	Kucinich
Bell	Frank (MA)	Lampson
Berry	Frost	Langevin
Bishop (GA)	Gephardt	Lantos
Bishop (NY)	Goode	Larson (CT)
Boucher	Gordon	Lee
Brady (PA)	Green (TX)	Lewis (GA)
Brown (OH)	Green (WI)	Lipinski
Brown, Corrine	Grijalva	LoBiondo
Capuano	Gutierrez	Lynch
Cardoza	Hastings (FL)	Markey
Carson (IN)	Hayes	Marshall
Clay	Hefley	McCarthy (MO)
Clyburn	Hinchee	McCarthy (NY)
Coble	Hoeffel	McCollum
Conyers	Hoekstra	McDermott
Costello	Holden	McGovern
Cummings	Holt	McHugh
Davis (IL)	Honda	McIntyre
Davis, Jo Ann	Hostettler	McNulty
Deal (GA)	Hunter	Menendez
DeFazio	Jackson (IL)	Michaud
DeLaunt	Jackson-Lee	Millender-
DeLauro	(TX)	McDonald

Miller (NC)	Rothman	Strickland
Mollohan	Roybal-Allard	Stupak
Murtha	Ruppersberger	Tancredo
Nadler	Rush	Taylor (MS)
Napolitano	Ryan (OH)	Taylor (NC)
Norwood	Sabo	Thompson (MS)
Oberstar	Sanchez, Linda T.	Tierney
Obey	T.	Towns
Olver	Sanchez, Loretta	Udall (NM)
Owens	Sanders	Velazquez
Pallone	Schakowsky	Visclosky
Pascrell	Scott (GA)	Waters
Paul	Scott (VA)	Watt
Payne	Serrano	Wexler
Peterson (MN)	Sherman	Wilson (SC)
Quinn	Simmons	Woolsey
Rahall	Slaughter	Wu
Rodriguez	Solis	Wynn
Rohrabacher	Spratt	Young (AK)
Ross	Stark	

NOT VOTING—7

Berkley	Gutknecht	Sullivan
Bishop (UT)	Miller, George	
Goss	Pastor	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1454

So the bill was passed.

The result of the vote was announced as above recorded.

Stated against:

Mr. GEORGE MILLER of California. Mr. Speaker, on rollcall No. 432, which was the passage of the Singapore Trade Agreement, I inadvertently missed that vote. Had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Mr. GOSS. Mr. Speaker, on rollcall Nos. 430, 431 and 432 I was unavoidably detained. Had I been present, I would have voted “yes” on all three.

MOTION TO ADJOURN

Mr. McDERMOTT. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. McDERMOTT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 33, noes 383, not voting 18, as follows:

[Roll No. 433]

AYES—33

Andrews	Ford	McDermott
Capuano	Grijalva	McGovern
Clay	Hastings (FL)	Miller, George
Clyburn	Hinchee	Oberstar
Conyers	Honda	Rangel
Doggett	Johnson, E. B.	Sanchez, Loretta
Emanuel	Kennedy (RI)	Sandlin
Evans	Lampson	
Farr	Lewis (GA)	
Filner	Lynch	