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Senate

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

A voice from the past calls us to make our work an expression of our faith. In 1780, the father of the American Revolution, Samuel Adams, said:

''If you carefully fulfill the various duties of life from a principle of obedience to your heavenly Father, you will enjoy a peace which the world cannot give nor take away.''

Let us pray: Gracious Father, we seek to be obedient to You as we fulfill the sacred duties of this Senate today. May the Senators and all who assist them see the work of this day as an opportunity to glorify You by serving our country. We renew our commitment to excellence in all that we do. Our desire is to know and do Your will. Grant us a profound experience of Your peace, true serenity in our souls that comes from complete trust in You, and dependence on Your guidance. Free us of anything that would distract us or disturb us as we give ourselves to the task and challenges today. In the Lord's name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 30, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

ANDEAN TRADE PREFERENCE ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

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

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon shall be equally divided and controlled between the proponents and opponents of the motion.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. As the Chair has announced, we are now on the Andean trade bill. Until noon there will be remarks of those who favor it and those who are opposed to it. At noon we will vote on Michael Baylson and Cynthia Rufe to be United States District Judges for the State of Pennsylvania. There will be a half hour of debate on those two matters. Then we will vote this afternoon at 2:15, following our normal weekly party conferences.

Following disposition of these nominations, we will again go back to the Andean trade bill. A rollcall vote on adoption of the motion to proceed is expected today, sometime this evening. We hope those who wish to speak on this matter will do so. In the meantime, I ask unanimous consent that time under the quorum call I will initiate be equally charged against the proponents and opponents of this legislation.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

COLLEGE EDUCATION COSTS

Mr. TORRICELLI. Mr. President, last year, the Senate made significant strides in easing the burdens of American families facing the mounting costs of a college education. In an initiative that I have sponsored, and in which I take enormous pride—the tax reduction legislation of last year—there is a provision allowing partial tuition, for the first time in American history, to become tax deductible.

Another measure that I successfully authored raised a cap on interest on student loans so that they could become deductible. In many ways, for middle-income families—indeed, for all American families—this was enormously helpful in easing the burden of an expensive college education.

You can imagine how distressed I was to discover in recent days that the administration has a new initiative that would now increase the burden of financing a college education—just as we were making all of this progress. The proposal, of course, is to prohibit the consolidation of student loans at low, fixed interest rates. This will compound the problems of millions of American families who rely upon student loans to finance a college education.

Under their current program, a family can take their various student loans, consolidate them in a single loan, and fix them at a determined interest rate, which is predictable and will not alter for the life of the loan. The savings, obviously, will allow students to consider going beyond college to graduate education. It allows young people who have these debts to begin families, buy homes, and start their lives.

Under the alternative proposal by the administration, students graduating from college will have variable interest loans. That would make it impossible to plan young lives. The debts begin at high interest rates and they are then subject to the market.

Young families having children, buying homes, in 5 years could find interest rates at significantly higher levels. They can go from college to graduate school and in the middle of graduate school discover their interest rates are going up and they cannot remain in school. This will affect an incredible 700,000 students per year who will have their finances radically changed by this inability to consolidate loans.

The administration argues that most of this consolidation is being done by medical students or law students who are going to have very high incomes so they can face this burden.

First, that is inaccurate. The average consolidated loan is $15,000. There are hundreds of thousands of students with these loans. Most of them are college students. They are getting bachelor's degrees. They may be going into teaching or social work or business; they may be young entrepreneurs; they could be of any walk of life; but they are at a stage of life when they cannot afford what amounts to a tax.

Make no mistake, this is a tax proposed by the Bush administration on middle-income families and college students. There is scarcely a segment of American society that can less afford a tax increase. This Senate recognized that fact last year. That is why my amendments to make college tuition tax deductible and to raise the cap on the deduction of student loans were accepted. We wanted to reduce the costs of college education, not increase them.

Even if the administration were right and many of these loans were going for medical students or law students or business students, does that make it the right priority for the country? Do we really want to make it even more expensive for people to go into medicine when doctors are already leaving the profession? Do we really want to make it harder for people to go to graduate school when we need engineers and businesspeople with real talents? This cannot be the right priority for the country.

I hope the administration will reconsider this proposal. The administration needs revenue. This cannot be the right way to approach it. Strangely, in this same Congress, while raising taxes on middle-income families and college students, the administration is proposing to revisit the estate tax, which we have already lowered, and increase the threshold so that only less than half of a percentage point of Americans are even subjected to the tax. And the rates on those people have been lowered. We are going to revisit that tax while taxing college students and middle-income families.

I cannot be the only person in this institution who thinks this does not make any sense for the country or the Congress. I hope we do not have a confrontation with the Bush administration on this point. I hope they reconsider it. I hope they withdraw it. It is just the wrong thing to do.

I yield the floor.

I suggest the absence of a quorum and the time be charged equally against both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. INHOFE. Madam President, I also ask unanimous consent that I be recognized as in morning business and that the time I use come off the postcloture time.

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

SPENDING VALUABLE TIME WITH CONSTITUENTS

Mr. INHOFE. Madam President, first of all, I have been a little disturbed recently—I am not mad at anybody—about all of this discussion about what we are doing here and why it is necessary to be here on Mondays and on Fridays when on Tuesdays and Wednesdays and Thursdays we are spending most of our time in quorum calls.

I think there is this Washington, DC, mentality that floats around that somehow if we are not here in Washington, DC, we, as Senators, are not doing our work.

Let me tell you, for those of us who go back to the district and are with our people—in my case, the people of Oklahoma, who make much more sense than anybody makes around this place—that time is more valuable, and it is harder. Our hours are longer. We work long hours when we are back there. Yet we see the bed check votes such as the one that brought us back last night. We come back, and we vote on something we could have been voting on anytime—on Tuesday, Wednesday, or Thursday.

Then you see the press corps around Washington. They all think everything that is worthwhile is happening in Washington. You read the Hill and you read Roll Call and they say it is perfectly reasonable for the majority leader to say everyone ought to be in Washington all the time.

I can tell you one of the problems we have is people who are in Washington all the time lose sight of who real people are. It is so hard to explain to people around here, but people in my State of Oklahoma understand it very well. There aren't any real, normal people in Washington. Everyone is either a Member or they are a staffer or they are a lobbyist or somebody else. To be able to get what is needed for America, you need to get back into real America. Oklahoma is real America. I can cite some examples.

I will be talking to the Duma this afternoon, the Russian Duma, about our new relationship with Russia. When I go back to Oklahoma, they will say: Wait a minute; why do we still have an ABM Treaty that was set up in 1972?

Fortunately, we are going to get rid of that thing. But why did it take this long? It took this long because people around this town don't understand pure logic. The logic is that at one time there were two superpowers, the U.S.S.R. and the United States. And I have to admit, as a Republican, this was done in a Republican administration. Henry Kissinger, back in the Nixon administration, put together something that said: I will make you a deal, U.S.S.R. We won't defend ourselves against you, if you don't defend yourselves against us. And if you shoot us, we will shoot you, and everybody dies and everybody is happy. It is called mutual assured destruction.

That might have made sense to some people back in 1972. It didn't to me, but it might have to some other people. Now we have a totally different world out there in Russia, which is a friend and ally of ours; yet we do have Iraq, Iran, Syria, and Libya, other countries harboring terrorists, developing weapons that will reach the United States, missiles that will reach us. Already China, North Korea, and Russia have such missiles. So how does it make sense in today's world that we don't defend ourselves?

I don't get the answers, but I get the questions when I go back to Oklahoma. Then I have to try to explain to them. I was criticized the other day by some of my conservative friends as to why I voted on some of the amendments in the farm bill. I voted on those because I went back. I have town meetings, as I am sure the Chair is aware. I get around and have as many as five, six in a day.

Oklahoma, particularly in the western part of the State, is agricultural.

In Oklahoma, our farmers have three sources of income: Grain, livestock, and oil. They have this so-called marginal production. For a sustained period of time, all three of these were down, and they were really hurting. I sat down in places such as Shattuck, OK, and Gage, OK. I had farmers coming in and saying: For the first time in five generations, we will have to sell our farm. We can no longer stay in business.

For that reason, I realized that we have to do something that is different than what we have done before in transitioning into a new farm policy. So we did. And some of the amendments I voted for were pretty expensive. Nonetheless, that came from going back to the State, being there and listening to them instead of staying around Washington on the weekends.

On energy and ANWR, I can't believe we took all the time we did in trying to open ANWR for exploration. Here we are in a threatened position. Everyone is aware of it. After September 11, all of a sudden we find ourselves dependent upon other countries for 57 percent of our energy. We don't even pass something that will allow us to open up the Alaska Wildlife Refuge for exploration. I have yet to find one person to go up there to the ANWR on the North Slope of Alaska and come back here shaking their head, wondering why in the world we call that a pristine wilderness. It is nothing but a mud flat. It is a tiny area up there that would give us a great capacity of domestic crude.

In my State of Oklahoma, if we had all of our marginal wells—a marginal well is one that produces 15 barrels or less a day—if we had them all opened, if we had those wells flowing that we have had closed over the last 10 years, that would have produced the same amount of oil as we are currently importing from Saudi Arabia.

When you go back, you talk to real people. Last week, when we were having a town meeting, they were talking about this community planning bill that was going to come out, and now it has come out of the Environment and Public Works Committee. It will be considered on this floor. Do you know what that is all about? What that is about is a recognition that no good decisions are made unless they are made in Washington, DC.

Many years ago when I was mayor of Tulsa, there was a guy named Dr. Robert Fryley. He had gone into San Diego. Pete Wilson was mayor at that time. I was mayor of Tulsa. He had drawn these concentric circles that said: This is the way you should plan your community.

He came to Tulsa in the first 2 or 3 weeks that I was in office. He started talking about Tulsa. I said: Wait a minute. This property is owned by people. These people bought this property. You are going to change the value of the property to these people.

They said: That is of no concern to us.

That is what we now will be considering on the floor of the Senate—a bill that is going to allow us in Washington to decide what we in Tulsa, OK, do with our property.

I see others seeking the floor. I was killing a little time.

The other day I was at Eisenhower School. It is a school that has done some great things in the public school system that others are emulating. I received some letters. I will just read a couple. This one says:

Thank you for my class. Your speech about rights and responsibilities was great and interesting. I really enjoyed you coming. It was fun. I learned a lot. Sincerely, Maggie.

Here is another one:

Thank you so much for your presentation today. Our class really enjoyed it. I liked it a lot. I liked the part where you answered my question. Once again I enjoyed it a lot. Sincerely, Lauren Smith.

I ask unanimous consent that the rest of these letters be printed in the RECORD.

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

DEAR SENATOR INHOFE: I want to thank you for coming to our class. I really learned a lot like the pilgrims really wanted to get to freedom so they traveled even though they knew a lot of them wouldn't survive for a year. I also learned about the government. I learned that there are 100 senators. Two for each state. I felt proud that I got to meet you! It was a pleasure to have you come to our class! You really made it an interesting day!

Sincerely yours,

SUSAN DIAZ.

P.S. I bet you have a big responsibility!

DEAR MR. INHOFE: I wanted to thank you for coming to our class. I had a very good time. I learned new things too like there are 100 senators and 435 representatives. I really like to learn new stuff like that. Thanks again.

Sincerely,

NOAH ZEIGLER.

DEAR SENATOR INHOFE: I want to thank you for teaching me stuff I have never known before. You taught me that the English fought England. It was an interesting visitation. By by.

Sincerely,

KYIA W.

DEAR SENATOR: Thank you for coming to our school. It was very very interesting. I learned that there are 435 State representatives and 100 senators. I think it is amazing that we won the revolutionary war.

I learned that people would strap dynamite on themselves. They thought God would bring them into heaven no matter what. Thank you.

Sincerely,

EVA.

DEAR SENATOR INHOFE: I want to thank you so much for coming to our class. That was a big opportunity that most kids don't get to have.

What I learned over your visit that I thought was really interesting was that people think that God would send them straight to Heaven if they killed themselfs.

Sincerely,

DANIELLE P.

DEAR SENATOR INHOFE: Thank you for coming to our school I enjoyed your presentation. I learned a lot of stuff like how the pilgrims won the Revolutionary War and about our freedoms and laws. I also think it's great that Afganistan got a new government. Thanks again.

Sincerely,

COLIN FERGUSON.

DEAR SENATOR INHOFE: I want to thank you for coming to our classroom. I really enjoyed your presentation. I learned that in Afghanistan they have mountains that are about 12,000 feet tall. I also learned that there are 100 senators. Two come from each state.

Sincerely yours,

BRYCE S.

DEAR SENATOR INHOFE: We really enjoyed you coming to our school. It was one big pleasure that I will never forget. Now I know what is going on in Afghanistan. It is really terrible. I hope you can come back and talk more. I didn't know there were 100 senators.

Sincerely yours,

LATOYA.

DEAR SENATOR INHOFE: It was a pleasure to hear you talk about lots of interesting facts on the Bill of Rights, our religion, our responsibilities, and the revolutionary war. It was a lot of fun having you come. You have taught us a lot of interesting things like, different cultures, and the constitution.

Sincerely yours,

BEN RICKMAN.

DEAR SENATOR INHOFE: I want to thank you for coming to our class. I enjoyed you talking to us. I learned a lot about the government. I learned that there are one hundred senators in the United States. It was a pleasure having you here.

Sincerely,

MATTHEW BREULO.

DEAR SENATOR INHOFE: I want to thank you for coming today. I think Maggie was glad you came today. It was our pleasure to listen to you. Your subject was very interesting. I hope you're right about war. I never knew that there were military grounds in Lawton. I enjoyed listening to you.

Sincerely yours,

ABBY JONES.

DEAR SENATOR INHOFE: I want to thank you for coming and talking about the Bill of Rights and lots of very interesting stuff. I think the most interesting part was when you talked about the Constitution. I enjoyed it very much. It was a pleasure having you here. So thank you.

Sincerely,

AVERY BOYD.

DEAR SENATOR INHOFE: I want to thank you for coming to our class. When you were here I learned that there were 435 state representatives and 100 senators in the United States of America. In each state there are two senators. I also learned that the war with Afghanistan should last about four more years. I hope you have a good day.

Sincerely yours,

HALEY HOLTZSCHER.

DEAR SENATOR INHOFE: I want to thank you for coming. I learned that there is a military base in Lawton. I enjoyed it when we talked about the Bill of Rights.

Sincerely yours,

JACKSON.

SENATOR INHOFE: Thank you for coming to our class. I learned a lot from you. I learned that the pilgrims fought the toughest army

on the face of the earth and won. I also learned that we've had peace since 1776.

Sincerely,

JOHN YUAN.

DEAR SENATOR INHOFE: I want to thank you for telling us about some Bill of Rights. The things that you told us was so interesting. I learned a lot about the pilgrims. How they fought for our freedom. And thanks again for teaching things that I didn't know.

Sincerely yours,

AUBRI SETTLE.

DEAR SENATOR INHOFE: Thank you for coming to our classroom. I learned there are 2 senators from each state. There are so many things I learned they won't fit on this paper. I wish you had more time in our classroom. I hope you have a good spring.

Sincerely,

ETHAN GEHRING

DEAR SENATOR INHOFE: Thank you for coming to 3rd grade. I enjoyed you talking to us about the bill of rights. I learned that there are 100 senators. There are 2 in each state.

Sincerely,

LAUREN RUSSELL.

DEAR SENATOR INHOFE: I want to thank you for coming to our class. Thank you for telling us about the Constitution. Thank you for coming again. Thank you for telling us how you work. Now we know it's a big job.

Sincerely yours,

JOHN PHILIPS HUGHES.

Mr. INHOFE. I wanted to stand in the Chamber and say if we ran this place the way it should be run, we could very easily handle all of the votes we need to handle on Tuesday, Wednesday, and Thursday, and allow those of us who care about going back to our States, spending time with our people and sharing the wisdom we get from the States, as opposed to from Washington, I think we would be a lot better off.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. WELLSTONE. Madam President, the Senator from South Carolina is going to speak for 30 minutes. I ask unanimous consent that I follow the Senator from South Carolina.

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

Mr. HOLLINGS. Madam President, with respect to the Andean trade compact and its re-enactment, and particularly with respect to the intent to put fast track on the particular Andean trade agreement, the contention is that without this fast track, we are missing out on all of these wonderful deals.

I wish I had time to give the litany of the wonderful deals on how the United States of America—from the Tokyo Round, Uruguay Round, right on down to the present scheduled rounds with the WTO and otherwise—has been going out of business. Literally, intentionally, we are going out of business, I would say. What we were trying to do was win the cold war. We wanted to defeat communism with capitalism. We sent over the Marshall Plan, with technology and expertise, and it worked. Everyone is happy with that.

Now, after 50 years, hometowns have been totally depleted of any industrial manufacturing.

Let me get right to the point and bring out the actual facts, using not just the record made here by the U.S. Trade Representative, but by the morning news. Let's look and find out what we are talking about with respect to trade agreements that we have been missing.

Well, if you look at the recent edition of the 2001 Trade Policy Agenda of the President of the United States on the trade agreements program, you will find in the glossary in the back that there are some 200 trade agreements made without fast track.

Do I need to remind the Senate that we just voted on—without fast track—a free trade agreement with Vietnam? Do I need to remind the body that we just voted on a free trade agreement with Jordan? I supported both of those. Do I need to remind them that we passed the Sub-Saharan Africa trade agreement, the Caribbean Basin Initiative Agreement, and the 1997 WTO telecommunications agreement? You can go down the list—and they are all listed in here.

We have made some 200 agreements in the last 10 years—all without fast track. We didn't give total fast track authority to President Clinton because we wanted to deliberate and make sure the economy of the United States was protected. And it has been working. But look not only at the red book here, but with respect to the national news, in the Washington Post, it said this last Thursday:

United States signs trade agreement with eight African nations.

There are eight more trade agreements. We aren't missing out on all these so-called trade agreements. I wish the chairman of the Finance Committee could read the morning paper. He could find out that we did it without fast track. According to the financial news—let me read this to you. This is in the morning Financial Times:

John O'Leary, former U.S. Ambassador to Chile and campaigner on a bilateral accord, said yesterday he expected a deal to be signed this year whether or not Mr. Bush won trade negotiating authority.

. . . ''It's not a matter of consequence who is first past the finishing line,'' he said. ''But the deal with the EU is helpful for Chile because it gives fresh momentum to their negotiations with the United States.''

We read it. If they brought a Chilean trade agreement—I would have to look at it obviously, but why would I vote for it? They have relatively the same standard of living. They have a respected judiciary, they have property rights, they have labor rights, and they are strong on the environment. I voted for NAFTA with Canada because we have relatively the same standard of living. But this total farce that we are missing out on agreements all over the countryside is just wrong, wrong, wrong.

The problem is the loss of jobs. You only have to go to the morning's paper. I hope the chairman, who just left the floor, will listen to this one. Of course, right now the best bet for the next few quarters is probably a jobless recovery in which the gross domestic product rises but unemployment stays high. After all, the economy needs to grow at about 3.5 percent just to prevent the unemployment rate from rising, and the odds are at least even that the growth will fall short of that mark. The funny thing is that a slow jobless and profitless recovery is exactly what level-headed people, such as economists at the Federal Reserve, have been predicting for a long time. So how did a far more bullish view become not just prevalent but more or less mandatory on Wall Street? How, with the business landscape still strewn with the rubble from the bubble, did that manic optimism so quickly become popular again? It seems that hype springs eternal.

That is the morning news, and that is why the Senator from South Carolina only asks for just a closer look.

Let me fulfill my obligation under the Constitution. Article I, section 8, says that—not the President of the United States, not the Supreme Court—but this branch of Government, the Congress of the United States, shall regulate foreign commerce. Now, these pollster politicians who come to Washington and crowd around take the easy course. They say: Free trade, free trade, fast track, fast track—and they don't have to take any responsibility. So when you lose all the jobs in St. Louis and in Charleston, SC, and you look around, you have to sort of take it or leave it. I didn't want to be against free trade, and that is what I had to vote for.

Madam President, it is just terrible when you read in that same New York Times this morning:

Auto Parts Makers Grinding to a Halt

I have another article on a poster board, and I will get into the board debate when some of the others come with their particular boards. But the automobile industry is moving out of the United States. We have foreign locations here. Mercedes is in Alabama, BMW is in South Carolina, and some others are trying to get into the market.

As far as the American manufacturer making that profit is concerned and as far as the American manufacturer keeping on the cutting edge of technology—why did they move to China? General Motors was told by the Chinese they didn't know how to trade. They don't run around saying, be fair, be fair, level the playing field, be fair. That is outrageous child's talk. That doesn't happen in commerce. You trade for the benefit and economic strength and the profit of your company. So the Chinese told General Motors: Not only do you manufacture that GM automobile over here, but the most modern automobile design plant in the world is

in China. And that is as a result of that particular trade agreement that, of course, General Motors made with the People's Republic of China.

The auto parts suppliers are grinding to a halt. They are moving those now. They used to send those down to Mexico, and we would get the finished product—the automobile—back. But you have here a quote from Paul Craig Roberts. Paul Craig Roberts served in the Reagan administration. This was an article in the Washington Times just the other day:

The result is a decline in higher paying jobs in the United States as companies move higher value-added operations abroad to take advantage of cheaper labor.

A recent Cornell University study:

''The Impact of U.S.-China Trade Relations on Workers, Wages and Employment,'' concludes that U.S. companies shift their production to China in order to produce for the U.S. market with cheap Chinese labor. The study estimates that a minimum of 760,000 U.S. jobs have been lost to China since 1992.

''An increasing percentage of the jobs leaving the U.S. are in higher-paying industries producing goods such as bicycles, furniture, motors, compressors, generators, fiber optics, clocks, injection molding and computer components.'' The shift in production is so extensive that the U.S. has run a trade deficit with China in advanced technology goods since 1995.

That is the old wag I was given when as Governor of South Carolina I testified 42 years ago before the old International Tariff Commission. We were about to lose so much of our textile industry that 10 percent of the consumption of clothing textiles in the United States would be represented in imports. In looking around the Chamber right this minute, two-thirds of the clothing I am looking at is imported, 86 percent of the shoes.

Then Tom Dewey, who represented the Japanese at the hearing and ran me around the hearing room, he said: ''But, Governor, let them make the shoes and the clothing. We will make the airplanes and the computers.''

Fast forward to the reality of today. They make the shoes, they make the clothing, they make the airplanes, they make the computers. We have a deficit in the balance of trade in computers and semiconductors.

High-tech, globalization, you have to understand it. Come on. Do not tell this Senator what globalization is. I do not want to sound like Vice President Gore, that I invented it, but I did travel 40 years ago to South America and Europe as a Governor, soliciting their investment. I was looking for jobs. I have been in this game for over 40-some years. Today, we have 117 German plants in little South Carolina.

I will never forget calling on Michelin in June of 1960, down in Paris, France, and I have now four beautiful plants of the French company. I also have the North American wonderful plant of Bowater. I see that rather than me trying to move corporations from overseas to the United States, which I am still trying to do—or more particularly carpetbagging New York in the Northeast—they are overjumping me into Mexico, into China, into Malaysia, into India.

Hewlett-Packard, Motorola, and all the rest of these big-name companies, the high-tech companies, are not saving us. We have to retrain.

I have another page of the Washington Post, ''Dupont Plans to Cut 2,000 Jobs.'' Some of them, of course, are in South Carolina. Everywhere we turn, we hear about cutting jobs, and it is not textiles or low wage jobs. It is high-tech jobs.

I hope the Finance Committee will give me a hearing sometime. I would be delighted to educate that crowd because this is a fix. They have a bunch of oil people and a bunch of farmers and they could care less, as long as they get their depletion allowance and their subsidies, and then they come around hollering, ''Protectionism, protectionism.''

Well, that is the fundamental of government. We have the Army to protect us from the enemies without, and the FBI to protect us from enemies within. We have laws to protect clean air, clean water, the environment. We have Medicare to protect us from ill health. We have antitrust laws to protect us from monopolization and predatory practices. We have safety laws to protect us, safe machinery, safe working places and everything else.

I was in the Rotunda on a cold January day when President Reagan was sworn in for his second term. He raised his hand to preserve, protect, and defend, and everybody clapped. We were all overjoyed, and then we came down into the Senate Chamber and had to listen to a bunch of children running around hollering, ''Protectionism.'' That is the function of government, and the security of this Nation.

It is like a three-legged stool. There is the one leg of the values as a nation, unquestioned. We are admired the world around for America's stand for individual rights, freedom, and democracy.

The second leg is the military. We are the superpower, unquestioned.

The third leg, economics, that is my point. It has been fractured, fractured intentionally, with this so-called free trade. We knew we had to sort of spread the wealth, spread the capitalism in order to defeat communism. It has worked, now to a counterproductive point. We will not be in a position to produce foreign aid, we will not be able to defend freedom the world around unless we have a strong economy.

I will never forget Akio Morita of Sony. We were in Chicago. We had a seminar, and he was talking about Third World nations. He turned and he said: In the Third World, the emerging nations, they have to develop a strong manufacturing capacity in order to become a nation state. Then talking along, he pointed over, and he said: Senator, that world power that loses its manufacturing capacity will cease to be a world power.

And we wonder why we do not have the influence?

They try to transfer it to hate. It is not hate. I have traveled. We have all traveled around. They admire and they like Americans in the Arab countries and everywhere else. You can go into downtown Baghdad, you can go into downtown Tehran in Iran right now, and they will come up to you and talk to you and say glad to see you. Do not give me all that hate stuff.

What is happening is we are losing our economic clout and our economic strength because we are exporting the jobs faster than we can create them.

In the Los Angeles Times, April 2, ''High-Paid Jobs Latest U.S. Export,'' the No. 1 story on the front page of the Los Angeles Times.

I do not believe they read over in the Finance Committee. They give you all of this: We are missing out on agreements; we have to retrain.

They sound like Mao Tse Tung: You have to go out and re-educate.

Let us try it on for size. I had a plant close not long ago, Oneida. They made T-shirts. At the time of their closing, they had more than 400 employees. The average age was 47 years old, and tomorrow morning we have done it Washington's way. We have retrained. We have more than 400 people who are now skilled computer operators. Is a company going to hire the 47-year-old computer operator or the 21-year-old computer operator? You are not taking on the health costs for the 47-year-old and above. You are not taking on those retirement costs. You are going for the youngster who is just as expert. There you go, like we do not understand what is going on.

''Levi Strauss Closing Most U.S. Plants,'' another article, again in April. Every time I look around, they are closing, and what we have, so it is understood, is we have an affirmative action plan to get rid of the jobs. Mind you me, that is what I say, an affirmative action plan to get rid of the jobs.

Why? Well, let me refer to this article from Business Week. Business Week, in 1999, reported on, of all people, Mr. Industrial Success, Mr. Industrialist of All Times, John F. Welch—Jack Welch.

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

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

(From Business Week, Dec. 6, 1999)

WELCH'S MARCH TO THE SOUTH

By Aaron Bernstein

WASHINGTON, Dec. 6.—One of General Electric Co. CEO John F. Welch's favorite phrases is ''squeeze the lemon,'' or wring out costs to maintain the company's stellar profits. In the past year, the lemon-squeezing at GE has been as never before. In a new, superagressive round of cost-cutting, the company is now demanding deep price cuts from its suppliers. To help them meet the stiff goals, several of GE's business units—including aircraft engines, power systems,

and industrial systems—have been prodding suppliers to move to low-cost Mexico, where the industrial giant already employs 30,000 people. GE even puts on ''supplier migration'' conferences to help them make the leap.

GE's hard-nosed new push could spark other companies to emulate its tactics. The supplier crackdown is reminiscent of a similar attempt by former General Motors Corp. parts czar Jose Ignacio Lopez de Arriortua. His efforts largely failed in the face of stiff supplier resistance. But if GE succeeds, other companies could be inclined to try again. GE officials at headquarters in Fairfield, Conn., say the business units are simply carrying out Welch's larger campaign to globalize all aspects of the company. Says Rick Kennedy, a spokesman at GE Aircraft Engines (GEAE): ''We're aggressively asking for double-digit price reductions from our suppliers. We have to do this if we're going to be part of GE.''

GE's efforts to get suppliers to move abroad come just as World Trade Organization ministers start gathering in Seattle on Nov. 30. That timing could help make the GE moves an issue at the talks, where critics will be pointing to just such strategies—and the resulting loss of U.S. jobs to low-wage countries—as the inevitable fruit of unregulated trade. GE's 14 unions hope to make an example in Seattle of the company's supplier policy, arguing that it's paving the way for a new wave of job shifts. They plan to send dozens of members to march with a float attacking Welch. PALTRY WAR CHEST. The campaign by GE's unions, which bargain jointly through the Coordinated Bargaining Committee (CBC), is also the opening salvo of bargaining talks over new labor contracts to replace those expiring next June. Because GE's unions are weak—fully half of their 47,000 members at the company belong to the nearly bankrupt International Union of Electronic workers (IUE)—they'll have a hard time mounting a credible strike threat. Instead, the CBC is planning a public campaign to tar Welch's image. They plan to focus on likely job losses at GE suppliers. The unions also suspect that GE may move even more unionized GE jobs to Mexico and other countries once it has viable supplier bases in place. ''GE hasn't moved our jobs to Mexico yet because our skilled jobs are higher up the food chain,'' says Jeff Crosby, president of IUE Local 201 at GE's Lynn (Mass.) jet-engine plant. ''But once they have suppliers there, GE can set up shop, too.'' His members from parts supplier Ametek Inc. picketed the plant on Nov. 19 to protest GE's pressure on Ametek to move to Monterrey, Mexico.

Although it has never openly criticized Welch before, the AFL–CIO is jumping into the fray this time. Federation officials have decided that Welch's widely admired status in Corporate America has lent legitimacy to a model of business success that they insist is built on job and wage cuts. ''Welch is keeping his profit margins high by redistributing value from workers to shareholders, which isn't what U.S. companies should be doing,'' charges Ron Blackwell, the AFL–CIO's director of corporate affairs. Last year, the AFL–CIO proposed a bold plan to spend some $25 million on a massive new-member recruitment drive at GE, but the IUE wasn't willing to take the risk. So the federation is backing the new, less ambitious campaign that focuses on traditional tactics like rallies and protests. STRONG TIDE. GE's U.S. workforce has been shrinking for more than a decade as Welch has cut costs by shifting production and investment to lower-wage countries. Since 1986, the domestic workforce has plunged by nearly 50%, to 163,000, while foreign employment has nearly doubled, to 130,000. Some of this came from businesses GE sold, but also from rapid expansion in Mexico, India, and other Asian countries. Meanwhile, GE's union workforce has shriveled by almost two-thirds since the early 1980s, as work was relocated to cheaper, nonunion plants in the U.S. and abroad.

Welch's supplier squeeze may accelerate the trend. In his annual pep talk to GE's top managers in Boca Raton, Fla., last January, he again stressed the need to globalize production to remain cost-competitive, as he had done in prior years. But this time, he also insisted that GE prod suppliers to follow suit. Several business units moved quickly to do so, with GEAE among the most aggressive. This year, GEAE has held what it calls ''supplier migration'' conferences in Cincinnati, near the unit's Evendale (Ohio) headquarters, and in Monterey, where an aerospace industrial park is going up.

At the meetings, GEAE officials told dozens of suppliers that it wants to cut costs up to 14%, according to documents about the Monterey meeting at Paoli (Pa.)-based Ametek, whose aerospace unit makes aircraft instruments. The internal report, a copy of which BUSINESSES WEEK obtained, says: ''GE set the tone early and succinctly: 'Migrate or be out of business; not a matter of if, just when. This is not a seminar just to provide information. We expect you to move and move quickly.''' Says William Burke, Ametek's vice-president for investor relations: ''GE has made clear its desire that its suppliers move to Mexico, and we are evaluating that option. We have a long relationship with GE, and we want to preserve it.''

GEAE officials argue that heightened competition leaves them no choice. Jet engines sell for less than they did four years ago, says Kennedy, the unit's spokesman. Almost all GEAE's profits have come from contracts to maintain engines already sold. And that business is getting tougher, with rivals such as United Technologies Corp.'s Pratt & Whitney laying off thousands of workers to slash costs. ''This company is going to make its net income targets, and to do it, we will have to take difficult measures,'' says Kennedy.

Still, even some suppliers don't see the Mexico push as justified. They point out that GEAE's operating profit has soared by 80% since 1994, to $1.7 billion on sales of $10.3 billion. GE, they argue, is leading the cost cuts. ''It's hard to give away 5% or 10% to a company making so much money when most of the suppliers are marginally profitable,'' says Barry Bucher, the CEO and founder of Aerospace International Materials, a $30 million distributor of specialty metals in Cincinnati. Nonetheless, Bucher says he's looking into a joint venture in Mexico in response to the demands from GE, his top customer.

The unions, for their part, worry that GEAE will follow in the footsteps of GE's appliance unit. To remain competitive in that low-skilled, low-margin industry, GE Appliances has slashed its workforce nearly in half at its Appliance Park facility in Louisville, to some 7,500 today. Much of the work has been relocated to a joint venture in Mexico. Union leaders have tried to stave off further job shifts by offering concessions. In early November, the company agreed to a $200 million investment in Louisville in exchange for productivity improvements and lump-sum payments instead of wage hikes for its members. ''We hope GE will see this as a solution they can adopt in jet engines and elsewhere,'' says IUE President Edward L. Fire.

Labor's new campaign may embarrass Welsh and even prompt GE to tone down its demands on suppliers. But it won't rebuilt the union's clout at the bargaining table the way a serious organizing drive might have done. Until that happens, Welch probably has little to fear from his restive unions.

Mr. HOLLINGS. I read:

One of General Electric Co. CEO John F. Welch's favorite phrases is ''squeeze the lemon,'' or wring out costs to maintain the company's stellar profits.

How did you squeeze that lemon? I am thinking now that he is squeezing something else. Squeezing that lemon in Mexico, he said to all of his suppliers two years ago. You have to go down to Mexico and cut the cost of your particular supplies, or you will not be a supplier of General Electric.

When the best of the best blue-chip corporations of America has an affirmative action plan to get rid of the jobs and the industrial security of the United States of America, we are really in trouble. How does it occur? It is a natural thing.

In manufacturing, 30 percent of volume is in the labor costs. As much as 20 percent of sales can be saved by moving offshore to a low-wage country or down to Mexico, India, or China. If you retain your executive office, of course your sales force, but move your manufacturing offshore, if you have $500 million in sales, you can reap a profit of $100 million before taxes. Or you can stay in America, continue to work your own folks, and go broke. That is how they look at it.

So with the policies we have, they are not only moving their manufacturing, they are moving the executive office to Bermuda. They want the protection of the United States of America, but they don't want to participate in building up that protection. They want a free ride. That is why I say, in the Senate, we are in the hands of the Philistines. When my friend Bobby Kennedy really came in to national recognition he had published a book ''The Enemy Within.'' He was talking about organized labor. Now I can write the book ''The Enemy Within,'' and I can talk about management.

Who is opposing us in the Senate, trying to create jobs, trying to hold together the strength of our economy, trying to maintain our industrial backbone? Who opposes this? The Business Roundtable, the Conference Board, the National Association of Manufacturers, the Chamber of Commerce, the National Federation of Independent Business, the retailers that make a bigger profit, newspapers that take the handouts from the retail associations. They make the most of their profits in newspapers from retail advertising. So they put out those things, free trade, free trade, fast track, fast track, and here comes the whole K Street crowd.

I came here 35 years ago on the Commerce Committee. The very first person in the office on trade was a Japanese representative. No longer now. I haven't seen anyone from Japan in Lord knows when. I am trying to get there to see our Ambassador over there, Howard Baker. I respect their productivity and I have watched as we cry babied along. We never did open up their market. It was always a one-way street.

In fact, the Japanese got to the position of saying, wait a minute, we are not going to buy your bonds if that is what you want to do in trade. We found out long since that the Secretary of the Treasury really is trying to sell, as in the morning headlines, which says we have a deficit, so he is trying to issue $1 billion in bonds, borrowing $1 billion. We have had the Japanese juggle our trade policy.

But more than anything else, we have the arrogance now of the U.S. Chamber of Commerce. I speak advisedly of that body. Ten years ago I was their man. I was the Man of the Year of the U.S. Chamber of Commerce, if I quote correctly, Robert Thompson, who was the national president. He had me going around making talks and everything else because I had a standoff with my good friend Russell Long of Louisiana. We had labor law reform. On eight votes, up and down for cloture, I won and prevailed.

I don't come here as an enemy of business. I know way more in experience, I should say, about getting jobs and creating jobs, instituting technical training, imparting the tools, high tech, and globalization than most because I have been in the game. I am a friend of business, but I am a greater friend of the United States. I hate to see my country go to pot with this childish nonsense of free trade. We are missing out on agreements. Since NAFTA, I have lost 53,900 textile jobs alone. My friend, the Senator from North Carolina, Mr. HELMS, lost 124,000; 27,000 have been lost by the Senator from Mississippi. I don't know whether he is with us or not.

This is what the Chamber of Commerce, Tom Donohue, says, and he knows nothing about trade. In yesterday's National Journal's Congress Daily, I quote Tom Donohue, the president of the U.S. Chamber of Commerce. He said the Chamber would not accept a bill weighted down by amendments that exceed the average man or woman's sense of what is appropriate for the bill. We will kill it and the people who loaded it up will pay a political price. Donohue also said that the business community has been patient and supportive through the political process to get the trade authority bill before the Senate, but there will be dire consequences if the bill collapsed under partisan politics.

I know of many manufacturing companies that will move their operations offshore. I brought that message home to specific legislators about firms and their States and districts.

That is a threat from the U.S. Chamber of Commerce.

Tell him to wake up. He headed the Trucking Association when Jack Welch was putting in his affirmative action plan to get rid of the jobs and move to Mexico. Donohue now will warn you they will move. Everybody knows this has been going on for 10 years. We are going out of business.

I wanted to bring that story home in this debate, not asking to vote pro or con with respect to a particular trade measure. As I say, I voted for Vietnam; I voted for Jordan; I voted for NAFTA with Canada. It is protecting not only your economy and your industrial strength but your standard of living.

Incidentally, on the one hand, you can certainly bar child employment, children and youth production. But you are not going to get Mexico to pass environmental laws we have. Or the labor laws. They have that advantage. In China, in India, in Malaysia, the competition can keep on whistling ''Dixie,'' keep talking. It will not happen. It is not going to happen, and you can't blame them. If you were running the country of China, you would do the same thing. You wouldn't run around and say we have to get with the Americans and level the playing field, and put in these labor reforms, and put in these environmental requirements because we want to be seen as being fair. It is just absolute nonsense.

Madam President, what happens is Republican and Democrat Senators unanimously support these requirements before you open up Carnahan Manufacturing. Think about it. Before you open your manufacturing plant, you are going to have to have minimum wage, clean air, clean water, Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe working place, safe machinery, antitrust provisions. And everything else of that kind.

You can go down to Mexico and pay 90 cents an hour and have none of those requirements.

In order to compete, is it the case we are going to go back and retrench on this high standard of living? No; not at all. That will never happen. But we will have to maintain a balance with respect to the economic strength. We have to maintain our steel production.

I will never forget, in 1961, before we got President Kennedy to enunciate his seven-point textile program, under the law—and, incidentally it is the law today—that before the President can take executive action unilaterally on a trade measure, he must prove that product is important to the national security of the United States. At that time we corralled five Cabinet members—one sub-Cabinet of the five, George Ball, because Dean Rusk was too busy, from the Department of State; Luther Hodges, Secretary of Commerce; Orville Freeman, the Secretary of Agriculture; Douglas Dillon, the Secretary of the Treasury, was there; and the Secretary of Labor, Arthur Goldberg.

They had hearings and we brought the witnesses. They made a finding, and the record is still there, that second to steel, textiles was the most important to our national security. The wag at the time was you cannot send them to war in a Japanese uniform—because they were bringing in all those textiles. The Japanese don't fool with textiles anymore. They have gone high-tech. Now you would say you wouldn't send them to war in a Chinese uniform and Gucci shoes. You have to have the clothing. You have to have the uniforms. So you have to have that measure because it is important to our national security.

We have to maintain a modicum of textile manufacturing. We certainly have to maintain the ability to produce steel. We have to retain these other industries—electronics, with respect to watch-making, and fine tooling, and hand tools, and computers. We have to retain some production of semiconductors and the like.

In doing that, let's correlate, if you please, our 28 agencies and departments into one department of trade and commerce. We are all over the lot. It is our fault. We have to begin to enforce our trade laws against dumping. We can't let Wal-Mart sell below cost. They would be in trouble. We would get them for antitrust, Robinson-Patman violations, and we would send them to the hoosegow. In international trade that happened in steel. Bob McNamara went running the world around saying to the Third World countries that in order to be a nation state, you have to have steel for the tools of agriculture and the weapons of war. So they had 2-percent steel plants built all over Latin America and the Middle East.

I have been into that game. Yes, the President was correct in moving on steel because they are dumping steel. I see it. My office is in Charleston, SC. I can look on the dock and see all of this Brazilian steel coming in at less than cost, putting out of business, 25 miles away, Nucor, the most productive of all steel plants in the world.

Please, spare me from the idea of productivity. If you go to the international section of the United Nations, if you go to the Labor Department, Department of Vital Statistics or otherwise, you will find they will agree the world around, the most productive industrial worker is the U.S. industrial worker. We keep nagging: We have to get productivity up. My steel plant is the most productive in the world, and they are dumping steel at less than cost and criticize the President for moving on this particular score. He was right. He is right. We have to maintain that.

We have to get a value-added tax to pay for this war on terrorism that is costing the country and offset the 17-percent value added tax advantage. For example, in Europe where it is rebated, it is costing us a 17-percent differential in trade right there.

Enforce our dumping laws, but please do not say you have to get more productive. What is not producing is not the industrial worker in the United States, it is the U.S. Congress. We haven't produced. We have been running around like lemmings: Free trade, free trade, fast track, fast track—having no idea in the Lord's world what we are doing; whereas we are exporting jobs faster than we can create them.

My time is up. I yield the floor.

Mr. REID. Madam President, we are, in a minute or 2, going to turn to two judicial nominations. We have had a number of Senators wishing to speak on the motion now before the Senate, so I ask unanimous consent that when the votes are completed this afternoon on the two judges, the Senator from Texas, Mrs. HUTCHISON, be recognized for up to 15 minutes; following her remarks, Senator WELLSTONE be recognized for up to 1 hour; following that hour, someone designated by the Republican leader would speak for 1 hour; and following that, Senator BAUCUS, chairman of the Finance Committee, would be recognized for 1 hour.

The majority leader wanted to have a vote on this tonight with the consent of Senator HOLLINGS and others, but it appears now there are a significant number of people who want to speak so that will probably necessitate carrying the vote over until tomorrow. I have not checked with the leader on that for sure.

I propound the request for the speakers who have been lined up. I have checked this out with the minority.

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

Mr. REID. Madam President, what is now the business before the Senate?

EXECUTIVE SESSION

NOMINATION OF MICHAEL M. BAYLSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOMINATION OF CYNTHIA M. RUFE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER (Mrs. CLINTON). Under the previous order, the Senate will now go to executive session to proceed to the consideration of Executive Calendar Nos. 778 and 779.

The Senator from Nevada.

Mr. REID. Madam President, the two managers, Senators LEAHY and HATCH, are not here. I therefore ask unanimous consent that during the quorum call I will suggest in just a minute the time be charged—equally against the two managers—on the motion.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Madam President, is the Senator from Vermont correct that following the two parties' caucuses this afternoon there will be two rollcall votes on judicial nominees?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Madam President, I will speak about that, but, first, I compliment the distinguished Presiding Officer and her colleague from New York for their invaluable help behind the scenes as we were fighting for the farm bill. As a result, the dairy farmers in my State of Vermont and in her State of New York are better off. I thank both Senator CLINTON and Senator SCHUMER for their help in that regard.

With today's votes, the number of federal judges confirmed since the change in Senate majority fewer than 10 months ago now exceeds 50 and totals 52. Under Democratic leadership, the Senate has confirmed more judges in fewer than 10 months than were confirmed by the Republican-controlled Senate in the 1996 and 1997 sessions combined. We have accomplished in less than one year what our predecessors and critics took two years to do.

The number of judicial confirmations over these past 10 months—52—exceeds the number confirmed in four out of six full years under Republican leadership, during all 12 months of 2000, 1999, 1997 and 1996. And we are ahead of the pace for all the years of Republican control. It exceeds the number of confirmations in the first year of the Reagan Administration by a Republican Senate majority. It is almost double the number of confirmations in the first year of the Clinton Administration by a Democratic Senate majority. And it is more than triple the number of judges confirmed for the George H.W. Bush Administration by a Senate of the other party.

The confirmation of Judge Rufe and Mr. Baylson today illustrates the progress being made under Democratic leadership, and the fair and expeditious way in which we have considered nominees. With today's confirmations, we will have confirmed three district court judges to the Eastern District of Pennsylvania in fewer than four months. On April 18th, the Senate confirmed, by a vote of 94 to zero, Judge Legrome Davis to the U.S. District Court for the Eastern District of Pennsylvania. Judge Legrome Davis was first nominated to the position of U.S. District Court Judge for the Eastern District of Pennsylvania by President Clinton on July 30, 1998. The Republican-controlled Senate took no action on his nomination and it was returned to the President at the end of 1998. On January 26, 1999, President Clinton renominated Judge Davis for the same vacancy. The Senate again failed to hold a hearing for Judge Davis and his nomination was returned to the President on December 15, 2000, after two more years of inaction in a second full Congress while the Senate was controlled by a Republican majority. Under Republican leadership, Judge Davis languished before the Committee for 868 days without a hearing, notwithstanding the strong support of Senator SPECTER. But he was unable to get the support he needed for him to go through.

This year we have moved expeditiously to consider Judge Davis. Judge Davis was nominated by President Bush in late January 2002 and he received a unanimous vote by the Judiciary Committee on April 11th—fewer than three months after his nomination and less than one month after his paperwork was completed. The saga of Judge Davis recalls for us so many nominees from the period January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret anonymous holds by Republicans for reasons that were never explained. Judge Davis was a nominee held up for almost three years and when the Senate was finally allowed to vote on his nomination, he was confirmed by a vote of 94 to 0.

Judge Rufe and Mr. Baylson help fill vacancies on the Pennsylvania District Courts that existed long before the majority shifted last summer. One of the two vacancies has existed since December 31, 1998. Despite the fact that President Clinton nominated David Fineman to fill this judicial vacancy, Mr. Fineman never received a hearing and his nomination was returned to the President without action at the end of 2000. In contrast, we have moved expeditiously, as with Judge Davis, to consider Judge Rufe and Mr. Baylson. Both nominees were nominated by President Bush in January, received a hearing within days of their files being complete, and are being confirmed approximately three months after their nominations. Both nominees have been practicing law for more than 25 years and have a distinguished history of public service.

As our action today demonstrates, again, we are moving at a fast pace to fill judicial vacancies with nominees who have strong bipartisan support. I have a chart—I always have a chart, Madam President—and it demonstrates, that we are moving at a fast pace to fill judicial vacancies, especially with those nominees who have strong bipartisan support.

Partisan critics of these accomplishments ignore the facts. The facts are that we are confirming President Bush's nominees at a faster pace than the nominees of prior presidents, including those who worked closely with a Senate majority of the same political party. I again point out these are nominees who, by and large, are Republicans, by and large, are conservative Republicans, but, by and large, have bipartisan support.

As long as I am Chairman of the Senate Judiciary Committee, I will do everything possible to protect the integrity and the independence of the Federal judiciary. I will not support an effort by any President—Republican or

Democrat—to hang a sign on the courthouse door saying: only people of a certain political persuasion can have a fair hearing before those judges. I do not want the American public to look at a court and say: I am eligible to have my case heard in that court, but only if I am a very conservative Republican or I am a very liberal Democrat or if I am White or if I am Black or if I am poor or if I am rich. That is not the way it should be.

The distinguished Presiding Officer is a lawyer, and she knows that the Federal courts are supposed to be our bulwark of independence. It is one of the first things you learn in law school: The Federal court is a place you go where not only is justice supposed to be colorblind, it is supposed to be politically blind. And I do not believe I am fulfilling my constitutional obligations in the Senate if I vote for nominees who are put in for a specific purpose, to give an ideological slant of either the right or the left to the Federal courts.

I want everyone to know that, when they come to a Federal court, it will make no difference whether they are Republican or Democrat or rich or poor. No matter what their color, no matter what their religion, no matter what their age, no matter what their background, they should know they are going to be treated the same.

The judges that we have confirmed, as shown on this chart, passed that test. That is why both Republicans and Democrats have voted for them.

Now, in fact, I should point out that the rate of confirmation in the past 10 months actually exceeds the rates of confirmation in the past three Presidencies.

For example, in the first 15 months of the Clinton administration, 46 judicial nominees were confirmed, a pace on average of 3.1 per month. In the first 15 months of the first Bush administration, judges were confirmed at a pace of 1.8 judges per month.

Even in the first 15 months of the Reagan Administration, when a staunchly Republican majority in the Senate was working closely with a Republican President, 54 judges were confirmed, a pace of 3.6 per month. In fewer than 10 months since the shift to a Democratic majority in the Senate, President George W. Bush's judicial nominees have been confirmed at a rate of more than 5.2 judges per month, a faster pace than for any of the past 3 Presidents.

During the six and one-half years of Republican control of the Senate, judicial confirmations averaged 38 per year a pace of consideration and confirmation that we have already exceeded under Democratic leadership over these past 10 months in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path. As of today, we have confirmed 52 judicial nominees in just 10 months. This is almost twice as many confirmations as George W. Bush's father had over a longer period—27 nominees in 15 months—than the period we have been in the majority in the Senate.

I suspect the reason you hear so many complaints from the Republican side is that they are hoping people will not look at the facts, that they are hoping the people will not remember what they did to President Clinton. They do not want to have to admit what is an irrefutable fact, that the Democratic-controlled Senate is treating President George W. Bush far better than a Republican-controlled Senate treated President William Jefferson Clinton.

And, frankly, I get a little bit weary of the misstatements, I get a little bit weary of having members of my committee attacked for their patriotism or for their religion by those who feel we are not automatically rubberstamping the President's nominees. The Constitution says: advise and consent. It does not say: rubberstamp.

But I have also been here with six Presidents. I have had the same position with Republican Presidents and Democratic Presidents. I will not vote for anybody who is going to diminish the independence of the Federal judiciary.

In fact the Republican critics, because they do not want to admit the fact that we are moving much faster than they did with a Democratic President, typically compare apples to oranges to mischaracterize the achievements of the last 10 months.

They complain that we have not done 24 months of work in the fewer than 10 months we have been in the majority.

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

Mr. LEAHY. Madam President, I see nobody seeking recognition. I ask unanimous consent to be able to continue for at least 1 minute after somebody else seeks recognition.

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

Mr. LEAHY. Ironically, with today's confirmations, we even meet that unfair standard: Within the last 10 months we have confirmed about as many judges—52—as were confirmed by the Republican majority in the entire 1996 congressional session and in all of 1997 combined. We are now meeting their two-year figures is less than 10 months. Oh, and if you were wondering about Court of Appeals judges confirmed in the 1996 and 1997 sessions combined—their total was 7. We have already confirmed 9 in fewer than 10 months.

A fair examination of the rate of confirmation shows that Democrats are working harder and faster on judicial nominees, confirming judges at a faster pace than the rates of the past 20 years. The double standards asserted by Republican critics are just plain wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achievement of the Senate under a Democratic majority.

The Republican attack is based on the unfounded notion that the Senate has not kept up with attrition on the District Courts and the Courts of Appeals. Well, the Democratic majority in the Senate has not only been keeping up with attrition but outpacing it, and we have started to move the vacancies numbers in the right direction—down. By contrast, from January 1995 when the Republican majority took over control of the Senate until they relinquished control in June 2001, federal judicial vacancies rose by 65 percent, from 63 to 105.

The Republican majority assumed control of judicial confirmations in January 1995 and did not allow the Judiciary Committee to be reorganized after the shift in majority last summer until July 10, 2001. When I became Chairman of a Committee to which Members were finally assigned on July 10, we began with 110 judicial vacancies. With today's confirmation of Judge Rufe and Mr. Baylson, we have reduced the overall number of judicial vacancies to 88 and the number of district court vacancies to 58. Already, in fewer than 10 months in the majority, we more than kept up with attrition and begun to close the judicial vacancies gap that nearly doubled under the Republican majority. Under Democratic leadership, we have reduced the number of district court vacancies by almost 25 percent and the overall number of judicial vacancies by 20 percent, to below 90.

I happen to have a chart that shows what we have been doing. We see the trend under the Republican majority going up, and then we see the trend under the Democratic majority and how we have brought the vacancy number down.

The Democratic majority in the Senate has also kept up with attrition on the Courts of Appeals and been acting to close the vacancies gap on the Courts of Appeals that more than doubled under the Republican majority. Vacancies on the Courts of Appeals rose from 16 to 33 in the period January 1995 to July 2001, before the Senate was allowed to reorganize after the shift in majority last summer.

In the fewer than 10 months since the change in majority, the Senate has confirmed nine judges to the Courts of Appeals and more than kept up with the five vacancies that had arisen since July. In contrast, the Republican-controlled majority averaged only seven confirmations to the Courts of Appeals per year. Seven. This is what is somewhat distressing. I suppose they think if they keep saying it enough, the public will be fooled and the press will be fooled. I am willing to bet ultimately neither will.

In the fewer than 10 months the Democrats have been in the majority, we have already exceeded the annual number of Court of Appeals judges confirmed by our predecessors. The Senate

in the last 10 months has confirmed as many Court of Appeals judges as were confirmed in all of 2000 and more than were confirmed in 1997 or 1999, and nine more than the zero from 1996. Another way to put it is that within the last 10 months, the Democratic majority in the Senate has confirmed as many Court of Appeals judges as were confirmed in the 2000 and 1996 sessions combined and confirmed more Court of Appeals judges than were confirmed in the 1999 and 1996 sessions combined or in the 1997 and 1996 sessions combined. Simply put, in fewer than 10 months we have already exceeded the number of Court of Appeals judges confirmed by a Republican majority in four of the six years in which they were in control. No matter what standard you use, we are moving very fast.

Under Republican leadership from 1995 through July 10, 2001, vacancies on the Courts of Appeals increased from 16 to 33, more than doubling.

When I became chairman of a Committee to which Members were finally assigned on July 10, we began with 33 Courts of Appeals vacancies. That is what I inherited. Since the shift in majority last summer, five additional vacancies have arisen on the Courts of Appeals around the country. With last week's confirmation of Judge Howard, we have reduced the number of circuit court vacancies to 29. That is, we have kept up with attrition by confirming five Court of Appeals judges and then acted to lower the number of vacancies by confirming four additional judges. Those are the facts. Since our Republican critics are so fond of using percentages, I will say that we will have now reduced the vacancies on the Courts of Appeals by more than 12 percent in the last 10 months.

Rather than the 38 vacancies that would exist if we were making no progress, as some have asserted, there are now 29 vacancies—that is more than keeping up with the attrition on the Circuit Courts. Republican critics unfairly seek to attribute to the Democratic majority the lack of action by the Republican majority before the historic change last summer.

While the Republican Senate majority increased vacancies on the Courts of Appeals by over 100 percent, it has taken the Democratic majority fewer than 10 months to reverse that trend, keep up with extraordinary turnover and, in addition, reduce circuit court vacancies overall. This is progress.

Rather than having the circuit vacancy numbers skyrocketing, as they did overall during the prior six and one-half years—more than doubling from 16 to 33—the Democratic-led Senate has reversed that trend. The vacancies numbers are moving in the right direction down.

Overall, in fewer than 10 months, the Senate Judiciary Committee has held 17 hearings involving 61 judicial nominations. With today's actions, we will have confirmed 52 of those nominees. By contrast, in the first 10 months of Republican control of nominations they held only 10 hearings and confirmed only 36 judges. We have held more hearings on judges than the Republican majority held in any year of its control of the Senate. The Republican majority never held 17 judicial confirmation hearings in 12 months.

Indeed, one-sixth of President Clinton's judicial nominees—more than 50—never got a Committee hearing and Committee vote from the Republican majority, which perpetuated long-standing vacancies into this year.

Despite the new-found concern from across the aisle about the number of judicial vacancies, no nominations hearings were held while the Republicans controlled the Senate in the 107th Congress last year. No judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001.

The Democratic leadership acted promptly to address the number of district and circuit vacancies that had been allowed to grow when the Senate was in Republican control. The Judiciary Committee noticed the first hearing on judicial nominations within 10 minutes of the reorganization of the Senate and held that hearing on the day after the Committee was assigned new members.

That initial hearing included two District Court nominees and a Court of Appeals nominee on whom the Republican majority had refused to hold a hearing the year before. Within two weeks of the first hearing, we held a second hearing on judicial nominations that included another Court of Appeals nominee. I did try to schedule some District Court nominees for that hearing, but none of the files of the seven District Court nominees pending before the Committee was complete. Similarly, in the unprecedented hearings we held for judicial nominees during the August recess, we attempted to schedule additional District Court nominees but we could not do so if their paperwork was not complete. Had we had cooperation from the Republican majority and the White House in our efforts, we could have held even more hearings for more District Court nominees. Nevertheless, in fewer than 10 tumultuous months, the Committee has held 17 hearings involving 61 judicial nominations.

The Senate Judiciary Committee is holding regular hearings on judicial nominees and giving nominees a vote in Committee, in contrast to the practice of anonymous holds and other obstructionist tactics employed by some during the period of Republican control. The Democratic majority has reformed the process and practices used in the past to deny Committee consideration of judicial nominees. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

I do not mean by my comments to appear critical of Senator HATCH. Many times during the six and one-half years he chaired the Judiciary Committee, I observed that, were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

I hope to hold additional hearings and make additional progress on judicial nominees. In our efforts to address the number of vacancies on the circuit and district courts we inherited from the Republicans, the Committee has focused on consensus nominees for all Senators. In order to respond to what Vice President CHENEY and Senator HATCH now call a vacancy crisis, the Committee has focused on consensus nominees. This will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible.

Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation.

Some on the other side of the aisle have falsely charged that if a nominee has a record as a conservative Republican, he will not be considered by the Committee. That is simply untrue. The next time Republican critics are bandying around charges that the Democratic majority has failed to consider conservative judicial nominees, I hope someone will ask those critics about all the Federalist Society members we have confirmed and the Republican activists we have confirmed without a single dissenting vote. I do not believe that President Bush is nominating liberals and neither does the White House.

The Committee continues to try to accommodate Senators from both sides of the aisle. The Court of Appeals nominees included at hearings so far this year have been at the request of Senator GRASSLEY, Senator LOTT, Senator SPECTER, Senator ENZI, Senator SMITH, and Senator THOMPSON—six Republican Senators who each sought a prompt hearing on a Court of Appeals nominee who was not among those initially sent to the Senate in May 2001.

I tried to accommodate them. They asked if we could move their nominees ahead in the queue. We did. We heard them. We confirmed them. But knowing that no good deed goes unpunished, having moved nominees at the request

of Republican Senators, moved theirs ahead of others, the same Republican Senators signed letters saying: It is terrible we are not moving them in order.

I have tried to accommodate them as much as I could. We would be moving a lot slower if we were going exactly in order. What we are trying to do is get those nominees on whom there is some consensus through first. That will put as many judges on the bench as possible.

I ask my colleagues, please, try to at least wait more than a week after I have accommodated you in moving your judge up for a hearing and getting them confirmed before you send out a letter saying: Why aren't you confirming more judges? I don't want to embarrass Senators by having a chart showing some of the letters and some of the statements they have made asking me to take their judges out of order, and then putting them side by side with their letters criticizing me for taking judges out of order. I am not going to do that, although I get sorely tempted.

I am also sorely tempted because the problems we are talking about arose on a Republican watch, while they were in the majority. It reminds me a little bit of an arsonist we had in Vermont when I was a prosecutor. There was a fellow who used to complain that the fire department wasn't responding fast enough. He was setting the fires. He was the one setting the fires. Rest his soul, he is no longer with us, but he used to complain they weren't responding fast enough, and he was the one setting the fires.

The whipsawing by the other side is truly remarkable. When we proceed on nominees that they support and on whom they seek action, we are criticized for not acting on others. When we direct our effort to trying to solve problems in one Circuit, they complain that we are not acting in another.

I imagine that over the next 10 days we will be hearing a refrain about the most controversial of President Bush's nominees who have not yet participated in a hearing. Some of them do not have the necessary home-state Senator support needed to proceed. Some will take a great deal of time and effort for the Committee to consider. I hope to be able to do something else that our Republican counterparts never did, which is to announce some scheduling decisions well in advance of hearings to come over the next several months.

But I do find it amazing that in spite of all we have done, all we are doing, and the fact that judges are moving much faster than they did in the past 6 years, our partisan critics will act as if we have not held a single hearing on a single judicial nominee. They will not acknowledge their role in creating what they now call a judicial vacancies crisis. They will not apologize for their harsh tactics in the six and one-half years that preceded the shift in majority.

They will not acknowledge that the Democratic majority has moved faster on more judges than they ever did. That will not acknowledge that we have been working at a record pace to seek to solve the problems they created.

We will keep on working. I am sure I will keep on listening to the partisan sniping, but we will keep moving faster than they ever did when they were in charge.

I remind everybody that this Senator would never vote for a nominee whose sole purpose in being there is to detract from the independence of the Federal judiciary and, instead, is intending to make the Federal judiciary ideologically pure one way or the other—and I don't care which way it goes; I will not vote for such a person. I want people to know that if any Vermonter or anybody from any State goes into a Federal court, they are going to have a fair hearing, and they will not be judged based on political party or political ideology. Whether they are plaintiff or defendant, whether they are Government or defendant, or whether they are rich or poor, they should be treated the same.

Each of the 52 nominees confirmed by the Senate has received the unanimous, bipartisan backing of the Committee. The confirmations of Judge Rufe and Mr. Baylson make the 51st and 52nd judicial nominees to be confirmed since I became Chairman last July. I would like to commend the members of the Judiciary Committee and our Majority Leader Senator DASCHLE and Assistant Majority Leader Senator REID for all of their hard work in getting us to this point.

The confirmation of the 52nd judge in fewer than 10 months, especially these last 10 months, in spite of the unfair and personal criticism to which they have each been subjected, is an extraordinary achievement and a real example of Democratic Senators acting in a bipartisan way even some on the other side have continued to make our efforts toward progress as difficult as possible.

U.S. POLICY TOWARD COLOMBIA

Mr. LEAHY. Madam President, I want to turn to another important topic—the situation in Colombia. Two weeks ago, Colombia's President, Andres Pastrana, was in Washington for what may have been his last official visit before the elections in May to choose his successor. He cannot run again under Colombia's Constitution. While I am sorry to see him leave, I am proud that he is departing through a democratic transfer of power, confirming, once again, his commitment to democracy in Colombia. I respect President Pastrana. I admire his attempts to bring peace to Colombia and his successes in improving relations between our two nations.

I do, however, have concerns about the administration's request for more assistance to Colombia. The reason we are given as to why we are spending such large sums of money in Colombia seems to change frequently—from fighting an insurgency to combating terrorism to protecting democracy to reducing the flow of drugs. Before we spend even more money down there, I hope the administration will articulate a clear plan, look carefully at the billions we have spent with little to show for it, and understand Colombia's need to take more responsibility for their own problem.

Colombia should not be blamed for America's drug problem. Even if no cocaine or heroin came here from Colombia, illegal drugs would still come into this country. As long as Americans spend billions on illegal drugs, somebody else is going to supply it.

In many ways Colombia fits into larger issues about our foreign assistance programs. I think it is time for us to re-examine the way foreign aid is being used. During the cold war, we would give foreign aid to countries simply because they claimed to be anti-Soviet Union. It didn't make any difference how it was used. After the Cold War, we starting giving money, while paying little attention to human rights violations by foreign militaries or security forces, to nations that would say that they would help fight drug trafficking. Today, I am worried that we are starting down a road where we give all sorts of assistance to governments that claim to be antiterrorist, irrespective of their commitment to democracy, human rights, or economic reform.

I have said over and over again that we should increase foreign assistance to many areas of the world. We have moral and strategic reasons for doing that. But we ought to at least stand for something when we provide this assistance. We can deliver a strong message that, while we don't expect an absolute replication of our form of government, we do expect you to respect human rights and other basic American values if you use our tax dollars.

There is no reason that countries cannot respect these values and use foreign aid effectively—these things go hand and hand. We have had some wonderful successes where we have done both. We have had some colossal disasters where we have not.

Madam President, I have known Colombia's President Pastrana for several years, and consider him a friend. He has worked diligently for peace, often at great personal risk, and while he ultimately was unable to obtain the peace agreement with the guerrillas that he so deeply wanted, his administration will be remembered for other achievements. Today, thanks to his efforts and those of Colombia's fine Ambassador, Luis Moreno, Colombia's relations with the United States, which had suffered under previous Colombian administrations, are strong and based on mutual respect.

I want to thank President Pastrana for his friendship, for the dignity that he restored to the presidency, for his

dedication to his people. Although we did not always agree about U.S. policy toward Colombia, President Pastrana always treated me with respect and warmth. I am grateful to him, and wish him the best in the future. While I regret that I was unable to travel to his country during his term of office, I am determined to do so and look forward to visiting him there when I do.

The issue of U.S. policy toward Colombia is the subject of considerable concern in Washington, both because of President Pastrana's recent visit, and because of President Bush's supplemental appropriations request, which proposes to shift the focus of our assistance program in Colombia from counter-narcotics to counter-terrorism.

I am of mixed minds about this proposal, and want to take a moment to discuss some of my concerns.

Before we rush to bring the war against international terrorism to Colombia's jungle as the Administration and some in Congress now urge, we would do well to understand that country's feudal history. We should also review what has been done with the nearly $2 billion we have appropriated for Colombia in the past two years.

''Plan Colombia,'' devised by the Clinton Administration and the Colombian Government to counter the flourishing trade in cocaine from Colombia to the United States, called for $7.5 billion. Colombia was to contribute $4 billion, and, were told at the time, the U.S. share was $1.6 billion. Donations by other countries, mostly the Europeans, have not materialized. The Colombian Government's support has also fallen far short. For fiscal year 2003, the Bush Administration seeks another $439 million in counter-drug aid, plus $98 million in military aid, for a total of $537 million.

So far, U.S. tax dollars have paid for a fleet of aircraft to spray chemical herbicide over large areas of the country planted in coca, combat helicopters to protect the planes from ground fire, and training and equipment for counter-drug battalions. More funds were provided for economic programs to give coca farmers alternative sources of income and to reform Colombia's dysfunctional justice system.

Because of the Colombian military's poor human rights record, Congress conditioned aid on the prosecution of military officers implicated in serious abuses, and on the severing of the military's links with illegal paramilitary groups. These groups, like the guerrillas, have been designated by the Administration as terrorist organizations.

By any objective measure, Plan Colombia's results have been, at best, disappointing.

First, the State Department predicted a 30 percent reduction in coca cultivation by the end of 2002. Although 84,250 hectares were sprayed last year, coca cultivation in Colombia actually rose, by at least 21,100 hectares. There has not been any reduction in the flow of illegal drugs into the U.S., and virtually no one in the Administration thinks there will be.

Second, while aerial spraying may at some point reduce the coca crop, there is vast territory ripe for future cultivation and a huge U.S. demand for drugs. Serious questions have been raised about the health and environmental impact of the spraying which need to be satisfactorily answered if this program is to continue. Manual eradication, as was done in Bolivia and Peru, should be reconsidered, and we should target the large growers, drug labs and traffickers. Moreover, any of these eradication efforts will ultimately fail without economic alternatives for those displaced by coca eradication.

Third, U.S.-funded economic programs have produced little in the way of viable alternatives. It is dangerous and difficult to implement these programs in conflict zones where coca is grown. The Colombian Government has not invested enough of its own money in these areas, and however much it has invested has produced few tangible results. Nor has it done enough to reform its sagging economy. This needs to be a partnership, and our support for alternative income programs should focus where the needs are greatest and programs can be sustained.

Fourth, senior military officers implicated in the murders of civilians, or who abet paramilitary violence and drug trafficking, have not been jailed despite the conditions on U.S. aid. Many remain on active duty and some have been promoted. Human rights investigators and prosecutors have been threatened, killed or forced to flee the country. While some soldiers have been suspended, none have been prosecuted and some have joined paramilitaries.

Under our law, the Secretary of State must certify that certain human rights conditions have been met prior to the release of military aid. Earlier this year, a number of high-ranking Administration officials traveled to Colombia, and informed Colombian military officers that more progress was needed. Unfortunately, as far as I am aware, no such progress has taken place and therefore, to his credit, the Secretary has not made the certification. However, I am told the certification could come at any time, and if that is true I hope that it is based on facts and reflects a good faith application of the law.

Fifth, top paramilitary leaders, implicated in hundreds of murders, travel around the country and give press interviews despite numerous warrants for their arrest. One has to ask why these arrest warrants, many of which have been pending for years, have not been executed? Local military commanders share airfields, intelligence and logistics, and in some instances even coordinate attacks. While some members of paramilitaries have been captured, their influence has grown throughout the country and they are responsible for a large share of targeted assassinations and gruesome attacks against unarmed civilians. Like the guerrillas, the paramilitaries are deeply involved in drug trafficking. Continued U.S. aid to the Colombian military must be tied to accountability for abuses and to aggressively fighting the paramilitaries, particularly the United Self-Defense Forces of Colombia (''AUC'').

Sixth, President Pastrana's brave efforts to negotiate peace, cynically spurned by the guerrillas, have collapsed. The violence has intensified and the guerrillas, especially the Revolutionary Armed Forces of Colombia (''FARC''), have sharply escalated kidnappings, assassinations and other terrorist acts. They are unlikely to be able to defeat the Colombian military, but they can lay siege to cities by cutting off water and power supplies. Colombia's generals are now asking the U.S. for aid to fight the war.

Americans need to understand that Colombia is really two ''countries,'' which is at the heart of its problems. The thinly populated, impoverished eastern half, which the government has ignored for generations, is mired in the 19th Century, while the sophisticated, urban west is edging toward the 21st. There are deeply rooted social, economic and political reasons why Latin America's oldest conflict is no closer to resolution, and why drug money, corruption and lawlessness permeate Colombian society. These problems, which ultimately only Colombians can solve, will not be fixed by attacking the symptoms, and an all out war against the twin terrorist threats—guerrillas and paramilitaries—would cost far more, take far longer, and wreak more havoc than anyone in Washington has acknowledged so far.

Until now we have confined our aid to fighting drugs. In the first sign of a shift, the Administration asked Congress for an additional $98 million to protect 100 miles of an oil pipeline that has been a frequent target of guerrilla attacks that have cost Colombia $500 million a year in oil revenues. The White House is now seeking broad, new counter-terrorism authority in the fiscal year 2002 supplemental, opening the door to a deeper, open-ended U.S. involvement in Colombia.

If we go down that road what would be the likely result? Colombia is not Afghanistan, and no one supports sending U.S. troops. But while no two countries are the same, we gave over $5 billion to the military of El Salvador, a country with 1/50th the land area of Colombia, and they could not defeat the guerrillas there. Are we, and the Colombian people who currently spend a meager 3 percent of GDP on the army, prepared for a wider war, the huge cost, many more displaced people, and the inevitable increase in civilian casualties? Is the only alternative to continue a limited, ineffective counter-drug strategy, and the growth in public support for the AUC which may ultimately pose a greater threat to the

country than the FARC? Can the military be made to see their oft-times allies, the AUC, as terrorists to be fought as aggressively as the FARC? Should we send an envoy of the caliber of Richard Holbrooke to push for a cease fire, and actively support a much more inclusive negotiating strategy than was pursued previously? What about attacking the security problems that have given rise to the AUC, by strengthening Colombia's National Police, who have a cleaner human rights record and who may be more effective in responding to kidnappings and other terrorist acts?

We want to help Colombia, particularly as the FARC has evolved from a rebel movement with a political ideology to a drug-financed terrorist syndicate. But we and the Colombians need to be clear about our goals and what it would take to achieve them. We should not commit ourselves to a costly policy that is fogged with ambiguity, and we should not subvert our other objectives of promoting the rule of law, protecting human rights, and supporting equitable economic development. Goal-setting should also be coordinated, after the elections in May, with Colombia's new president, who may favor an entirely different approach.

Finally, just as Colombians need to take far more responsibility for their own problems, Colombia cannot solve America's drug problem. Too often, we unfairly blame Colombia, and the other Andean nations, for the epidemic of drug addiction in our own country. Our meager attempts to reduce demand for drugs have failed, and unless we devote far more effort to what we know works—education and treatment—the drugs will keep coming and Americans will keep dying.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, I thank the Chair and I thank my colleague from Vermont for awaiting my arrival. We have just been at a news conference on the introduction of legislation on nuclear transplants. There were many questions beyond what we had anticipated. I did want to have an opportunity to appear briefly in support of these two nominees who are from my state.

NOMINATION OF CYNTHIA M. RUFE

The nomination of Judge Cynthia Rufe comes to this floor after having been approved unanimously by the Judiciary Committee. She has an excellent educational background: A bachelor's degree from Adelphi University, a J.D. from the State University of New York. She has extensive experience in the private practice of law. She was in the public defender's office for some 5 years. She has been solicitor in her home county, Bucks County, PA, and has been a judge on the State Court of Common Pleas from 1994 to the present. She presides over the Criminal Court, Juvenile Court and Protection From Abuse cases.

Prior to her election to the position of judge in 1993, she maintained law offices in Newtown, Pennsylvania practicing civil and criminal litigation, family law and specializing in child abuse cases.

Before entering private practice in 1982, Judge Rufe served Bucks County as Deputy Public Defender, coordinating that office's Juvenile Division.

She also served as Solicitor for the Bucks County Children and Youth Social Services Agency for four years.

The Pennsylvania Supreme Court has appointed Judge Rufe to sit on the Appelate Procedural Rules Committee. She also serves the Pennsylvania Conference of State Trial Judges on their Judicial Education, Juvenile Court and Corrections Committees.

In addition, she served on a Federal task force to improve the quality of mental health treatment and services for female inmates in the Bucks County jail system.

Judge Rufe has been an active member of several community agencies related to the improvement of youth, families, and drug and alcohol issues, including serving as a member of the Board of Directors of Youth Services, Inc.; Organization to Prevent Teenage Suicide, Inc.; Reaching-at-Problems, Inc. Group Home; and Prevention and Rehabilitation for Youth and Development, Inc.

Judge Rufe has received countless awards from various women law organizations in the Commonwealth of Pennsylvania.

NOMINATION OF MICHAEL M. BAYLSON

Michael Baylson is a man I have known since 1965. He was one of the first people I appointed as an assistant district attorney when I was elected in 1965. I have known him intimately for the course of the past 37 years. I can attest to his capability.

He is a graduate of the University of Pennsylvania, with both a Bachelor of Science and a law degree. Beyond serving as an assistant district attorney in my office, where he was chief of the homicide division, and he handled some of the most complicated criminal prosecutions known, he later served as a U.S. attorney from 1988 to 1993. He has been a senior partner in the distinguished Philadelphia law firm of Duane, Morris & Heckscher, working on some very tough litigation matters in the areas of commercial and securities litigation and antitrust law.

Mr. Baylson served as United States Attorney for the Eastern District of Pennsylvania from 1988 to 1993. He was heavily involved in the Weed and Seed Program.

From 1966 to 1969, he was an assistant district attorney in the Philadelphia District Attorney's Office, where he served as chief of the Narcotics and Homicide Divisions.

He is the chair of the Specialization Committee and past chair of the State Action Exemption and Noerr Doctrine Committee of the Antitrust Law Section of the American Bar Association, and is a fellow of the American Bar Foundation.

He has also been on the faculty of the University of Pennsylvania Law School.

He received the United States Department of Treasury's U.S. Attorneys award for Distinction in Financial Management, 1993; Attorney General's Special Commendation Award, 1993; Inspector General's Prospective Leadership Award, U.S. Health and Human Services, 1992; and the Distinguished Service to Law Enforcement Award from the County and State Detectives Association of Pennsylvania, 1992.

Baylson has provided pro bono services to prisoners asserting civil rights violations and has represented defendants accused of crimes on a pro bono basis.

Madam President, while my colleague from Vermont is still in the Chamber, I want to make a comment or two about some discussions he and I have had, and which I have had with other members of the Judiciary Committee. It is my hope that we will be able to agree on a protocol of where we can come to an agreement in the Judiciary Committee, and really in the full Senate, as to how we handle judicial nominations.

We have seen recurrent problems when we have a Republican President and a Senate controlled by the Democrats. When the shoe was on the other foot, we had a President who was a Democrat and the Senate was controlled by Republicans. Before that, we had a Republican President and the Senate was controlled by Democrats.

So that in my Senate tenure we have had three situations where the White House and the Senate were controlled by different parties.

When there is debate about what has happened and how long the nominations have taken, although I have been here and followed the situation closely, I get lost in the statistics. I think the American people do too.

I do believe there have been failures on both sides, by both parties. I think the time has come to move beyond recrimination and to try to establish a protocol. Hopefully this protocol will provide for a certain number of days after a nomination has been submitted to be accorded a hearing, so many days later for a markup in an executive session, so many days later to be considered by the full Senate. Delays could occur at the discretion of the chairman of the committee, after consultation with the ranking member—not the concurrence of the ranking member but the consultation—similarly with the

majority leader, with consultation with the minority leader.

I wanted to make those comments because one might say it is hard for the issue to disintegrate further, but I do see it disintegrating further. On May 9, we are going to have a one year anniversary of the submission of eight circuit judges, and I hope we do not have dueling press conferences. I hope we are able to work this out where we will have rules and a protocol established, regardless of who controls what.

Again, I thank the Chair for sitting overtime and I thank my colleague from Vermont for staying overtime.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I am always happy for the cooperation of the Senator from Pennsylvania, and I do compliment him on the two judges who will be confirmed today, recommended by him, and his efforts to get a consensus for them. I am well aware we can have dueling press conferences.

I have mentioned a number of courts of appeals judges were heard out of order at the request of Republican Senators, and I am sure if some of those same Senators were then to speak of the fact that some of the judges, their own nominees especially, were heard ahead of others, that they would see delicious irony in that.

I know we are supposed to recess. I yield the floor.

NOMINATION OF MICHAEL BAYLSON

Mr. HATCH. Madam President, I rise in support of the confirmation of Mr. Michael Baylson to the District Court of Eastern Pennsylvania. Mr. Baylson is another fine example of the qualified attorneys President Bush has named to the federal bench, and I am convinced based on his record that he will make an outstanding addition to an already prestigious court.

Mr. Baylson earned his undergraduate degree from the University of Pennsylvania's Wharton School. He then graduated from the University's Law School. After working as a volunteer for the public defender in Philadelphia, he joined the Philadelphia District Attorney's Office. My colleagues will remember that my friend the distinguished senior Senator from Pennsylvania, Senator SPECTER, was the Philadelphia District Attorney at this time. Mr. Baylson was quickly promoted to supervise that office's Narcotics Unit and then it Homicide Unit.

Mr. Baylson worked in private practice at the law firm of Duane Morris and Heckscher. Then, in 1988, he returned to public service as the United States Attorney for the Eastern District of Pennsylvania. There, he became well-known for his aggressive drug prosecutions. Mr. Baylson also was a pioneer in developing the Violent Traffickers Project, a program that uses a different strategy than the traditional tactic of arresting smaller dealers and then ''flipping'' them in order to convict the leaders of a drug conspiracy.

After leaving the U.S. Attorney's Office, Mr. Baylson returned to Duane Morris and Heckscher as a partner and has specialized in antitrust, federal securities, RICO and white collar crime matters.

Clearly, Mr. Baylson is a very talented attorney with a great deal of experience. I have no doubt that he is an excellent choice to be a judge on the District Court of Eastern Pennsylvania.

NOMINATION OF JUDGE CYNTHIA M. RUFE

Madam President, I rise in support of the confirmation of Judge Cynthia Rufe to the U.S. District Court for the Eastern District of Pennsylvania. Judge Rufe's nomination is yet another example of President Bush's effort to enhance our excellent and diverse federal judiciary. Judge Rufe has had a distinguished legal career. She is an outstanding Pennsylvania state judge who will only add to the distinguished federal court in the Eastern District of Pennsylvania.

Judge Rufe graduated with a B.A. in Political Science and Education from Adelphi University in 1970. After receiving her teacher's certificate from Bloomsburg University in 1972 and teaching high school social studies, Judge Rufe graduated from SUNY–Buffalo Law School in 1977.

After law school, and mindful of each attorney's responsibility to ''serve the disadvantaged,'' she joined the Bucks County Public Defenders Office. In this role, her case-load ran the gamut from misdemeanors to homicides. At the Public Defender's Office, Judge Rufe developed an expertise in representing abused and neglected children.

As a result of that expertise, she created and led the Public Defender's Juvenile Division. Later, Judge Rufe rose to the level of Deputy Public Defender. In this position, she was responsible for managing the office's trial caseload.

In 1982, she left the Defender's Office to begin a private practice. Judge Rufe concentrated on litigation, especially criminal and juvenile law. Over the years, the Judge Rufe's practice expanded to include cases on employment, discrimination, personal injury, defamation, contracts, adoptions, estates and family law.

But, during this period, she never forgot about her community, and she served as Solicitor of the Bucks County Children and Youth Social Services Agency.

In 1994, Judge Rufe re-entered public life when she was elected to the Bucks County Court of Common Pleas. For the last eight years, she has developed a well-earned reputation for hard work and fairness.

It is a pleasure and a privilege to support Judge Rufe's nomination to the federal bench.

JUDICIAL CONFIRMATIONS

Madam President, I would like to respond briefly to some comments made earlier today on the topic of judicial confirmations. I had no intention of bringing up this topic today, but now I find myself with no choice but to set the record straight. I want to make one observation and then two simple points.

Madam President, my observation is this: The American people want this Senate to help—rather than hinder—President Bush. And that is true of every President. Everyone understands that we are living at a time of great national importance. Our government is being put to a test. President Bush is performing extraordinarily well, and he is leading our country and our military in the right direction to achieve prosperity and security for all Americans. The American people support President Bush and his administration, and they correctly believe that the Senate should do the same.

But the people who follow the Judiciary Committee's record on reviewing and approving President Bush's judicial nominations are frustrated—for good reason—with the way in which this body has treated President Bush. They know that President Bush gave great care and attention to finding nominees who are extremely well-qualified, highly talented legal thinkers who hold mainstream American values. There is not an ideologue among them. To the contrary, President Bush's picks for the judiciary are all principled and fair people, from a variety of backgrounds and experiences, who are committed to following precedent, applying the law as it exists, and standing firm against judicial activism. President Bush should not be forced to divert any more of his time and attention away from the war on terrorism and his many domestic priorities in order to persuade this body to do what is right for the American people.

Now, Mr. President, I would like to make two points that directly respond to the comments made earlier today.

Madam President, the current Senate leadership is not doing a better job this Congress than the Senate has done under other Presidents. I listened as my colleague explained that, if looked at through the right looking glass, or examined in the right subsection of the right time period of the right session of the right Congress, then the current numbers are pretty impressive.

The most important measure of performance should be how we are handling the most important courts: the Circuit Court of Appeals. Let's compare the treatment of President Bush's first 11 circuit court nominees to the first 11 of previous presidents. President Reagan, the first President Bush and President Clinton all enjoyed a 100 percent confirmation rate on their first 11 circuit court nominees, and all were confirmed well within a year. President Reagan's first 11 were confirmed in an average of 39 days, the first President Bush's first 11 averaged 88 days, and President Clinton's first 11—only 115 days. The longest any of these individuals were held up in committee was 202 days. In stark contrast to previous

Presidents, 8 of President Bush's first 11 nominations—made on May 9, 2001, almost a year ago—are still pending in committee without so much as a hearing! That's nearly 365 days, and only 3 of the President's first 11 nominees are confirmed. Is this what the Democratic leadership considers a record-breaking pace? It may be record-breaking, all right, but not the record they're talking about. They are confirming with the velocity of molasses.

Now I heard my colleague suggest that some of the first 11 nominees may have been superseded out of courtesy to Republican Senators who requested some later-nominated judges to move first. Well, I know how difficult it is to chair the committee, and such requests do come in. But I would suggest to my friend that he do what I did for President Clinton: consider more than one circuit nominee per hearing. That's what we did, under Republican leadership, no fewer than 10 times. Why not two at a time?

Of course, the pace of confirming a President's first 11 nominees is not the only measure by which the current leadership is falling short. My colleague suggested that kudos should be awarded for bringing the circuit court vacancy rate down to 29. Well, it was never that high at the end of any Congress when Republicans controlled the Senate. And I certainly don't recall that, during my chairmanship, any of our circuit courts were facing the kind of crisis that is going on today in the 6th Circuit Court of Appeals, where the court is operating at half-staff despite the fact that president Bush has nominated seven highly qualified people to serve on that court.

The fact is that, at the close of the 106th Congress, when I was chairman of the Judiciary Committee, there were only 67 vacancies in the federal judiciary. In the space of one Democratic-controlled congressional session last year, that number shot up to nearly 100, where it remains today. Under Republican leadership, the Senate confirmed essentially the same number of judges for President Clinton—377—as it did for President Reagan—382—which proves bipartisan fairness—especially when you consider that President Reagan had six years of his party controlling the Senate, and President Clinton had only two.

So how did we go from 67 vacancies at the end of the Clinton administration to nearly 100 today? There can be only one answer: The current pace of hearings and confirmations is simply not keeping up with the increase in vacancies. We are moving so slowly that we are barely keeping up with natural attrition. President Bush nominated 66 highly qualified individuals to fill judicial vacancies last year. But in the first 4 months of Democratic control of the Senate last year, only 6 Federal judges were confirmed. At several hearings, the Judiciary Committee considered only one or two judges at a time. The committee voted on only 6 of 29 circuit court nominees in 2001, a rate of 21 percent, leaving 23 of them without any action at all.

This leads to my second point, which is that the current situation has nothing whatsoever to do with ideology. I was surprised to hear my friend, the chairman of the Judiciary Committee, address earlier today the question of introducing ideology into the judicial confirmation process. Some of my Democrat colleagues have made no bones about the fact that this is exactly what they are seeking to do. In July, they have even held hearings expressly on how to justify it. We saw what happened to Judge Charles Pickering.

What is now occurring is far beyond the mere tug-of-war politics that unfortunately surrounds Senate judicial confirmation since Robert Bork. Some of my colleagues are out to effect a fundamental change in our constitutional system, as they were instructed to do by noted liberal law professors at a retreat early last year. Rather than seeking to determine the judiciousness of a nominee and whether a nominee will be able to rule on the law or the Constitution without personal bias, they want to guarantee that our judges all think in the same way, a way that is much further to the left of mainstream than most of President Bush's nominees.

In the judiciary that some would create, citizens will have to worry about the personal politics of the judge to whom they come for justice under the law. I strongly object to that result.

The legitimacy of our courts, and especially the Supreme Court, comes from much more than black robes and a high bench. It comes from the people's belief that judges and justices will apply a judicial philosophy without regard to personal politics or bias.

In conclusion, Madam President, it is time for this Senate to examine the real situation in the Judiciary Committee, rather than listen to more inventive ways of spinning it. We have lots of work to do. There are 90 vacancies in the federal judiciary—a vacancy rate of more than 10.5 percent—and we have 50 nominees pending, including 4 nominees for the Court of Federal Claims. Nineteen of the pending nominees are for circuit court positions, yet the Senate has confirmed only nine circuit judges this Congress. This is despite a crisis of 29 vacancies pending in the circuit courts nationwide—virtually the same number of vacancies pending when the Democrats took control of the Senate in June of last year.

Madam President, the American people are disappointed in this process. They want the Senate to help—not hinder—President Bush. I urge my friends across the aisle to focus on this situation, to step up the pace of hearings and votes, and to do what's right for the country.

Thank you, Madam President. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having passed, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

EXECUTIVE SESSION—Continued

NOMINATION OF MICHAEL M. BAYLSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the first nomination.

The assistant legislative clerk read the nomination of Michael M. Baylson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael M. Baylson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 98 Ex.]

YEAS—98

Akaka	Crapo	Johnson
Allard	Daschle	Kennedy
Allen	Dayton	Kerry
Baucus	DeWine	Kohl
Bayh	Domenici	Kyl
Bennett	Dorgan	Landrieu
Biden	Durbin	Leahy
Bingaman	Edwards	Levin
Bond	Ensign	Lieberman
Boxer	Enzi	Lincoln
Breaux	Feingold	Lott
Brownback	Feinstein	Lugar
Bunning	Fitzgerald	McCain
Burns	Frist	McConnell
Byrd	Graham	Mikulski
Campbell	Gramm	Miller
Cantwell	Grassley	Murkowski
Carnahan	Gregg	Murray
Carper	Hagel	Nelson (FL)
Chafee	Harkin	Nelson (NE)
Cleland	Hatch	Nickles
Clinton	Hollings	Reed
Cochran	Hutchinson	Reid
Collins	Hutchison	Roberts
Conrad	Inhofe	Rockefeller
Corzine	Inouye	Santorum
Craig	Jeffords	Sarbanes

Schumer	Specter	Torricelli
Sessions	Stabenow	Voinovich
Shelby	Stevens	Warner
Smith (NH)	Thomas	Wellstone
Smith (OR)	Thompson	Wyden
Snowe	Thurmond	

NOT VOTING—2

Dodd Helms

The nomination was confirmed.

NOMINATION OF CYNTHIA M. RUFE, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Cynthia M. Rufe, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of Cynthia M. Rufe, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 99 Ex.]

YEAS—98

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

NOT VOTING—2

Dodd Helms

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider the votes are laid on the table, and the President will be notified of these actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ANDEAN TRADE PREFERENCE ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to talk about the trade promotion authority legislation that is before the Senate.

America has the most productive, creative workforce in the world. Our industries are diverse. Our products are second to none. Now we must expand our reach to bring more of these goods and services to the global marketplace by passing trade promotion authority legislation.

Trade promotion authority had been used since President Ford's administration to implement trade agreements until it lapsed in 1994. The President has not had this trade promotion authority since 1994. If America is going to increase trade opportunities around the world, Congress needs to pass this legislation so the President has the ability to negotiate trade agreements with the knowledge that, while Congress retains its right to approve or reject a treaty, it will not try to amend or delay it.

Without this legislation, foreign governments may not be willing to sit at the negotiation table with the United States, knowing that they may put all of this time into a negotiation that would then be delayed or changed by Congress.

Ninety-six percent of the world's consumers live outside of the United States, representing a vast potential market for American exports. Unfortunately, other countries are moving forward in promoting trade while we are standing on the sidelines. While we delay, other countries are entering into agreements that exclude us. Our competitors in Europe, Asia, and Latin America have sealed more than 130 free trade compacts. Yet we are party to only three—Jordan, Israel, and NAFTA with Mexico and Canada. Again, there are 130 free trade agreements in the world and the United States is a party to only 3 of those.

A lack of free trade agreements puts American exporters at a significant disadvantage. For example, a $180,000 tractor made in America and shipped to Chile incurs about $15,000 in tariffs and duties upon arrival. That same tractor would face only $3,700 in tariffs if it were made in Brazil, and there would be none if it were made in Canada.

American businesses, farmers, and ranchers are the best, but they should not have to compete with this kind of disparity. Our inability to negotiate agreements with foreign countries is hurting U.S. industry and limiting economic growth. The TPA offers the United States a chance to reclaim momentum in the global economy by adding foreign markets and expanding our opportunity for American producers and workers.

For 60 years, Presidents and members of both parties in Congress have worked together to open markets around the world. Now, as we launch the next round of global trade negotiations, close cooperation is critical. In Texas, we have experienced the benefits of free trade as a result of NAFTA. Since the agreement was implemented in January 1994, Texas exports have grown much faster than the overall U.S. exports of goods. Texas merchandise exports in 2000 went to more than 200 foreign markets, totaling $69 billion—an increase of more than 22 percent since 1997.

On the agricultural front, Texas ranks third among the 50 States in exports, with an estimated $3.3 billion in sales in foreign markets in 2000. We are leading exporters of beef, poultry, feed grain, and wheat. NAFTA has helped us secure the No. 1 cotton exporting State status. Since the agreement took effect, we have increased cotton exports to Mexico from 558,000 bales to 1.5 million bales in 2000.

Some people fear that trade will hurt the United States because they believe we will end up lowering barriers more than our trading partners. This is a legitimate question, but the fact is that the United States is already generally very low in barriers compared to our trading partners. For example, the average U.S. tariff on machinery imports is 1.2 percent, while foreign tariffs on U.S.-made machinery in countries such as Indonesia, India, Argentina, and Brazil are 30 times higher. By negotiating trade agreements, such as Free Trade Area of the Americas, the benefits we will receive by lowering those high barriers to our goods and services far outweigh the effect of lowering our very small tariffs.

Another fear is the extent to which lowering barriers to the U.S. market will cause job losses as companies move manufacturing overseas. This could happen, but we do have superior quality and work ethic—that is undeniable. Beyond that, however, we must consider the extent to which we are already losing jobs to overseas plants because of the high barriers to our goods.

Some countries try to attract manufacturing jobs by raising barriers to imports. This forces companies that would otherwise have production facilities in the United States and then export their products to build plants in

these foreign countries so they get around the tariffs. For example, Mars, Inc., the candy and pet food manufacturer, has their largest production facility in Waco, TX. They and other U.S. confectionary makers face an average of 25 percent in tariffs on confectionary candy exports and candy products to the European Union, and they have a 55-percent tariff on these goods to India. But the United States has virtually no tariffs on confectionary products. The employees of domestic candy makers would be much more secure if the President were able to negotiate a trade agreement that lowered these barriers overseas so they were not penalized for having U.S.-based manufacturing.

In addition to trade promotion authority, we will be debating related trade bills over the next few weeks. The Andean Trade Preference Act, which is the base bill we are debating today, seeks to help our counternarcotics efforts by providing people of the Andean region—South America—with economic opportunity other than drug trade. This bill can help U.S. develop overseas markets. If the beneficiary countries are able to use their exports to the United States to develop a healthier economy, it will create market opportunities for U.S. exporters.

The Andean Trade Preference Act has been successful in this respect. Since it went into effect in 1991, the four Andean countries have experienced $3 billion in new output and $1.7 billion in new exports. This has led to the creation of 140,000 legitimate jobs in this region, providing employment alternatives to people who might otherwise get involved in the drug trade.

Similarly, by extending the General System of Preferences, which provides duty-free status to certain items from developing countries, we can help to develop healthier economies that will inevitably demand U.S. products.

The other bill we are addressing during this debate is Trade Adjustment Assistance. This is a good program that would help those who lose their jobs because of trade. But we must also make sure this is not a program that is going to be so expensive and a program that discriminates among certain unemployed workers versus other unemployed workers versus employed workers. I think we might be taking a big chance with that part of the bill—not being as fully vetted and researched as the two parts that are trade promotion and Andean preference. These are two trade promotion acts that will have direct benefits to the workers and the people of America. It will also help the consumers of America get the lowest prices for goods that are imported without those artificial barriers.

So in this time of increased tension in many parts of the world, American leadership on trade is more important than ever. Giving President Bush a strong hand to negotiate, helping other countries to use the benefits of trade to develop legitimate businesses and economic growth are what we are addressing in the Senate with this trade package. Passing this legislation will ensure the continued growth of our economy and make sure that we are exporting our greatest ideals to the world—freedom, free enterprise, and democracy.

We must give the President this trade promotion authority so we will not be left behind. If America is only a party to 3 trade agreements out of 130, you know that other relationships are forming that keep America out.

We made a very good start with NAFTA. We have seen the benefits of NAFTA, that free trade agreement. Now we must extend NAFTA to South America with the Andean nations with which we have had trade relations. We need to come back and put in place trade with those countries without those barriers that have been put forward in the last year. We need to have good relations all over the world.

I think it is clear, from what is happening in the world and the lack of understanding in many parts of the world what freedom and free enterprise are, that we should be the leaders in opening free trade markets under an agreement that provides a level playing field for our workers and the workers of a foreign country. We should be the leaders, not the followers; not the people who are being dragged kicking and screaming into the new century.

We need free and fair trade. We can only get it by negotiating trade agreements and making sure there is a level playing field. If we have no agreements, we can have small barriers, they can have big barriers, and that is not a level playing field. We want a level playing field. Trade promotion authority and the Andean Preference Act will give us that.

I yield the floor.

The PRESIDING OFFICER [Mr. CARPER]. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that before speaking on the fast track bill, I be allowed to speak on the Middle East, and I will take about 10 minutes.

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

Mr. WELLSTONE. For colleagues who are watching, because I know there are a lot of people who want to speak, I probably will not take a full hour on my statement on fast track. I will try to proceed expeditiously, but first of all I do want to speak on the Middle East because I do not think we can ignore what is happening in the world. It has such a critical and crucial impact on our lives and our children's lives and our grandchildren's lives.

SEARCH FOR MIDDLE EAST PEACE

Mr. President, like many of my colleagues, I had enormous hopes for a permanent peace between Israel and the Palestinians before the collapse of the Oslo-Camp David peace process two years ago. Yet recently, as we all know, the situation in the Middle East has deteriorated dramatically, and what we have witnessed there is heartbreaking.

As I speak today, Palestinian gunmen remain holed up in the Church of Nativity, Israeli tanks are present in the West Bank, and Israeli and Palestinian civilians, seized by anxiety, fear stepping into the street in order to go about their daily lives. Across the region and in this country too, people are grieving for innocent Israelis and Palestinians who have lost their lives.

While there are new reports of clashes in Hebron, there is some positive news this morning. The month-long standoff at the Ramallah compound may be ending as U.S. and British security experts are expected to arrive today in the region to implement a U.S.-brokered plan. There are also signs of progress in Bethlehem, where there are news reports that many civilians not wanted by Israel will leave the church today.

Even in this time of terrible violence, however, we cannot lose hope, for the sake of Israelis and Palestinians everywhere who yearn for peace—and especially for their children, and the generations to follow. For them, we must continue to seek a pathway to peace.

To that end, Secretary Powell's mission to the region earlier this month was an important step. While a cease-fire was not achieved, the situation is less dangerous now than it might have been, without active U.S. engagement and Powell's vigorous diplomatic efforts. Events were spinning out of control earlier, especially on the border of Lebanon. But, the tense border situation seems to have cooled a bit, even if momentarily, due at least in part to Secretary Powell's work with the Syrians.

The real test, however, is whether the administration will stay engaged. It has finally left the side-lines and is onto the playing field of Middle East diplomacy, and it must stay in the game. Israeli officials say that conditions might worsen in the days to come, that Israel may witness a rash of suicide bombings as it pulls its forces back. If the administration, facing such an escalation of violence in the region, withdraws, as it has before, history will judge us harshly. If it continues to devote its time, energy and prestige to achieving the goals Mr. Bush laid out earlier this month, then the violence might be contained, and we may see progress. Engagement remains the only intelligent option for our country now.

We must pursue a courageous approach which seeks both to meet the critical need of the Israeli people to be free from terrorism and violence, and acknowledges the legitimate aspirations of the Palestinian people for their own state, a state which is economically and politically viable. Even in this horrific time, we must not lose sight of what should be our ultimate goal: Israel and a new Palestinian state living side-by-side, in peace, with secure borders.

For many, the last two years have shattered confidence in any peace process. It has raised questions in some people's minds about whether Palestinians and Israelis can ever really live and work together, supporting each other's aspirations for peace, prosperity and security.

We must do our best to work with the parties to restore calm, to end the bloodshed, and to get back to a political process that might address the underlying causes of this conflict.

I believe many of the elements of the path back to peace are known:

First, Palestinian leaders need to renew their severely damaged credibility as legitimate diplomatic partners by condemning terrorism and doing all in their power to combat it. Chairman Arafat has not consistently rejected or confronted terrorists; indeed if the evidence gather by the IDF is to be believed, he may have actually supported them. He cannot play both sides any longer, but must work to end terror and the sickening wave of suicide bombings Israel has suffered.

There must also be an end to the culture of violence and the culture of incitement in Arab media, in schools and elsewhere, which Arab and Palestinian leadership have allowed to go unchecked too long. Throughout the region, anti-Israel incitement is widespread and insidious: government-controlled press, television programs and school textbooks regularly demonize Israelis with vile language and images. Arab states must help put an end to this, as it badly damages all the parties and powerfully undermines the cause of the Palestinian people and their national aspirations.

President Bush and the international community have called on Israel to end its incursion into the West Bank, and Israel has begun a withdrawal, however partial and tentative. As President Bush stated, when Israel moves back, responsible Palestinian leaders and Israel's Arab neighbors must step forward, and demonstrate that they are working to establish peace: ''the choice and the burden will be theirs.'' To that end, the Palestinian leadership must commit to resuming security cooperation with Israel, and the United States and the international community must assist the Palestinians in reconstituting an effective security mechanism so they can do so.

Second, Israel must show a respect for and concern about the human rights and dignity of the Palestinian people who are now and will continue to be their neighbors. It is critically important to distinguish between the terrorists and ordinary, innocent Palestinians who are trying to provide for their families and live an otherwise normal existence. Palestinians must no longer be subjected to the daily, often humiliating reminders that they lack basic freedom and control over their lives.

Third, the United States and the international community must begin immediately the urgent task of rebuilding so that ordinary Palestinians can resume a normal existence. The Palestinian economy has been battered and the infrastructure of the Palestinian Authority badly damaged. Last week, the World Bank identified a $2 billion need, estimating that the direct physical destruction of the public infrastructure alone is $300 million, and that at least 75 percent of the Palestinian workforce is now idle. At the same time, Israel is facing major economic challenges, with a serious recession and currency dropping to a new low recently. The international community and Israel's Arab neighbors must contribute to serious rehabilitation and economic development efforts.

Consistent with the UN Security Council resolutions, the United Nations fact-finding team must be allowed to visit the territories to examine what actually happened in the Jenin Refugee Camp. As Secretary Powell has declared, this is in the best interests of all concerned, especially in the best interests of the Israelis, to end speculation and have a full, accurate, public accounting of what actually occurred there. As soon as details on the composition of the team is resolved and the scope of its mission agreed upon, it must be allowed access to conduct its work.

Fourth, I believe there is no military solution to this conflict. The only path to a just and durable resolution is through negotiation. And there will be no lasting peace or regional stability without a strong and secure Israel, which is why the United States must maintain its commitment to preserving Israel's strength, and providing Israel substantial assistance.

I believe the United State must now push forward with specific and concrete ideas for rebuilding the shattered trust between the parties, bringing an end to the violence, and offering a new path back to the road of peace. The points of departure for such a plan are already in place—the UN Resolutions 242 and 338 and the earlier settlement negotiations conducted at Taba, Egypt in January 2001. The recent Arab League support of the Saudi proposal for normalization of relations between Israel and Arab nations is key. It acknowledges Israel's right to exist, and raises hope of a constructive Arab involvement in the search for peace. The United States should also consider supporting, with the consent of both parties, some kind of international observer force to enhance security for both sides. NATO might choose to take part in any such deployment, given Europe's continuing interest in containing the Middle East crisis. This could be followed, again with the agreement of all parties, with an international peace keeping force, if such a force could be helpful.

We cannot afford to dither. The administration should move decisively to convene a broad international conference loosely based on the Madrid conference of 1991, at which the exchange of land for peace became the basis for negotiation. The goals of the conference should be spelled out clearly: putting the breaks on the violence and speeding negotiations for a two-state solution.

Both sides will need to make painful choices if there is to be a just and stable peace. There must be a recognition of the tragic Palestinian refugee experience, and also an understanding that not all Palestinians refugees will be able to return to Israel. Many observers believe that the parties will eventually need to agree on a formula which would allow some refugees to return to Israel, and then provide for resettlement, and financial compensation for the remainder. And consistent with the Mitchell plan, Israeli settlement expansion in the occupied territories will have to be addressed and, as many observers have noted, some settlements may need to be dismantled. All of this should be negotiated by the parties themselves.

Despite the rage and raw feelings in the region now, most Israelis and most Palestinians crave a peaceful resolution to this conflict. This hunger for peace, and a sustained and vigorous engagement by the United States, are our best hope for achieving it.

ANDEAN TRADE

Mr. President, I debate this motion to proceed to fast track, the fast-track trade mechanism now known as the trade promotion authority. I oppose it on a lot of grounds.

First, I oppose the bill because of a principled opposition to the fast-track mechanism. I am not sure that for me this principle would in all cases be absolute and decisive, but I do lean against any fast-track mechanism for fundamental reasons. Second, I oppose the bill based on my judgement in advance of the unlikelihood of seeing negotiated trade agreements that I will be able to support on behalf of the people of Minnesota and of the nation. I base that judgement on the negative consequences of past trade agreements, the track-record of this administration so far, and on the text of the Trade Promotion Authority Act, which I believe is fundamentally flawed in its approach. Finally, I oppose moving to the fast-track bill because I believe it is irresponsible to discuss it before first addressing the urgent needs of workers in this nation.

Let me begin with my first reason for opposing the fast-track bill. I am inclined to oppose fast-track on general principles of democracy and representative accountability alone. Fast track procedures shorten necessary congressional debate and eliminate the option of amendments by elected and accountable representatives of the public. Under Article I, Section 8 of the Constitution, it is not the President but Congress that shall ''regulate commerce with foreign nations'' and I am not willing to shirk my responsibility to make fair trade policy by giving the President authority to determine trade

policies without meaningful checks from Congress.

It is worth observing at the outset that when we say we are considering trade agreements under fast track procedures, the measures we are talking about generally entail the substantial changing of domestic laws. We are talking about packages of legislative changes that are the implementing bills for what the President and his representatives have negotiated with trading partners. We are not only discussing tariff schedules, important as those can be. We are talking about the alteration of domestic law. It is difficult to imagine good enough reasons to surrender our rights as Senators to unlimited debate on amendment of those measures before we have even seen them.

This bill, HR 3005, which the motion to proceed could bring before us by the end of the week if it is successful, would lock in fast-track rules now for debates and votes we will have later. By later, I mean at whatever point we consider implementing legislation for several of the trade agreements which the Administration is now negotiating such as an agreement entered into under the auspices of the World Trade Organization, agreements with Chile and Singapore, and an agreement establishing a Free Trade of the Americas or which it might negotiate under this authority between now and 2005. That is the duration of the bill's provisions if it is enacted. In other words, we are deciding now whether to establish special and highly restrictive rules which will govern our debate and votes later on implementing bills for agreements whose contents we will not know until that time.

That is the meaning of fast-track legislation. I wonder how many Americans are aware that the Senate might be willing to give away that much authority in the making of trade policy. If we pass this fast-track legislation, whatever agreement is negotiated and the changes in U.S. law that would be required in order for the United States to comply with it, will be considered automatically here in the Senate once that agreement is reached. This will take place on an expedited schedule, with no amendments, and with a limited number of hours of debate. Just one up-or-down vote on a giant bill changing numerous U.S. laws, with no amendments and limited debate. I am sorry to say that based on my experience, many of us in this body will probably be only partially aware of what is actually contained in such implementing bills. But in any case, even if we know every provision, we will not have the opportunity to change a single one.

During my time here in the U.S. Senate, I have consistently opposed the granting of fast-track authority for trade agreements. I opposed it for NAFTA. I opposed it for creation of the WTO. I have yet to be convinced of the need for any fast-track authority to achieve beneficial trade agreements. The record of the previous Administration appears to reinforce this conviction. During the 1990s we entered into nearly 200 international commercial agreements without fast-track, including the Caribbean Basin Initiative and agreements with sub-Saharan Africa, Jordan and Vietnam. I should repeat that nearly 200 trade agreements, and only two of those utilized fast track procedures. Last November, U.S. Trade Representative Robert Zoellick said that fast-track was a tool the administration could not live without. He said: ''If I'm pressing my counterpart to go to his or bottom line, he or she is going to balk if they feel that Congress has the ability to re-open the deal. My counterparts fear negotiating once with the administration and then a second time with Congress.''

Mr. President, if the previous Administration could so readily reach trade agreements without the benefit of fast-track, then I question the need to impose such procedures, which are inherently undemocratic. I also question what Mr. Zoellick is getting at. I would hope he understands that our system of government has three branches. That our system is based on checks and balances. And I would hope that in the nations with which we are negotiating trade agreements, that we are also promoting an agenda committed to democratic principles. Because when we talk about the fast-track mechanism, that is not the case. They shorten necessary debate. They eliminate the chance for amendment by elected and accountable representatives. They exclude meaningful participation in the legislative process by numerous groups which normally have at least some access to it.

For example, free trade is supposed to be good for the consumers. But how often do representatives of consumer organizations help to decide our negotiating goals? How many consumers are on the panels which advise negotiators? Corporations in various sectors help decide what our goals are, which is appropriate. But why not consumers? Consumers might argue that open trade is good; it can help bring higher quality goods and services at lower prices. But consumers might also point out that there need to be rules in an open trading system enforceable rules against downward harmonization of environmental and food-safety standards, enforceable rules against child labor, enforceable rules against the systematic violation of labor and human rights. These are not enforceable objectives of negotiators under this fast track bill. In fact, as negotiating objectives, they need not even be achieved for a trade agreement to come before the Senate and receive fast-track consideration. But they probably would be enforceable if we had a more democratic process for negotiating and considering trade agreements. And if the objectives were not achieved in the agreements, consumer advocates could find a member of the Senate willing to offer an amendment to change the proposal. But not under fast track.

I favor open trade. Open trade can contribute significantly to the expansion of wealth an opportunity. It can encourage innovation and improve productivity. It can deliver high quality goods and services to many consumers at better prices. Negotiated properly, trade agreements can help bring these benefits to all trading partners in fair way. However, I remain unconvinced of the need for a fast-track procedure in order for a president to achieve beneficial trade agreements.

Fast-track is not about politics. It is not be about providing the authority to a President whose trade policy we support, and not to one we do not. Fast track is about our responsibility as legislators to do our part to ensure fair trade in the global economy. Of course the White House should conduct trade negotiations. But there is no reason to give the White House autocratic power to do so. If a trade agreement cannot withstand the scrutiny of our democratic process, then it does not deserve to be enacted.

My second reason for opposing the motion to proceed to this bill is that I do not have confidence that the specific trade agreements that are likely to be negotiated with this fast-track authority would achieve an improvement in the standard of living and quality of life for a majority of Americans. Nor do I believe that such trade agreements would be likely to improve the lives of the majority of the populations of other countries, the countries with whom we trade. Therefore, I do not believe I am likely to support the agreements, or their implementing legislation. Why would I give up my right in advance to amend bills which I do not think I will be able to support?

We have had excellent debates over the nation's trade policy in recent years. We had a good debate over the North American Free Trade Agreement, the Uruguay Round of the General Agreement on Tariffs and Trade, which ultimately led to the creation of the WTO, over permanent normal trade relations with China, and more recently over trade and trade remedies regarding the steel industry. I would like to take a second to talk in particular about NAFTA and the WTO implementing legislation. I voted against the implementing legislation for those agreements because I believed those bills did not take this country in the right direction in trade policy. The results of those agreements have largely reinforced my view. I continue to regret that I did not have more opportunity to change those major pieces of legislation. I believe they have done us great harm.

I did not oppose NAFTA and the WTO because I am a protectionist. I am not. I don't have the slightest interest in building walls at our borders to keep out goods and services. Nor do I fear fair competition from workers and companies operating in other countries. I am not afraid of our neighbors.

I don't fear other countries, nor their peoples. I am in favor of open trade, and I believe the President should negotiate trade agreements which lead generally to more open markets, here and abroad.

Indeed, I am very aware of the benefits of trade for the economy of Minnesota. I am told about them constantly. We have an extremely international-minded community of corporations, small businesses, working people and farmers in our state, and we have done relatively well in the international economy in recent years. Minnesota has lost some jobs to trade, as have most states. But we also benefit from trade. We benefit from both exports and imports. Exports create jobs, as we all know. But imports are not necessarily a bad thing either. They provide needed competition for consumers, and they also push our domestic companies to become better, to be as productive and efficient as they can be. Open trade can contribute significantly to the expansion of wealth and opportunity, and it tends to reward innovation and productivity. It can deliver higher quality goods and services at better prices. Negotiated properly, trade agreements can help bring all these benefits to all trading partners in a fair way.

My position is merely that Congress should exercise its proper role in regulating trade, which is what trade agreements do, so that the rules of international trade reflect American values. That is how American can lead in the world. It is how America should lead in the world.

What are American values when it comes to trade? We believe in generally open markets at home and abroad. But we also believe there is a legitimate governmental role in the protection and maintenance of certain fundamental standards when it comes to labor rights. There are certain fundamental standards when it comes to the environment. Standards when it comes to food safety and other consumer protections. Fundamental standards when it comes to democracy.

The question is how to pursue these values when we are negotiating trade agreements. The Bush administration believes that commercial property rights are primary in trade agreements, and should be enforceable with trade sanctions, and that environmental and labor rights are secondary. A majority of the Senate appears to agree. I do not. I don't believe most Americans agree with the President and the majority of the Senate on this question. I believe, and I believe that most Americans believe, that fundamental standard of living and quality-of-life issues are exactly what trade policy should be about. That is why strong and enforceable labor rights, environmental, consumer, and human rights protections must be included in all trade agreements, and as principle objectives in all trade negotiations. If trade agreements do not help to uphold democracy and respect for human rights, then they are deficient. That is my position. These should be the pillars of American leadership in the world.

At the same time we are told that America must lead on the issue of trade, we are also told that if we do not negotiate trade agreements, even ones which do not live up to our principles, then other countries will do so with each other in our absence. We will be left out. What a contradiction. We must lead, but we must do so by weakening our values. By leaving protection of workers rights out of the agreements we negotiate. By surrendering our principled linkage of human rights concerns to trade policy. Are we saying that when it comes down to it, money is what basically matters? Is that how we should lead the world? Not in my view.

Our trade policy should seek to create fair trading arrangements which lift up standards and people in all nations. It should foster competition based on productivity, quality and rising living standards, not competition based on exploitation and a race to the bottom. Protection of basic labor rights, environmental, and health and safety standards are just as important, and just as valid, as any other commercial or economic objectives sought by U.S. negotiators in trade agreements. We need to be encouraging good corporate citizenship, not the flight of capital and decimation of good-paying U.S. jobs. We ought not be pitting workers in Bombay against workers in Baltimore, making them compete against one another to get a decent living. Giving them ultimatums to accept an unlivable wage, or else. It is our responsibility in trade agreements to make the global trading system fair and workable.

It is the role of national governments to establish rules within which companies and countries trade. That is what trade agreements do. They set strict rules. If a country does not enforce respect for patents, trade sanctions can be invoked. If a country allows violations of commercial rules, trade sanctions can be invoked. You can bet that U.S. companies get right in the face of our negotiators to make sure that the rules in these agreements which protect their interests are iron clad and will be strictly enforced. Of course it is one of the goals of trade agreements to advance the interests of U.S. employers. But we are elected to help ensure that those agreements allows trade to benefit the interests of a majority of Americans, not only those with significant commercial interests abroad. I would go further and say that we also even have an interest in advancing the interest of a majority of people in other countries. Development abroad means more demand for products and services that we produce.

I believe our trade policy can achieve those goals. I wish that we would more often pursue them fully and in a balanced way. Our current trade policy is deeply skewed towards large corporate interests. That view is based on our experience with recent trade agreements. And unfortunately, this bill does little to require our negotiators to do better with new ones.

The negative effects of NAFTA, which took effect in 1994, and the WTO, created in 1995, demonstrate the harm in failure to negotiate important safeguards in trade agreements. NAFTA's damaging results have been documented by a range of reliable observers. They include loss of jobs, suppression of wages, and attacks upon and weakening of environmental and health and safety laws. Fast-track promoters want this authority to make it easier to extend NAFTA throughout the hemisphere in a proposed Free Trade of the Americas agreement and to expand the WTO in a new round of multilateral negotiation. If we repeat our past failure to include adequate labor, environmental, and health and safety provisions in new agreements, we only condemn ourselves to seeing some of NAFTA and other trade arrangements worst consequences again.

What have some of those consequence been? Let me draw from a report issued by the respected Economic Policy Institute. The report was issued in April of last year and is titled: ''NAFTA at Seven: Its Impact on Workers in all Three Nations.'' E.P.I's study examined the effects of NAFTA seven years after it implementation and concluded that in the United States: ''NAFTA eliminated some 766,000 actual and potential U.S. jobs between 1994 and 2000 because of the rapid growth in the U.S. export deficit with Mexico and Canada.'' Minnesota, according to the report, lost about 13,200 jobs due to the NAFTA related trade deficit. The report went on to say that in the U.S. ''NAFTA has contributed to rising income inequality, suppressed real wages for production workers, weakened collective bargaining powers and ability to organize unions, and reduced fringe benefits.'' A second report released last October argues that when you look at the combined NAFTA and WTO trade-related job losses between 1994–2000, that number is over three million. According to the report, Minnesota lost nearly 50,000 jobs. E.P.I also estimates that 5 to 15 percent of the decline in real median wages can be explained by the increase in trade.

NAFTA also has not lived up to promises regarding the environment or domestic areas such as food safety. According to reports released by Public Citizen, since the implementation of NAFTA, U.S. food imports have skyrocketed, while U.S. inspections of imported food have declined significantly. Public Citizen notes that imports of Mexican crops documented by the U.S. government to be at high risk of pesticide contamination have dramatically increased under NAFTA, while inspection has decreased. It argues that U.S. border inspectors have simply

been overwhelmed by the large volume of food imports entering the country from Mexico. In a report from September titled: ''NAFTA Chapter 11 Investor-to-State Cases: Bankrupting Democracy,'' Public Citizen documents the frontal assault on American law by foreign investors using rights and privileges given to them in the NAFTA agreement. It states that ''since the agreements enactment, corporate investors in all three NAFTA countries have used these new rights to challenge as NAFTA violations a variety of national, state and local environmental and public health policies, domestic judicial decisions, a federal procurement law and even a government's provision of a parcel delivery services.''

Mr. President, our experience with NAFTA cannot be dismissed. It has contributed to a significant number of job losses and the suppression of real wages for production workers, who make up 70 percent of the workforce. Real wages have gone down in Mexico, too, despite the fact that some workers are performing high-skill, high-productivity labor. Our trade balance has dramatically worsened with respect to Mexico. And a number of U.S. firms not only have used the threat of relocating to Mexico to hold down wages, but some have even closed part of all of a plant in response to union organizing or bargaining. Violations of fundamental democratic principles, as well as of basic human and labor rights, continue to occur regularly in Mexico. And NAFTA's side agreement has not significantly improved Mexico's environment, or that of the U.S. Mexico border region.

NAFTA is a bad agreement. But I must also note briefly the tremendous weakness of this fast-track bill itself. The bill reported by the Finance Committee requires only that trading partners enforce existing labor and environmental laws. Nowhere in this bill does it state that parties must strive to ensure that their labor and environmental laws meet international standards. Nowhere in this bill do we demand that countries make progress in protecting the rights of workers and the environment. This is unacceptable. Have we learned nothing? Shouldn't we, at a minimum, require that countries try to do better?

The bill requires only that a country enforce its own laws as they stand today, and to add insult to injury, it has a loophole that allows countries to lower labor and environmental standards with impunity. It allows for strong enforcement of the provisions on intellectual property and other commercial rights, but then provides no adequate enforcement for violations of the labor and environmental provisions. In the real world, the effect of weak labor standards coupled with no enforcement mechanism means that while a U.S. company could easily bring a case against a country for not enforcing laws on copyright protection, that same country could fail to enforce minimum wage laws or even lower the minimum wage, and neither the U.S., nor a worker who is affected, could bring a case for violation of the trade agreement. I believe this provision shows exactly whose interests this bill is meant to benefit, and it's not the working man.

And unfortunately, the drafters have not learned from the mistakes of the NAFTA agreement when it comes to investor lawsuits. Just like under NAFTA, this bill does not forbid investor lawsuits that challenge domestic laws on the grounds of expropriation—expropriation that is not even limited to the long standing legal precedent that it must involve more than just a diminution in value or loss of profits. Today, as we debate the motion to proceed, a lawsuit is underway between a Canadian company and the U.S. government dealing with this very issue. Under NAFTA, the Canadian company Methanex has sued the U.S. government for $970 million in future profits due to California's banning of the chemical MTBE, which Methanex produces. Small leaks of MTBE from storage tanks, pipeline accidents, and car accidents were found to have contaminated 30 public drinking water systems in California. California banned the chemical on safety grounds and now we, the American people, are supposed to re-imburse the company that made the chemical for their lost profits? Absolutely not.

In 2000, another Canadian company, ADF Group Inc., filed a complaint using NAFTA's Chapter 11 on investment to challenge the federal requirement that U.S.-made steel be used in all federally funded highway projects. The case both challenges federal procurement policies and attacks a part of U.S. law that directly benefits American workers. Regardless of the outcome of this case, the fact that a private company could use NAFTA to challenge a popular domestic law that the U.S. has routinely tried to exempt from trade agreements, should trouble us all. The fast-track bill would do absolutely nothing to prevent more challenges to our Buy America Law in the future, and it would do nothing to guarantee that trade agreements will not be used to challenge laws we pass to protect our environment, public health and safety, and our workers.

Proponents of fast-track argue that these inadequate negotiating objectives will produce concrete gains in protecting workers' rights and the environment in future trade agreements, notably the FTAA, the WTO, and pending agreements with Chile and Singapore. But the Bush Administration has provided no basis for confidence that it is will willing to expend the necessary energy and political capital to actually move workers' rights and environmental provisions forward in any of these arenas. In fact, every word and action from the Bush Administration since it has been in office points to the contrary. It is simply untrustworthy when it comes to trade policy.

Section 131 of the Uruguay Round Agreements Act, as amended, directs the President to ''seek the establishment . . . in the WTO . . . of a working party to examine the relationship of internationally recognized worker rights . . . to the articles, objectives, and related instruments of the GATT 1947 and of the WTO.'' Despite this crystal clear mandate from the U.S. Congress, the Bush Administration has refused even to propose a working party on worker rights at the WTO. U.S. Trade Representative Zoellick told the House Ways and Means Committee on October 9th that such a proposal ''would kill our ability to launch the round . . . It has no chance whatsoever.'' The truth is, the Uruguay Round Agreements did not ask the President or his Trade Representative to evaluate the potential success of seeking a working party; it said the President ''shall seek'' such a party. Why would we give this President authority to negotiate trade agreements on an expedited basis, with no amendments, when it appears he already doesn't follow the instructions mandated by law from this body?

This Administration has publicly announced it will not enforce provisions negotiated in good faith by the Clinton Administration in the Jordan Free Trade Agreement. The Jordan agreement incorporated enforceable workers' rights and environmental protections in the core of the agreement subject to the same dispute resolution provisions as the commercial aspects. Yet in July, USTR Zoellick exchanged letters with the Jordanian ambassador to the U.S., in which both pledged not to use trade sanctions to resolve disputes under the agreement. This effectively gutted the path-breaking labor and environmental provisions in the Jordan agreement, since they are the only provisions not also covered by WTO rules, which authorize sanctions separately.

Also, the draft ministerial WTO declaration prepared for the next ministerial contains no progress on workers' rights whatsoever. There is not even a commitment for a formal cooperation agreement with the ILO, which would be a very minimal step forward, yet the Administration has not publicly criticized this aspect of the declaration.

The draft text of the FTAA, released in April, also contains no language whatsoever, not even as a proposal, linking trade benefits to workers' rights or environmental protection. If the FTAA negotiations continue on their current path, even the modest workers' provisions now included in the Generalized System of Preferences—which currently applies to virtually every Latin American country—will be rendered moot. In regard to the on-going Chile and Singapore negotiations, the Bush Administration has apparently retreated from the Jordan agreement commitments which were to be the baseline for the labor and environmental provisions of any new agreement. It has also failed to

bring forth any proposals on labor and environment in the negotiations. Chilean negotiators have told reporters that the U.S. is only asking for monetary fines to enforce labor and environmental standards. This falls short of even the modest Jordan standard.

It is clear this Administration has no commitment to labor rights or the environment in its trade policy. In fact, it doesn't see them as fundamental principles necessary to achieve fairness in the global trading system—it sees them as ''potential new forms of protectionism.'' This is what USTR Zoellick said in a speech to business associations in New Delhi last year. He also told the audience: ''We can work cooperatively to thwart efforts to employ labor and environmental concerns for protectionist purposes.''

Mr. President, we can not trust what this Administration says it will do when negotiating agreements because quite honestly, it doesn't believe what it is saying when it negotiates them. Worker's rights and protection of the environment in trade agreements are secondary to commercial interests. Period. They are secondary when it comes to workers and the environment abroad and they are secondary when it comes to workers' and the environment here.

For example, we have watched workers in the steel industry bear the brunt of ineffective trade policies and more recently, inadequate trade remedies on the part of this Administration. Although the President's recent Section 201 decision brought relief to some segments of the United States steel industry, it did nothing for Minnesota's Iron Range—nor for the iron ore industry in Michigan. While the President imposed a fairly significant tariff on every other product category for which the International Trade Commission (ITC) found injury, for steel slab he decided to impose ''tariff rate quotas.'' This brings us virtually no relief.

Nearly 7 million tons of steel slab can continue to be dumped on our shores before any tariff is assessed. The injury will continue. Moreover, already some of our trading partners—Brazil, for example—are angling for exemptions that would drive the quota levels even higher. And, frankly, I fear this Administration might listen too sympathetically to such pleas.

In fact, members of the Senate's Steel Caucus recently received a letter warning of potentially devastating impact of grants of exclusions awarded by the Administration. As the President of the United Steelworkers of America, Mr. Gerard, says, ''It would be tragic if having traveled so far to provide the industry and its workers and communities desperately needed relief, that the Administration now wasted this opportunity by making unwarranted exclusions at the behest of our trading partners.''

Frankly, the commitment to protect domestically produced iron ore and the blast furnace capacity to process that iron ore is shockingly absent. We must remain vigilant.

All of this leads me to the final reason I oppose moving to the fast-track bill. It is obvious this nation has more urgent priorities than debating fast-track authority. America's manufacturing industry is in a deep, long-lasting crisis that threatens the future of American prosperity. Manufacturing job losses since July 2000 have totaled 1.3 million. Manufacturing employment peaked in March 1998 at 18.9 million, but since then has declined by more than 1.6 million jobs to a total of 17.3 million. Last year, total employment in manufacturing fell below 18 million for the first time since June 1965. From 1994 to the present, growing trade deficits have eliminated a net total of 3 million actual and potential jobs from the U.S. economy—nearly 50,000 of those jobs in Minnesota, representing 2% of the state's labor force. Let's be clear. This crisis is a result of a failure of economic and trade policy. We should be addressing this failure, not granting fast-track authority for major new trade negotiations.

Domestic companies are hurting and domestic jobs are being lost by the thousands because of unfair trading practices not adequately curbed or punished by our domestic trade policies. What's perhaps most troublesome is that the trade-related losses of the past decade happened during times of economic prosperity so their effect was masked. I think we are just starting to feel the real impact of this nation's misguided trade policies. And now the Administration wants even more authority—fast track authority—to perpetuate these misguided policies? Where are their priorities? Do they even recognize the needs of workers in America?

We must address the condition of the American worker first. Trade Adjustment Assistance is critical for thousands of American workers and their families, and it should not be bootstrapped to a flawed, undemocratic bill that will cause more long-term hardship. I support the trade adjustment assistance portion of this bill. It will provide important assistance that is urgently needed. But, I believe we should address TAA separately, on its own merits.

Congress established TAA in 1962 to assist workers whose job loss is associated with an increase in imports. Workers are eligible for up to 52 weeks of income support, provided they are enrolled in re-training. The program also provides job search and relocation assistance. Despite low unemployment through the second half of the 1990s, the number of workers eligible for TAA has increased. In 2000, approximately 35,000 workers received TAA benefits. Unfortunately, existing TAA eligibility requirements have not kept up with the changing times. TAA covers too few workers and fails to address major problems that workers and communities face. The TAA provision in this package would help change that.

It would broaden eligibility and expand benefits, providing benefits to secondary workers, including suppliers and downstream providers. For example, iron ore workers who faced layoffs because of increased steel imports would be covered. TAA eligibility would also be expanded to include workers affected by shifts in production, as well to those affected by increased imports. It would increase income maintenance from 52 to 78 weeks; substantially increase funds available for training; ensure workers who take a part-time job don't lose training benefits; and increase assistance for job relocation.

The expanded program would link TAA recipients to child care and health care benefits under existing programs, and provide assistance to recipients in making COBRA payments. When you lose your job you lose your health insurance, and unfortunately that often means you lose your healthcare. While I was in Minnesota last summer, I heard from working men and women who had lost their jobs because of the economic downturn. In the fall I spoke to many who had become unemployed as a direct consequence of September 11th. Many of them told me that they were eligible for COBRA assistance but couldn't afford it. The average cost of COBRA coverage for a family is $700, more than half the monthly unemployment benefit. 80% of dislocated workers don't purchase it because they can't afford it. They end up having to make an awful choice: the choice between food and clothes for their families and having health insurance. This is unacceptable. We must provide assistance to the unemployed to ensure they have affordable health insurance.

The TAA provision in this bill would recognize the special circumstances faced by family farmers, ranchers and independent fishermen, and would seek to provide assistance and technical support before they lose their businesses. It would provide wage insurance for older workers and help communities adjust to devastating job losses. Mr. President, entire communities are often affected by the closing of one textile factory or steel mill. We must coordinate federal assistance to these communities, help them develop strategic plans following job losses, and provide technical assistance, loans and grants.

As of December, in Minnesota over 3800 workers have applied for Trade Adjustment Assistance as a result of NAFTA. Entire companies have relocated to Mexico or Canada, or workers have been laid off do the increase in imports from those countries. We must guarantee that all Americans benefit from trade by providing adequate trade adjustment assistance. But even that is not enough. We must protect the standard of living and quality of life of the American worker. We must address decline in real median wages and the weakening of workers rights in this country. And we must do so before we even think about fast-track authority.

Why is it, for example, that we are proceeding to debate the need for expedited review of trade deals this Administration negotiates when we have yet to address the long over-due increase in the federal minimum wage. Have we considered the irony of this? Expedited review of trade agreements that cause us to lose jobs, that undermine worker safety and security around the globe, before we debate a paltry $1.50 increase in the minimum wage over three years?

Poverty has nearly doubled among full-time, year-round workers since the late 1970s—from about 1.3 million then to 2.4 million in 2000. There are millions of mothers and fathers toiling 40 hours a week, 52 weeks a year, who are still unable to meet their families' basic needs—food, medical care, housing, clothing. More than 32 million people in this country—more than 12 million of those children—were poor in 1999.

A key part of the problem is an unacceptably low minimum wage. Minimum wage employees working 40 hours a week, 52 weeks a year, earn only $10,712 a year—more than $4,300 below the poverty line for a family of three. The current minimum wage fails to provide enough income to enable minimum wage workers to afford adequate housing in any area of this country.

Mr. President, every day the minimum wage is not increased it continues to lose value, and workers fall farther and farther behind. Minimum wage workers have lost all of their gains since we last raised the minimum wage in 1997.

Today, the real value of the minimum wage is now $3.00 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be more than $8 an hour today, not $5.15. Since 1968, the ratio of the minimum wage to average hourly earnings dropped from 56% to 36%.

Members of Congress acted to raise their own pay by $4,900 last year—the fourth pay increase in six years. Yet we have not found time to provide any pay increase to the lowest paid workers, an increase that would add $3,000 to the income of full-time, year-round workers. Don't those who are most vulnerable in our society, those who are absolutely struggling to make ends meet, those who every day are forced to choose between food, clothing, shelter, or health care for their families, don't they deserve the modest increase in the minimum wage that is proposed in the legislation that has been stalled for far too long.

A gain of $3,000 would have an enormous impact on minimum wage workers and their families. It would be enough money for a low-income family of three to buy: over 15 months of groceries; over 8 months of rent; over 7 months of utilities; or put a family member through a 2-year community college program.

History clearly shows that raising the minimum wage has not had any negative impact on jobs, employment, or inflation. Rather, in the three years since the last minimum wage increase, the economy experienced its strongest growth in over three decades. Nearly 11 million new jobs were added, at a pace of 218,000 per month.

Nearly 9 million workers would directly benefit from the proposed minimum wage increase, many of whom are raising children. Thirty-five percent of these workers are the sole earners for their families. Sixty-one percent are women. Sixteen percent are African American and twenty percent are Hispanic American.

Finally, since a minimum wage increase goes to families who need every dollar for basic needs, raising the wage will provide a much-needed spur to our slowly recovering economy. Fifty-eight percent of the benefit of the 1996 and 1997 increases went to families in the bottom 40% of income groups. Over one-third of the benefit went to the poorest families, those in the bottom 20%.

A fair increase in the minimum wage is long overdue. This body should not be proceeding to this wrong-headed fast track measure at all. But at the least we should not be doing so in advance of considering a minimum wage increase to correct some of losses suffered as the result of our shameful inaction in the past. No one who works for a living should have to live in poverty.

I oppose the motion to proceed to fast-track authority for all the reasons I have laid out here today: the fast track mechanism is undemocratic, it is unlikely I will be able to support trade agreements negotiated under fast-track authority given the consequences of past trade agreements, the track-record of this Administration so far, and the text of the Trade Promotion Authority Act, and I believe is irresponsible to discuss fast-track authority before addressing the urgent needs of workers in this nation.

I know that I am not alone in my opposition to fast-track authority. And I know that proponents of it will try to cast this debate as one of protectionists versus free traders. Nothing can be farther than the truth. The debate today is one of free trade versus fair trade. I know the difference. The American people know the difference. The debate today is about the responsibility of this nation to ensure justice in the global trading regime, to ensure democracy, human rights and all the values that make this nation great are not swept aside in the name of trade promotion. And it is about ensuring the American worker is not swept under the rug in the name of free trade.

Mr. President, Americans and especially the American worker, understand the link between promoting human rights and democracy and promoting free trade. In fact, they demand that link. We have seen it in the street of Seattle, Washington; Genoa, Italy; and just two weeks ago here in Washington, DC. At the grassroots level, people are demanding that trade be more than the simple movement of capital. They are demanding that it be more than the protection of intellectual and investor property rights. They are demanding more than what we see in this fast-track bill. My position on trade agreements is their position. It is not ''no, never.'' It is ''yes, if.'' Yes to trade agreements if they protect democracy, human rights and internationally recognized labor rights; yes to trade agreements if they guarantee minimum safeguards for the environment; yes to trade agreements if they do not abandon family farmers to competition from export-oriented mega-farms abroad operating free from any environmental regulation; yes to major trade agreements if they do not displace thousands of workers without any adjustment assistance. I oppose this motion to proceed and I will oppose the bill when it comes to the floor. To reiterate, Article I, section 8 of the Constitution says it is not the President but the Congress that shall regulate commerce with foreign nations.

I am not willing to shirk my responsibility of being a part of shaping a trade policy that can dramatically affect the quality of lives of families and people I represent in Minnesota. I do not understand how we could agree to a fast-track procedure whereby we could have a trade agreement which would entail actually changing some of our domestic laws that deal with consumer protection, that deal with worker rights, that deal with a whole range of issues, and that we basically surrender our rights to have the opportunity to have an amendment considered on the floor of the Senate. It makes no sense whatsoever.

This legislation locks us into fast-track rules now for debates and votes we will have later. The administration is talking about agreements with Chile and Singapore, the Free Trade Agreement of the Americas. In other words, we are deciding now whether to establish special and highly restrictive rules which will govern our debate on votes on pieces of legislation, votes that will take place later; an expedited schedule, no amendments, a limited number of debates. I don't understand it.

We can have trade legislation without this procedure. With fast track, any kind of trade agreement can come to the Senate floor. It can affect environmental laws that we pass in our States—in Delaware, in Minnesota. It can affect food safety legislation that we might pass in our States or pass in the Congress. It can overturn and declare trade illegal. It can be a trade agreement that we make with different countries, that further depress wages in our country. That means many working families will lose their jobs. That means no respect for basic child labor rights. And where there is no respect for human rights, there is no respect for democracy.

All of that can happen, and we are going to say through this legislation

that we forfeit our right as Senators to represent people in our States and try and amend these agreements so we can provide protection for the people we represent? I say to colleagues, on principle alone, I oppose this.

By the way, I opposed the Democratic administration. It is not a matter of politics. I oppose any President having this authority. I don't believe we should give up what is not only our constitutional right but our responsibility as legislators.

Robert Zoellick discussed why he needs fast track: If I am pressing my counterpart to go to his bottom line, he or she will balk if they feel the Congress has the ability to reopen the deal. My counterparts fear negotiating once with the administration and a second time with the Congress.

From the floor of the Senate, I say for Mr. Zoellick, without acrimony, we have a system of checks and balances. We have three branches of Government. As a matter of fact, during the decade of the 1990s, we negotiated close to 200 trade agreements only two of which used the fast track procedure. I have a list of them. The list goes on and on and on.

Let me make a second point, which is more hard hitting. When I look at past trade agreements and some of the empirical evidence, I don't want to give up my right to amend future trade agreements which I think will have the same detrimental or an even more detrimental effect on families in the State of Minnesota or, for that matter, around the country.

Let's just take NAFTA. The Economic Policy Institute, a highly respected think-tank, issued a report last year entitled ''NAFTA At Seven: Its Impact on Workers in all Three Nations.'' The report says:

> NAFTA eliminated some 766,000 actual and potential U.S. jobs between 1994 and 2000 because of the rapid growth in the U.S. export deficit with Mexico and Canada.

Minnesota lost 13,200 jobs due to the NAFTA-related deficit.

The report went on to say that in the United States:

> NAFTA has contributed to rising income inequality, suppressed real wages for production workers, weakened collective bargaining powers and ability to organize unions and reduced fringe benefits.

A second report released last October argues that when you look at the combined NAFTA and WTO trade-related job losses between 1994 and 2000—and I voted for neither agreement—the number is over 3 million. According to that report, Minnesota lost 50,000 jobs. The EPI estimates that 5 percent to 15 percent of the decline in real median wages can be explained by this increase in trade.

What are we saying? I will tell you something about potash workers. I was in Brainerd. It is so heartbreaking that 700 workers are out of work. When I called the CEO, he said to me: Senator, we can deal with any of the U.S. companies. We got killed by trade policy. In greater Minnesota they were shut down and lost $20-an-hour jobs with health care benefits.

LTV's iron ore workers—slab steel is coming in, produced way below the cost of production, and 1,300 workers are out of work, having lost well-paying jobs with good health care benefits.

Apparel workers, textile workers, auto workers continue to lose their jobs. In all due respect, we are supposed to be the party that represents working people. We are supposed to be the party for jobs. I fail to see how we live up to this responsibility by signing on to a trade agreement where we do not even have the right to offer amendments.

These companies say to workers in this country: if you do not give up some of your health care benefits, or if you do not agree to keep your wages down, we are gone. They do not say to workers in Minnesota: we are going to North Carolina. They are leaving North Carolina, too. They are saying to American families: we are gone. We are going abroad. We are going to Juarez, or Singapore, or wherever. We are going to Vietnam. We are going to Cambodia where we can pay people 30 cents a day; we can hire little children; we can work them 18 hours a day; we can imprison people if they try to organize and form a union, and we can torture people and violate people's human rights. There are some 70 governments today in the world that systematically practice torture.

Then, what these companies say to these countries is: OK, we will come to your country, but if you dare ever pass legislation allowing people the right to organize and bargain collectively, then we will leave, or we will not come. You had better not have any environmental standards that make it hard on us, or then we will not stay. You had better not pass any laws that protect little children so they don't have to work 18 hours a day at age 11, or we will not invest in your country.

We are given all these arguments about how we should be internationalists. I am an internationalist. My father was born in Odessa, Ukraine. My father's family moved to stay one step ahead of the pogroms. He moved to Siberia in czarist Russia and then came here at age of 17. He fled czarist Russia. There was a revolution. He was going to go back, and his parents told him: Don't come back, the Communists have taken over, Kerenski is out and Lenin is in. He never saw his family again, and they, in all likelihood, were murdered by Stalin.

My father spoke 10 languages fluently. I don't. But I am an internationalist. That is not the issue.

I know we are part of an international economy. I just want to ask, are there not any new rules that go with this? Just as 100 years ago when we moved from a farm economy to a national economy to more of an industrial economy—remember what happened? The women said: We want the right to vote. And then workers organized for an 8-hour day and 40-hour week, and then other citizens, the farmers and Populists alliance, said: we want some antitrust action; these trusts are destroying our lives. And there was the Sherman Act and Clayton Act, and then other people said: we want direct election of Senators.

There was a group of citizens who in a democracy demanded what they as citizens in a democracy had the courage to demand, which was: As we move from an agrarian to a national economy, make that national economy work not just for these huge companies, but for all of us, for our families and our children.

Now we are in the 21st century. What we are saying is, with this new international economy, can't we make sure that this new economy works not just for large multinational corporations? Can't we make sure that this new international economy works for workers—workers here and workers in developing countries? Can't we make sure it works for the environment and works for human rights and democracy?

It breaks my heart that we are told we can lead, but we can't lead with American values. What we are hearing from the administration and some of the proponents of this is: We have to do this. We have to lead. But we dare not—and believe me, I will have an amendment on the floor that will do this—we dare not tie this to human rights or democracy. There cannot be any mention of human rights or democracy in any of these trade agreements. We are asked to lead, but not lead with our values. We are asked to lead, but not stand for human rights. We are asked to lead, but not stand for democracy. As a first-generation American, the son of a Jewish immigrant who fled persecution from Russia, I reject that proposition.

There is much I could say that is more technical, and I will as we get to amendments, but I have one other question. Why are we on this legislation? How about first raising the minimum wage? In the coffee shops of Minnesota, when I walk in with Sheila and have a cup of coffee and a piece of pie, people don't say: Are you going to get to fast track? People talk to me about wages. They talk to me a lot about education.

How about a debate about when we are going to fully fund special education and live up to our commitment? The Presiding Officer, as a former Governor, knows what that is all about in Delaware.

How about a debate about affordable prescription drugs for seniors, and for others as well? We should be able to reimport drugs from Canada. Farmers and consumers should be able to reimport drugs back from Canada, if they have met all their FDA requirements. It helps not only senior citizens but all of our citizens.

How about going from $5.15 an hour which, if it kept up with inflation,

would be $8 an hour—$1.50 over the next 3 years?

In the State of Minnesota, to be able to afford housing at minimum wage, you would have to work 127 hours a week. There are not 127 hours in a week. It is just unbelievable. We are the Democratic Party. I am, today, speaking for the Democratic wing of the Democratic Party. Housing? In the State of Minnesota now, in the metro area, you will be lucky if you get a two-bedroom apartment for under $900.

Childcare? If you had a 2-year-old and 3-year-old, you would be very lucky if your expenses were less than $1,000 a month.

Of course, childcare workers make $6, $7, or $8 an hour with no health care benefits. You can't support yourself on minimum wage. If you are a single parent, that takes almost all of your income. It doesn't even meet the question of health care costs, food, transportation, and maybe once in a blue moon to go to a movie, or go out to eat.

Why aren't we focusing on the basic concerns of working families? I make this appeal on the floor of the Senate. Why aren't we talking about raising the minimum wage? Why aren't we talking about minimum wage jobs? Why aren't we talking about affordable prescription drugs? Why aren't we talking about health security for all? Why aren't we talking about how to meet these exorbitant health care expenses that small businesses can't meet? Why aren't we talking about what we are going to do as more and more of our neighbors, parents, or grandparents live to be 80 and 85 to make sure they can stay at home and live at home with dignity and not be forced to go to nursing homes? Why aren't we talking to our health care providers and to our physicians about adequate Medicare? Why aren't we talking about how we can have more support for nurses and attract more teachers? Why aren't we talking about retaining more teachers? Why aren't we talking about doing more for K–12? Why aren't we talking about affordable higher education, how we can make sure that every child by kindergarten knows how to spell his names, knows the alphabet, the colors, the shapes, and the sizes when they are ready to go to school?

Why in the world are we not focusing on these issues that are so important to the vast majority of the people we represent?

Why are we talking about fast track? Why are we calling upon all of us to give up our constitutional authority to amend trade agreements; to give up our responsibility to represent the people back in our States in case these trade agreements are antithetical to their rights as workers, or to their environment, or to their safety, or to their children; or to the rights of consumers?

I wouldn't do it for any President. Why don't I just lay my cards out on the table. Forgive me. I wouldn't do it for this President.

I don't see that this administration is at all committed to raising the minimum wage, or to making sure people have the right to organize and bargain collectively for labor law reform, or, for that matter, to protecting against repetitive stress injury, and to ensuring a safe workplace.

I don't think there is a great commitment on the part of this administration on behalf of the environment, consumers, or ordinary people who do not have all the capital and who make the huge contributions. I don't see a whole lot of commitment.

Now we are going to give this administration fast-track authority? I didn't vote to give it to the last administration. We can't come out here with an amendment to try to make things better. We can't fight to represent the people back in our States. And the trade agreements that I have seen so far—every single one—do not represent fair trade. They don't have child labor standards. They don't have basic human rights standards. They don't have any standards for protection of the environment. At the end of the day, there are depressed wages for workers not only in our country but in the developing countries as well. I think we can do better.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INTEREST RATES FOR STUDENT LOANS

Mr. WELLSTONE. Mr. President, I have not had a chance to review the specifics of the President's proposal. Jill Morningstar works for me on education. She gave me a briefing last night, which I haven't had a chance to read.

As I understand it, the administration is now basically proposing that students will not be able to consolidate some of their students loans in order to lower the interest rates and give them a break on interest rates.

I want to say to the White House that this is a true no-brainer; that is to say, it is a nonstarter.

I think the more the administration hears from higher education students in the State of Minnesota and around the country, the more they are going to realize that it is not true that these students when not in school are traveling around the swank ski resorts or playing on all the swank golf courses because they have a ton of money. It is not true. If they are 18, 19, and 20, many of them are working several jobs 30 hours a week. Many of these students in my State—I bet in Delaware, too—are in their forties and fifties and are going back to school.

I am the beneficiary of the National Defense Education Act, which was a low-interest rate loan, and I only had to pay half of it back because I went into teaching.

We should be going in the direction of more affordable higher education—not less affordable.

I think the bind this administration is in with their proposal is they are trying to figure out ways of supporting the Pell Grant Program because so far in their budget they don't have the support for it and the ability to find other pots of money.

This is sort of an unconscionable tradeoff. This is not the way we get more funding for Pell grants or other worthy programs—basically by severely undercutting students' abilities to be able to combine their loans and pay a lower rate of interest.

This is really anti-education. Frankly, it is anti-student.

I want the higher education community in Minnesota to know that is why I came to the floor. I am adamantly opposed to this policy. I join the ranks of other Senators—Democrats and Republicans alike—in opposition.

I think for many middle-income families higher education ranks right up there as one of the huge issues. It is very important.

I imagine that back in my State—and other Senators and Representatives will be doing the same thing—I will be having some meetings with students. Unless I am wrong, I think we will see a tremendous reaction, a lot of organizing, and a lot of insistence that the administration change this policy.

I am on the floor of the Senate today to call upon the White House to basically back away. They are going in the wrong direction. They are going to really feel the political heat. You should really feel the political heat.

This is the bind we are in. All of these worthy programs are on a collision course with the tax cut. Let us have tax cuts. Let us do some of it, but there has to be balance.

We have done so much by way of tax cuts. Now they want to make these tax cuts permanent. We no longer have revenue when it comes to affordable higher education, prekindergarten, welfare reform, money for childcare, money for TANF, affordable housing, special education, title I, support for COPS, support for firefighters assistance grants, and more research for all kinds of disabling diseases and illnesses.

So many people in the last couple of days have come from our State asking about money for Alzheimer's, diabetes, Parkinson's, mental health, and on and on. The money isn't there. This is one little example.

I come to the floor of the Senate to make clear my opposition to the direction the administration is going. I call on students to organize for higher education to make sure their voices are heard. I think the administration needs to hear from you because they are about to make it harder for you to afford your education. That is a distorted

priority. We ought not be making it harder for men and women—whatever their age—who want to pursue higher education. It makes no sense whatsoever.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I rise this afternoon to express my strong support for the motion to proceed to the Andean Trade Preference Act.

Since 1991, the Andean Trade Preference Act has helped the countries of the Andean region—Bolivia, Peru, Ecuador, and Colombia—to more than double their exports to the United States, to nearly $2 billion in the year 2000.

At the same time, exports from the United States into the Andean nations saw a 65-percent increase between 1991 and 1999.

Colombia, Bolivia, Ecuador, and Peru have not only increased their exports, they have accomplished another important objective to them and to the United States; and that is, they are developing new, nontraditional sectors of their economy. They are developing legitimate commercial exports as alternatives to the illicit drug trade which has so bedeviled these countries in the recent past. This has been a huge benefit not only to the four countries of the Andean region but to the United States as well.

Today, as an example, 85 percent of Colombia's cut flowers go by export to the U.S. market. In fact, these flowers alone account for 80 percent of the air freight between the United States and Colombia.

In Peru, the asparagus industry has served as an example of what an alternative crop production can achieve—an alternative to illicit coca production. Asparagus, growing in Peru, now employs 40,000 people in a legal agricultural enterprise.

In spite of this progress, regrettably, the ATPA expired last year on December 4, its 10th birthday. It is in the national interest of the United states of America, as well as the national interest of the four nations of the Andean region, that this Congress act now to restore and enhance this highly successful program.

The House has already done so. In December of last year, it passed its version of Andean trade preference renewal and expansion. It is time for the Senate to do the same.

Why is this legislation important? And why is it important now?

I suggest three reasons: the grave consequences of inaction, the opportunity to strengthen the partnership between the United States and the Andean region, and as an important tool in our global war on terrorism.

What are some of the consequences of inaction?

The expiration of the ATPA is having an immediate and negative impact on the export industries that have blossomed under the benefits of this program, as well as industries that support this trade.

In February of this year, 2 months after the ATPA had expired, I requested that the administration grant a deferral on the collection of those additional duties which came due as a result of the expiration of the ATPA.

The President, in my judgment, agreed and used the administrative power to postpone the collection of those additional ATPA duties for 90 days with the expectation that Congress, during that period of time, would renew and extend ATPA.

That period of deferral is almost over. The 90-day clock runs out on May 16. If we have not completed all the work needed to pass this legislation into law by then—including passage by the Senate, a potential conference committee with the House of Representatives to resolve what differences might exist, and final signing into law by the President—if we do not do all of those acts by May 16, the U.S. Customs Service will start sending out bills for duties which would then be due and payable.

These bills will be steep for both importers and their customers. An example: Annual imports of flowers totaling $400 million from the region are liable for duties of up to 6.8 percent. Example: Annual imports of asparagus worth $50 million will get an additional 20-percent tariff. Example: Leather handbags and luggage imports of $20 million a year are subject to a 10-percent tariff. Example: Imports of precious metal jewelry, worth $140 million a year, will face up to 7-percent duties.

I know the Presiding Officer is a caring man and probably—I would say no doubt—gave to his wife, maybe to his mother as well, beautiful flowers for Valentine's Day and is preparing to do the same for Mother's Day. Chances are great that those flowers he has and will provide to his loved ones came from an Andean country. And the risk of applying these additional tariffs to the two most significant days of the year for the sale of flesh cut flowers, Valentine's Day and Mother's Day, representing 50 percent of the total cut flower imports, will be enormous.

Because of the temporary extension of ATPA, only the tariff duties have been deferred. Growers will still be responsible if the renewed ATPA fails to become law by May 16, only 4 days after Mother's Day. On top of that, if you send those flowers for Mother's Day, they will probably cost you about $6 more just because we have allowed ATPA to lapse.

With the proven, positive economic returns of the current ATPA, we must not only renew these trade benefits; the time has come to expand them.

The Andean landscape was noticeably changed in the year 2000 with the passage of the Caribbean Basin Trade Partnership Act. That legislation provided the Caribbean nations significant new trade benefits, essentially parity with the benefits which Mexico has received under the North American Free Trade Agreement Act. But in helping the Caribbean Basin, we have inadvertently hurt the Andean region.

The Andean apparel industry is tiny in comparison to the apparel industry in Mexico and the CBI countries. Of these three preferential trade arrangements in the Western Hemisphere, NAFTA accounts for approximately 55 percent of U.S. apparel imports. CBI has a 41-percent share. The Andean Trade Preference Act countries provide only 4 percent.

Despite its small share of our imports, the U.S. market is the recipient of over 90 percent of the Andean countries' apparel exports, so it is a small percentage of our imports of apparel from the Western Hemisphere. But our market is an extremely significant economic opportunity for these four countries. If Congress does not level the playing field between ATPA and the Caribbean Basin, the potential job loss is tremendous. Colombia alone stands to lose up to 100,000 jobs in just the apparel sector. As I will indicate later, there are already early indications of a significant relocation of the apparel assembly industry from the Andean trade area to CBI or Mexico because of the some 8- to 10-percent competitive advantage which Mexico and the Caribbean now have over the Andean region as it relates to the export of finished apparel products.

U.S. imports of apparel from Colombia in 2001 were down 18 percent over the year 2000. Total apparel exports to the United States from the Andean region were down over 11 percent for the same timeframe.

As a result, U.S. exports of cut pants to be assembled into apparel in the Andean countries was also down but down by an average of over 33 percent. This reduction in exports, which support the apparel industry, illustrates how the lack of trade benefits clearly hurts both the United States and the Andean countries.

We must create a business climate that can provide Andean citizens an alternative to illegal industries. Promoting legitimate economic development rather than leaving these countries at a competitive disadvantage with their near hemispheric neighbors, especially in highly mobile industries such as apparel, is a critical goal of this ATPA legislation.

If we are successful in our counternarcotics efforts in Colombia alone, it is estimated that there will be a quarter of a million people out of work. A quarter of a million people in Colombia earn their living in the elicit drug trade. It is our national policy and goal

to try to eliminate that elicit drug trade. As part of that strategy, we have a role to play in developing legal alternative jobs for those people who we hope will lose their jobs in coca production and trafficking.

It is ironic that at the same time we are asking the region to eliminate an illegal industry that contributes almost 5 percent of its gross domestic product, we have created an environment which makes it more difficult for those same countries to retain legitimate industries.

It is imperative that we correct that inequality now and send a strong signal with a renewed and expanded Andean Trade Preference Act.

I have been talking about some of the immediate and microconsequences of inaction by the Senate. There are macroconsequences as well. As you can see in the chart I have brought, the Andean region is bordered on the north by Venezuela and on the south by Argentina. Venezuela, as evidenced by events in recent days, is facing an increasingly volatile and unstable political future. To the south, in Argentina, the economic situation is still reeling. Without active U.S. involvement in the region, the Andean nations could share the same fate as their northern and southern neighbors.

Our Andean neighbors are trying desperately to keep their houses from catching fire.

But the houses on both ends of the block are already in flames. The ATPA duty preferences expired, and the Andean countries are fighting that fire with water through buckets. We need a renewed and expanded ATPA to give them a big firetruck with a steady and reliable stream. We are sending exactly the wrong signal to our neighbors if we do not take active steps at this pivotal time.

The second reason this is important is the building of partnerships between the United States and the Andean region. While the clock is ticking on Congress to act on ATPA legislation, there is another clock ticking in the Andean region and the Western Hemisphere, including the United States, in the area of apparel production. For now, many of the largest apparel assembly countries in Asia have been at a comparative advantage in the production of apparel. As an example, these two golf shirts, sold by the same company, same label, same color, would be considered identical. There is a difference. If you look inside the one, you will see that it was made in Nicaragua; the other was made in China. Other than that, they are identical.

One other area in which they are different—they both sell for approximately $20—is the shirt that is made in Nicaragua costs 10 percent more to produce than the shirt made in China. The shirt made in Nicaragua started as cotton grown in a U.S. field. That cotton was then made into the material from which this shirt was made. That material was then sent to Nicaragua, where it was assembled into this golf shirt. This shirt from China was made from Chinese cotton, converted into textile in a Chinese textile factory, and then assembled by Chinese workers.

That is a significant part of the reason, even though this had to come halfway around the world; whereas the one from Nicaragua only a few hundred miles, and the shirt from China costs 10 percent less to produce than did the shirt from Nicaragua. How has this imbalance been maintained? It has been maintained because the United States, as part of what is called the Multifiber Agreement, sets an annual limit on how much product of a particular apparel can be exported into the United States.

As an example, under current agreements, China is limited to exporting 2.374 million dozen golf shirts to the United States per year. That restriction on the amount of product that can be exported to the United States is a significant reason the partnership of the United States growing the raw material, converting it into clothing material, then shipping that to a Caribbean, Mexican, or Andean assembly factory for final conversion into the wearable product has been able to sustain itself.

In the year 2005, the Multifiber Agreement goes out of effect. In the next 3 years, the apparel industry in the Western Hemisphere must get substantially more efficient in order to compete with China and the other major Asian producers, which will likewise come out from under the restrictions of the Multifiber Agreement in 2005. Failure to become much more efficient, in my judgment, puts the whole partnership of U.S. agriculture, U.S. textile, and Caribbean, Mexican, or Andean assembly in serious jeopardy.

The assembly operations in this hemisphere, under our law—including the law we are now considering extending—must use U.S. fabric and yarn, buy U.S.-made sewing machines and equipment, and use U.S.-grown cotton and other fabric materials. If these industries do not become more efficient in the Andean region, the Caribbean, and Mexico, they will lose out in global competition to Asia. Then, American raw materials and equipment, and some 40,000 to 50,000 Americans who are involved in producing the material that goes into these garments that are assembled within the hemisphere will all be completely out of the picture. With the enhancement of the Caribbean Basin Initiative in 2000, fabric exports to Caribbean nations from America, or assembly of apparel items, rose 170 percent since 1999.

Last year, the United States exported $3 billion in cut parts to Caribbean nations, which supported some 60,000 jobs in the United States, 40,000 to 50,000 of which were in the textile industry. This increase in cut parts exports came despite an overall decline in U.S. exports of finished apparel from CBI countries.

What this all means is apparel manufacturers are substituting U.S. fabric and yarn for foreign inputs, proving that the partnership between the U.S. textile and yarn producers and the Caribbean assembly operators is working. That is the same result we hope to achieve in the Andean region. If we can make importing our fabrics more affordable, based on trade benefits and reduced tariffs, then American jobs will be saved.

But passing trade preference legislation is only part of the equation for making the apparel sector more efficient within our hemisphere. There must also be comprehensive implementation of both the letter of the law and the spirit behind it. Legislation expanding CBI in 2000 was a good example. Congress expanded the trade benefits for apparel assembled in the region from U.S. yarn and fabric. But there are still many more hurdles to clear before the region will be an efficient manufacturer of apparel—efficient in terms of our ability to compete with Asian manufacturers.

Secretary of Commerce Don Evans has taken the lead in coordinating the administration's long-term implementation of the Caribbean Basin Initiative. Last year, the Department of Commerce canvassed its overseas post in the Caribbean to identify other problems that are holding the countries back from more efficient production. The Department's exports identified issues such as poor transportation systems, high energy costs, unreliable energy supply, and the unpredictable business climate as obstacles to greater efficiency in the Caribbean assembly industry.

This year, the Department of Commerce has assembled an initiative to begin tackling some of these problems. When we pass Andean trade preference enhancement—and I am very optimistic that we will—there must be a similar effort to assure that not only are the trade benefits implemented but the region, as a whole, is prepared to meet the challenges of the sharply increased competition it will face in the post-2005 world.

The third and final reason I think this is important—and important now—is the role that this legislation will play in our effort to combat narcotics and counterterrorism. The ATPA is more than just good trade policy. The ATPA is a key tool in fighting our Nation's war against terrorism.

Recently, the Director of the CIA, Mr. George Tenet, came before the Senate Select Committee on Intelligence, of which I am privileged to be the Chair, and said Latin America is ''becoming increasingly volatile as the potential for instability there grows.'' One reason he cited was the sluggish, oftentimes downward spiraling economy in Latin America. What was the other reason? Terrorism.

Some of the worst terror and violence in the world is happening in the Western Hemisphere. In Latin America, the evil hand of terror has become

an everyday reality for too many. In Colombia, for example, paramilitary forces linked to the drug trade have instilled fear through random kidnappings and bombings. A statistic which I think would stun most citizens of the United States is this: In the year 2000, of all the worldwide incidents of terrorist attacks against United States citizens and United States interests, over 44 percent of those worldwide terrorist attacks against Americans occurred in a single country, Colombia.

Today in Colombia there is no substantial difference between one who is a drug trafficker and one who is a terrorist. Recent events, such as the indictment in a United States court of four members of the primary terrorist organization in Colombia, known by the name of FARC, on drug charges, confirm this trend.

In the early days in the Andean region the drug traffickers who were providing cocaine were highly centralized. They had a chief executive officer. They were vertically integrated. That started with growing of the coca in the fields to financing its distribution in the United States and other demand countries.

We made a major effort—we the civilized world, with the United States playing a key role—to take down these highly centralized drug organizations, particularly the Medellin and the Cali cartels. After a long period of significant investment and loss of life, we, the Colombians, and the international community were successful.

We thought that by taking the head off the drug cartel snake, we would kill the rest of the body. In fact, what we found in the late 1990s was these decapitated snakes were beginning to reconstitute themselves, and they were moving away from the large corporate model towards a more entrepreneurial model; where they used to have vertically integrated parts of the drug chain, now they have multiple, small drug traffickers for each phase of the process, from growing in the field to transporting, to the financing of the drug trade.

For a period of time, these new entrepreneurial drug traffickers found themselves at risk because they did not have the security blanket that the old centralized system had provided. So they turned to the modern economic guerrillas, the Al Capones of Colombia, and made a pact. The pact was: We will pay you well if you will provide us security so we can continue to conduct our illicit drug activities.

For awhile, that was the deal, but then the Scarfaces figured out: We are providing the capability of these drug traffickers to do their business, but they are making a lot more money in drug trafficking than we are in providing the security for the drug traffickers. So why do we not become drug traffickers ourselves? And they did.

By the end of the 1990s, the drug trade, particularly in Colombia, had been largely taken over by the former ideological guerrillas who had become the Al Capones and now were becoming drug traffickers.

The motives of those who commit violent acts throughout the world are variant, but one thread is predominant in nations plagued by terrorists: An economy unable to provide hope or a legitimate means for the people to earn a living. In Colombia, this condition is fed by the illegal businesses that are the root of violence: Drug cultivation and smuggling.

The recent escalation of tensions in Colombia magnifies the urgency of America's involvement in helping to sustain South America's oldest democracy, Colombia. At the same time, Peru, Ecuador, and Bolivia are also vulnerable to the surge of the illicit narcotics trade as they have developed alternative business programs.

Fifteen years ago, most of the cocaine in the region was grown in Peru and Bolivia and then transported to Colombia for processing. Those levels have been dramatically reduced, in large part because local farmers have been encouraged, in significant part through U.S. programs, to make the transition from illegal cocaine to a legal agricultural crop. With this continued commitment, our neighbors will have incentives to develop both legitimate economic alternatives to the production of drugs and real avenues to end the violence that plagues so much of our hemisphere.

If we are serious about halting the flow of illegal drugs to the United States, if we are committed to contributing to the stabilization of our nearest neighbors in the hemisphere, and if we are steadfast in our war against terrorism, then the United States must act now to both extend and expand these portrayed benefits, important for us and important for the four countries of the Andean region.

Time is short for the people of our regions who stand to lose should we fail to pass this legislation. The time is now. The days between now and when the crisis occurs on May 16 are few. I urge my colleagues to expeditiously move to the passage of this legislation, to the resolution of differences, and to accept the invitation to attend a signing ceremony in the Rose Garden and then to see that the roses of hope will begin to bloom again in the backyards and fields of our neighbors in the Andean region.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I appreciate the indulgence of my colleague from South Carolina. I will speak for 5 or 10 minutes. I thank him for the courtesy.

Madam President, the Senate is embarking on a historic debate, one in which we have the opportunity to expand economies, promote job creation, and reduce poverty, in the United States and around the world. As we consider this package of trade bills and debate whether to grant the President trade promotion authority, I hope we remain focused on the big picture. Both collectively and individually, these bills promote the expansion of global free trade and the prosperity that attends it.

Since the end of World War II, the United States has served as a global leader and champion of free trade. Regrettably, a recent surge of protectionism, often driven by special interests that care nothing for the welfare of the average American consumer, has severely handicapped our leadership. Major U.S. trading partners doubt our dedication to free trade, and not without cause. Recent protectionist policies on lumber and, most egregiously, on steel have fueled the scorn of our global trading partners—and rightly so. Failing to pass trade promotion authority will forfeit our nation's legitimacy as a global free trade leader and confirm the views of critics around the world who don't take our devotion to free trade, and consequently our global leadership, seriously. We cannot let this happen.

The authority first established by the Trade Act of 1974 and now proposed in TPA expired eight years ago. Since then, numerous trade agreements, in which the United States has not participated, have been negotiated and implemented around the world. The simple fact is that our trading partners are unwilling to negotiate agreements with an administration that lacks TPA.

Today, there are 130 preferential trade agreements, and the United States is a party to three of them.

Similarly, the United States is a party to only one of the 30 free trade agreements in the Western Hemisphere. Those 156 agreements to which we are not a signatory represent missed opportunities for all Americans.

The American people benefit enormously from trade, even if they often don't realize it. Today, over 12 million U.S. jobs depend on exports, and those jobs pay wages that are 13 to 18 percent higher than the national average. Every day, American consumers reap the benefits of trade in the form of lower-priced goods and services. The office of the U.S. Trade Representative estimates that the combined benefits of the North American Free Trade Agreement, NAFTA, and the Uruguay round agreements have saved the average American family of four between $1,300 and $2,000 a year. A University of Michigan study found that a global reduction of trade barriers could result in an additional income gain of $2,500 for the average American family of four.

Too often, our Nation's approach to trade has been to open foreign markets

to American goods and services while erecting domestic barriers to foreign imports. But trade does not work that way. It is, by definition, a two-way street. Continuing along this protectionist path will ultimately cause more damage to the very American industries clamoring for protection today. Without reciprocity, the farmers and corporations of this Nation will soon lose access to the valuable markets they depend on to sell their goods. Such an approach turns trade, a positive-sum game in which all parties benefit from expanded economic opportunity, into a zero-sum game strangely reminiscent of a discredited, mercantilist past.

Expanding free trade is a way to improve the well-being of all Americans, particularly the working poor. The most basic economic analysis shows that tariffs represent an unfair tax on an already overtaxed public. Reducing barriers to trade is the equivalent of a tax cut for every consumer. Presidential trade negotiating authority was necessary in the past to reach the agreements from which Americans currently benefit. That same authority is needed for this administration and others to negotiate future agreements, to build on our prosperity.

By enabling the negotiation of bilateral and multilateral trade agreements, TPA will empower the President to eliminate trade barriers, reduce tariffs, and open foreign markets to American goods and services. American workers, farmers, businessmen, and consumers will benefit from the successful completion of the World Trade Organization negotiations in Doha, regional free trade agreements like the Free Trade Area of the Americas, and bilateral trade agreements such as those we hope to achieve soon with Singapore and Chile.

On a regional level, it is particularly urgent that we support our allies in the hemisphere by deepening our trade relationship with them, in order to advance broader American interests in Latin America. Let there be no doubt: the Andean Trade Preference Expansion Act is important to U.S. national security and the security of the democratically elected governments in the Andean region.

In 1991, former President Bush signed into law the Andean Trade Act. In a fresh approach to the war on drugs, he argued that promoting trade between the United States and the countries of the Andean region would expand their economies, create jobs outside the drug trade, and increase stability in the Andean region. After a decade in which democracy has taken root in these nations, these goals are even more important.

Although the original Andean Trade Act represented a modest effort—granting duty-free or reduced tariff treatment to a limited number of goods from Bolivia, Colombia, Ecuador, and Peru—it has produced many successes. Two-way trade between the United States and the Andean nations has more than doubled since 1991, and new industries have emerged as a result of the reduced-tariff benefits or the agreements.

In Colombia, for example, the fresh-cut flower industry has created over 150,000 new jobs. These people are now harvesting and planting flowers rather than trafficking illegal drugs. Similarly, in Peru, the benefits of the Andean Trade Act encouraged farmers to cultivate asparagus, creating 50,000 new jobs, and making asparagus that country's largest export crop to the United States. Today, farmers in the region are choosing to plant products to be exported under the Andean Trade Act, rather than coca. Our strategic goals in the region require us to build upon these successes.

The Colombia conflict lends particular urgency to the need for swift congressional action on Andean trade expansion. Not only are Colombia's people at risk from the FARC terrorists, Colombia's democracy is at risk from the corrosive effects decades of civil war have had on her institutions and her economy. The military and intelligence assistance America provides to Colombia is critical, but it is only a part of our policy response. We have an obligation to help our ally not only to defeat the terrorists, but to build the foundation for a lasting peace by supporting economic development in Colombia. Andean trade expansion provides a way to do that without costing U.S. taxpayers a dime.

The government of the region, burdened by the spillover effects of the Colombian conflict, are the most eloquent advocates for the tangible benefits provided by the Andean trade agreement. The group of nations that benefit from the act are critical to the hemispheric stability, prosperity, and democracy America has worked to foster in the region. These nations stand with us in wanting to end the economic despair and dislocation the Colombian conflict has projected across their borders. It is in America's interest to counter the economic destabilization that war has brought to Colombia's neighbors with the broad-based economic growth that represents the region's best hope.

The arguments that drive support for the Andean Trade Preference Expansion Act demonstrate how trade and development in the Andean region increase our national security. I hope the Senate will act swiftly on the ATPA, given the expiration of existing Andean trade preferences on May 16, as we accelerate our efforts to build prosperity and consolidate democracy in the region.

As we consider this entire legislative package, I would caution my colleagues against further efforts to restrict free trade. I hope we will avoid the temptation to support veiled protectionist measures in order to secure passage of this bill. We cannot, in good faith, work to promote trade liberalization with one hand while restricting it with the other. Such an approach will not further the expansion of global free trade. Indeed, it will only solidify the distrust of our allies and trading partners while doing nothing to increase the prosperity of the American people.

A critical component of this trade bill is how to develop the best possible solution for providing assistance to hard-working Americans who may lose their health insurance coverage as an unintended result of this legislation. This is a real concern and one that we must take seriously. However, we can't allow this issue to be politicized and used to deter the passage of this important trade bill. Both sides of the aisle have made significant progress toward a compromise. Now we must continue compromising until we iron out a fair and sound solution for addressing the health care needs of our Nation's workers.

Ensuring access to affordable and quality health care for all Americans must be a priority, and I commend each of my colleagues who are fighting for health care protections for workers possibly impacted by this bill. But this simply can't be done if partisan politics prevent us from working together to find a solution that is good for our workers and the overall quality of our health care system.

I look forward to this broad trade debate. I believe it is healthy for our Nation and our democracy for our leaders to make what is a compelling intellectual case for free trade, and to demonstrate to the American people how successful trade liberalization represents money in the pockets. We now have the opportunity to reverse the recent protectionist tide. It is time that we look to the future, consider the long-term interests of our Nation, and work urgently to provide the President with the authority he needs to negotiate for free trade.

Madam President, I reiterate, the situation in the four countries of Colombia, Ecuador, Bolivia, and Peru is such that we cannot delay, longer than May 16, passage of the Andean Trade Preference Expansion Act. I cannot tell you the problems that will result in that very delicate region of our hemisphere at that time if the Andean Trade Preference Expansion Act is not renewed.

Colombia is in serious trouble. Peru has only recently emerged from a very difficult period. Ecuador has been directly impacted by the conflict within Colombia. And, of course, Bolivia has had severe economic problems for a long period of time.

This is a small step but a very important one. And our failure—our failure—to act on this legislation I think would send a very bitter message to our friends and allies in our own hemisphere.

After passage of the North American Free Trade Agreement, America's goal was to have a hemispheric free trade agreement within a short period of time. Obviously we have fallen very short of that.

I look forward to a vigorous debate with my friend from South Carolina and my friend from North Dakota who just came to the Chamber. I hope this debate is based on our mutual concern for the workers of America, but that concern should also be balanced by our concern for the average working men and families in America who will find that goods and services are less expensive to them. History proves it. No, we don't like to see lumber workers or cotton farmers or wheat farmers or anybody else harmed by free trade. We can take care of that impact on our economy and still serve the greater good of our entire Nation.

I have had the great privilege of visiting South Carolina on many occasions. One of the greatest products of free trade is the BMW plant, which the Senator from South Carolina was instrumental in attracting to that great State. It is always a privilege for me to go back and visit.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank my distinguished colleague from Arizona, ranking member and former chairman of our Commerce Committee.

The fact is, where we have that BMW plant, just 2 years ago, in Spartanburg County, we had 3.2 percent unemployment; it is now 6.1 percent. It is just an outflow, a stampede almost of the exportation of textile jobs in South Carolina. Since NAFTA we have lost 53,900 jobs. That is one of the things they are debating with respect to trade adjustment assistance to get health care. If you are going to have trade adjustment assistance, I certainly want to apply it to those lost jobs. They are out there struggling in the sense that almost, in a way, I don't have any more jobs to lose. I have to apply it to those because they are retrained and skilled.

I gave the example of Oneida, the little T-shirt plant where they had more than 400 employees with an average age of 47 years old, lose their jobs. So they trained them as expert computer operators, as Washington tells them to do. Who is going to hire the 47-year-old? They are going to hire 21-year-olds. So they are still out of a job. That is the desperate circumstance that is going on all over the country.

Mr. MCCAIN. I thank my friend from South Carolina. He has the floor. May I ask unanimous consent for 1 minute to respond?

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

Mr. MCCAIN. I say to the Senator from South Carolina, I know there are individual and heartbreaking stories of people who have lost their jobs in the textile industry in South Carolina. The fact remains that history and the record show that every American family, whether they are unemployed or employed or rich or poor, has benefited by the importation of less expensive goods and services into the United States. We balance this with assistance, training, in every way we can, including reaching agreement on health benefits for dislocated workers.

I never have sold anything to a grocery store. I bought a lot from grocery stores. I buy flowers a lot cheaper when they are grown in Colombia than when they are grown in South Carolina. It has never been my ambition for any child to grow up to work in a textile factory. I would much rather have them work in a BMW plant or high-tech factory or other kinds of employment for which we can provide the training and education.

I hope the Senator understands the fact that Americans have profited by free trade enormously. Yet we can still address the specific problems that result from dislocated workers. That is what free trade is all about. That is why I believe this Nation will continue to prosper when we have free trade agreements consummated between ourselves and our neighbors. We should be concerned about the economy of countries such as Colombia because their narcotraffickers can take over that country and export their goods, which are drugs, into this one.

I thank the Senator from South Carolina. I look forward to a renewal of our spirited discussion which we have had for many years, always marked by respect for the views of the junior Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Arizona. There is no question that they are better jobs, but textiles are very good paying jobs at $10 and some odd cents an hour. Those are middle class Americans.

The Senator is correct, facts are facts. That is why this particular Senator, as Governor some 40 years ago, went to Europe to get that BMW plant. I didn't get BMW at that particular time. Since that time, in my travels to Germany, we now have in South Carolina 117 German plants in my little State. So, yes, we have gotten way better jobs. We have continued to work on that.

But I would just address a few comments with respect to the need for the trade bill. I heard my distinguished leader earlier today. He outlined the need for the trade bill. He said: Wait a minute, you have to understand, after all, these are just singular examples that I had given earlier in the morning's debate with respect to Vietnam and Jordan. Those are just one country. He said: But when you have multilateral countries, it is sort of hard to get them all together and then get an agreement, then bring it back to the Congress and have amendments.

Not so. The Andean trade agreement we are now discussing involves several countries. Without fast track, we have listed in the 2001 Trade Policy Agenda and 2000 Annual Report by the U.S. Trade Representative, some 100 different agreements. I have gleaned many of them. Of course, the African Growth Opportunity Trade Agreement, involved a few dozen countries. We got that without fast track. We told President Clinton we didn't want to abdicate our responsibility in regulating foreign commerce.

Article I, section 8 of the Constitution, says the Congress shall regulate foreign commerce. It doesn't say the President, or the Supreme Court, but the congressional branch, the legislative branch. We were not going to abdicate that authority, which we are being asked to do at the present time.

We didn't do it. And to refute that argument with respect to the multilateral requirements, the Caribbean Basin Initiative with nine countries; the chemical weapons treaty, of course, that we debated during the Clinton administration, there were over 100 countries; the semiconductor agreement with the European Union, the United States, Japan, and Korea, more than a dozen countries joined in that one without fast track; the telecommunications agreement with the Asia Pacific countries, that was more than a dozen countries involved there; the international tropical timber agreement with numerous countries, the United States; Central American Regional Trade Investment Agreement in November of 1998, there were nine countries; the WTO telecommunications agreement in 1997, that was some five dozen countries. So was the WTO financial agreement in 1999. I could go on and on.

Don't be sold a bill of goods about the difficulty of fine points and numerous countries. That happens right regularly, and that is why you have trade agreements, and that is why we have been able to get over a hundred during the past 10 years alone.

Now, Madam President, the next point that was made was that the United States has only 4 percent of the world's consumers. Of course, right to the point, the distinguished leadership is confusing the population with numbers of consumers. What we are really interested in is that 4 percent. Those who are opposing fast track are interested in those 4 percent of consumers because, unless you have a job and are making a living, we have consumers going out of business. That is the stopping, the cessation of consumption that has this economy in a funk.

I just had a gentleman, from SBC Communications, telling me how his stock had gone down. I said: Meet the group. MCI has changed leaders today. So you have all of these telecommunications companies that are high-tech, and more growth, and they are in a funk because we don't have manufacturing, we don't have jobs. We have been exporting jobs faster than we can possibly create them. The United States also has the most skilled and productive workforce in the world—what is left?

I pointed out here, with respect to the steel, that I commend President Bush for his recent actions. Mr. McNamara, the former Secretary of Defense and head of the World Bank, went running all around to the Third World

emerging countries telling them they could not become a nation state unless they had steel—the capacity to produce steel for the weapons of war and the tools of agriculture. As a result, I look outside my office in Charleston at the dock, and they are off-loading Brazilian steel for construction all over the Southeast. Some 20 miles away is Nucor, the most productive, modern, competitive steel plant in the world. But how can they compete when the Brazilians are dropping steel off at less than cost on the dock there in Charleston. The rules are not being enforced.

What we need is not a free trade policy, we need competitive trade; we need to go back to the word itself—''trade''—something for something. Not aid. That is what the Andean thing is all about down there with Colombia, Ecuador, and Bolivia. They are saying: Look, get out of the drug business. That is what this initiative is about. Get out of the drug business and grow pineapples and bananas and that kind of thing.

I went and asked—in one of the meetings where I was getting a briefing in Bolivia a few years ago—what about this growing of pineapples. He looked at me and laughed. He said: You think I am going to struggle growing pineapples when I can get a little crop going and make a whole year's income in a week's time, when it would take a year with the pineapple crop, and have to worry about the weather?

He said: With these drugs, you don't worry about the weather.

Incidentally, he pointed out on the map an area as big as Georgia. He said: That is off limits for the Bolivian policy. We can grow anything we want to there.

Let's get into these trade agreements in depth and find out what is going on. The tail of the drug war is wagging the trade policy of America. I went up 14,000 feet to La Paz and they were chewing the drugs walking up and down the street. Oh, we had a wonderful thing. We had conquered a little bit of it. We had not conquered much. What was in Bolivia went into Colombia, and it gets into Peru and Ecuador—those four countries. The United States has one of the most open markets in the world. Well, that is exactly what they all argue, and everything else, that our open market is going to open their closed markets. In the 1990s, they argued that if we get these trade agreements, we will open the markets. We have yet to get into Japan or Korea.

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

Mr. HOLLINGS. I ask unanimous consent—is the Senator from Arizona ready to speak?

Mr. KYL. I am. But if the Senator wants to close, that is okay.

Mr. REID. Mr. President, I yield from my time 10 minutes to the Senator from South Carolina.

Mr. HOLLINGS. I will complete this quickly.

Mr. DORGAN. Reserving the right to object, I ask unanimous consent to be recognized following Senator KYL's presentation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I have to respond to Senator KYL because this deals with Senator LEAHY's committee.

Mr. KYL. Madam President, if I might suggest this: Probably Senator REID and I will have a colloquy over a series of unanimous consent requests that I will make. I will just count that on my time. When I am done, I will certainly have no objection to the Senator from North Dakota speaking.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. I thank the colleagues in the Chamber for allowing me to have a few more minutes. I wanted to make an important point.

Ten years ago, in 1992, they said that is what we needed, just exactly what they said—to open up the markets. We would get these agreements to open up the markets. So here is a booklet by the Special Trade Representative on foreign trade barriers, and it equaled some 262 pages. Now, after we have gotten the NAFTA agreement, which was to open up markets, and after we have gotten WTO, which is a multilateral agreement—incidentally, let's find out how many markets have been opened. The book now has gone from 262 pages to 455 pages. It has doubled.

We have doubled the foreign trade barriers. All these wonderful free trade agreements were supposed to open up the markets. You continually hear that, but that isn't what occurs. Twelve million export-related jobs are manufacturing jobs. There are less than 17 million manufacturing jobs left in the country. Manufacturing has gone from 26 percent of the workforce 10 years ago to 12 or 13 percent today. The export-related jobs pay 13 percent to 18 percent more. Definitely, the manufacturing jobs do pay more. The union jobs, in a general sense—such as the Longshoremen and the AFL–CIO—are the ones opposed to fast track, vigorously, because they are exporting their jobs out from under them.

The balance of trade—you cannot turn back the clock on trade any more than on technologies; namely, typewriters versus computers. This is the old argument about, wait a minute now, we went from the horse and buggy days to the automobile, and now in trade we are going from typewriters to computers.

Here is a sample of the U.S. trade deficit in the world. We have a $20 billion deficit in the balance of trade with computers. We have a deficit in the balance of trade with cellular telephones, pacemakers, night vision equipment and other telescopes, and electrocardiographs. I could go on and on. The idea that, son, you don't understand, we are moving into globalization, and we have moved now from typewriters to computers. I told the story years ago as a witness.

I was told: Look here, let them make the clothing and the shoes. We will make the airplanes and computers. The truth is they are making the shoes and clothing and the airplanes and computers.

Finally—and I am trying to close down for my distinguished friend from Arizona. In the 1990s, we liberalized trade and saw record economic growth and job creation, some 20 million new jobs created from 1994 to 2000, and without fast track.

I do not know who got these points up for the distinguished leader about why we need it, because, yes, we had wonderful economic growth, but we had that without fast track. That was due to another measure that we passed in 1993.

I thank the distinguished Senator, and I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Arizona.

JUDICIAL NOMINATIONS

Mr. KYL. Mr. President, I appreciate the remarks of the Senator from South Carolina, and I ask that the record reflect my agreement with my colleague, Senator MCCAIN, on this matter. Since I have agreed with Senator REID to discuss another matter, I will simply indicate at a later time I will make remarks concerning both the Andean trade bill as well as trade promotion authority.

There is another matter which is very timely. As a matter of fact, it is important we speak on it now because there is scant time to get some very important business done in the Senate, which has to do with the confirmation of judges but more specifically the holding of hearings on judges because they cannot be confirmed until there has been a hearing on them. For too many of our judges, we do not even have hearings scheduled.

It would be one thing if we waited 2 or 3 months after a nomination to schedule a hearing, but I am speaking of people who have been nominated now for almost an entire year and there has never been a hearing scheduled for them. I am going to take a minute or two to talk about who they are.

I will quote briefly from a Washington Post editorial and then propound a series of unanimous consent requests that will perhaps move us toward the hearings we need to get these judges confirmed.

Preliminarily, Democrats and Republicans can both cite a lot of statistics about judges confirmed under one administration or another, and can pat themselves on the back about a job well done. But it seems to me one thing stands out that is unmistakably clear, and that is when the President has nominated a distinguished American to serve on a Federal district court or, in this case, a Federal circuit court of appeals, and the Senate does not deign to

give those people a hearing for over a year, something is wrong.

There is no excuse for holding someone for a full year. It has now been a year, minus 1 week, since the President made his first circuit court of appeals nominations, 11 in all. Eight of them have never had a hearing.

Quoting briefly from this Washington Post article of April 22:

It has been nearly a year since President Bush nominated his first batch of judges.

Parenthetically, that was done on May 9, 2001.

Of the initial group of 11 appeals court nominees, 8 have still not had hearings before the Senate Judiciary Committee. Two of these nominees are of particular local interest: John Roberts and Miguel Estrada. Both have been nominated to the D.C. Circuit Court of Appeals, which currently has 4 of its 12 seats vacant. Both, on the surface anyway, seem well qualified, having done extensive appellate work in the solicitor general's office and in private practice. Both have high profile bipartisan support. Yet neither has moved. And while Judiciary Committee Chairman Patrick Leahy has said that Mr. Estrada will receive a hearing this year, he has pointedly failed to promise the same for Mr. Roberts.

Skipping part of the editorial to two other quotes:

Nominees should receive timely consideration out of deference to the President, out of respect for the institutional needs of the judiciary, and out of a sense of fairness to the individuals. But delays are particularly objectionable when nobody will even come forward to make a case against the nomination.

The final three sentences of the editorial:

If there is a case to be made against either nominee, the onus is on opponents to make it and its proper forum is a hearing. If there is no case, the Senate should move to a vote. Either way, further delay is not the answer.

I ask unanimous consent that this Washington Post editorial dated Monday, April 22, 2002, be printed in the RECORD.

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

[From the Washington Post, Apr. 22, 2002]

GIVE 'EM HEARINGS

It has been nearly a year since President Bush nominated his first batch of judges. Of the initial group of 11 appeals court nominees, eight have still not had hearings before the Senate Judiciary Committee. Two of these nominees are of particular local interest: John Roberts and Miguel Estrada. Both have been nominated to the D.C. Circuit Court of Appeals, which currently has four of its 12 seats vacant. Both, on the surface anyway, seem well qualified—having done extensive appellate work in the solicitor general's office and in private practice. Both have high-profile bipartisan support. Yet neither has moved. And while Judiciary Committee Chairman Patrick Leahy (D–Vt.) has said that Mr. Estrada will receive a hearing this year, he has pointedly failed to promise the same for Mr. Roberts.

Mr. Leahy is in a tough spot. He has taken a beating for his handling of judicial nominations, a beating that is largely unfair. The Senate has confirmed 45 judges since he took over the committee, which is a respectable pace. He certainly has not yet begun to match the obstructionism with which the same Senate Republicans who now criticize him managed the confirmation process while they were in charge of it. Neither, however, has he entirely restored dignity and fairness to it. Rather, like his predecessor Orrin Hatch (R–Utah), he is allowing individual nominness to sit around with no explanation for what are turning out to be long periods of time. These delays are hard to justify under any circumstances. Nominees should receive timely consideration out of deference to the president, out of respect for the institutional needs of the judiciary, and out of a sense of fairness to the individuals. But delays are particularly objectionable when nobody will even come forward to make a case against the nomination.

So far, anyway, nobody has made a serious case against Mr. Roberts or Mr. Estrada—neither of whom has an extensive public record of statements or writings to criticize. Liberal groups have complained that Mr. Roberts, as a lawyer for the government, helped write briefs that argued against abortion rights. The more general anxiety seems to be that both men are young, talented conservatives who could upset the D.C. Circuit's ideological balance. It is true that President Clinton's nominees to the D.C. Circuit were held up also—as, incidentally, was Mr. Roberts when he was initially nominated by the elder President Bush, But government by tit-for-tat is an ugly spectacle. If there is a case to be made against either nominee, the onus is on opponents to make it and its proper forum is a hearing. If there is no case, the Senate should move to a vote. Either way, further delay is not the answer.

Mr. KYL. I will indicate the names of these 8 nominees, and I will point out that of the 11 who were nominated by the President on May 9, 2001, 3 have been confirmed. Two of those were judges previously nominated by President Clinton, and I think that is interesting. The Judiciary Committee chairman is willing to move people who were nominated by President Clinton but not by President Bush. So when we talk about nominees of President Bush having been confirmed to the circuit court of appeals, remember that two of the three of this initial group were originally nominated by President Clinton.

The eight nominees who have languished before the committee are the following, and they are individuals all of extraordinary experience, intellect, and character:

John Roberts is a nominee to the DC Circuit. He is one of the leading appellate advocates in the United States, having argued 36 cases before the U.S. Supreme Court. He served as Deputy Solicitor General. I doubt there is another lawyer in this country in the Solicitor General's Office who has argued 36 cases before the U.S. Supreme Court.

Miguel Estrada is nominated to the DC Circuit. He has argued 15 cases before the U.S. Supreme Court, worked as a Federal prosecutor, as Assistant Solicitor General, and a Supreme Court law clerk. He came to America as a teenager, spoke virtually no English and, if confirmed, would be the first Hispanic ever to serve on the DC Court of Appeals.

Justice Priscilla Owen, who is a nominee to the Fifth Circuit, has served on the Texas Supreme Court since 1994. In her successful reelection bid in 2000, every major newspaper in Texas endorsed her.

Michael McConnell is a nominee to the 10th Circuit. He is one of the Nation's leading constitutional scholars and lawyers. His reputation for fairness and integrity has generated support from hundreds of Democrat law professors across the country.

Jeffrey Sutton is a nominee to the Sixth Circuit, another of America's leading appellate lawyers. He graduated first in his class from Ohio State Law School, has gone on to argue over 20 cases before the U.S. Supreme Court and State supreme courts, and served as the solicitor in the State of Ohio.

Justice Deborah Cook is also a nominee to the Sixth Circuit. She has served as a justice on the Ohio Supreme Court since 1994 and, before becoming a judge, was the first woman partner at the oldest law firm in Akron, OH.

Judge Dennis Shedd, a nominee to the Fourth Circuit, was unanimously confirmed to be a Federal judge in 1990. He is strongly supported by his home State Senators, Democrat HOLLINGS of South Carolina and Republican THURMOND of South Carolina. He served in the past as chief counsel to the Senate Judiciary Committee.

Finally, Judge Terrence Boyle, a nominee to the Fourth Circuit, was unanimously confirmed to be a Federal district judge in 1984. The former chairman of the State Democratic Party supports Judge Boyle's nomination, stating that he gives everyone ''a fair trial.''

On January 25, Judiciary Committee Chairman LEAHY indicated that Justice Priscilla Owen, Michael McConnell, and Miguel Estrada would receive hearings this year. Each has waited nearly a year for a hearing and more than 2 months for a hearing since this statement.

Chief Justice Rehnquist recently stated that the present judicial vacancy crisis is alarming and, on behalf of the judiciary, implored the Senate to grant prompt hearings and to vote these nominees up or down.

I conclude by showing two things. On this chart it shows the President's rate of judicial confirmations by the Senate, comparing President Clinton and President Bush. The red line ends at exactly 11 months after each President nominated his first nominees. These are both district and circuit court nominees.

By the end of 11 months, President Clinton had 67 percent of his nominees confirmed. President Bush, 11 months after his first nominee was made, only had 44 percent of his confirmed. At the end of 14 months, as it shows, President Clinton had 90 percent of his nominees approved—14 months after the first nomination was made. At the rate we are going, President Bush will be lucky to have 50 percent.

Let's be specific about circuit court nominees because I think this is even

more telling. This chart shows the circuit court confirmation rates by the Senate. Again, after 11 months, President Bush has had 31 percent of his circuit court nominees approved by the Senate. By contrast, 63 percent of President Clinton's nominees were approved to the circuit courts after 11 months, and 14 months after he made his first nominee, 86 percent of President Clinton's nominees had been approved by the Senate. At the rate we are going now, we are obviously not going to get to 86 percent. We cannot get the confirmation until we have had a hearing. It would be reasonable to expect hearings to be held on the eight nominees within a year of the time they were nominated. Whatever the record of success, whatever the number of hearings that have been held for district court nominees, whatever else one might say, there is absolutely no excuse for not even scheduling a hearing on a circuit court nominee for a full year after that nominee was nominated by the President.

UNANIMOUS CONSENT REQUEST

I have a unanimous consent request to propound, and I expect a fulsome response from the Senator from Nevada. I ask unanimous consent no later than May 9, 2002, the Judiciary Committee shall conclude hearings on each of the eight nominations remaining of those made by President Bush on May 9, 2001, to the United States Circuit Court of Appeals.

Mr. REID. Mr. President, reserving the right to object, I have a number of things to say. I don't mean to detain people unnecessarily, but I don't think this is unnecessarily. I will take some time. The Senator from Arizona is welcome to stay or not. I have something I want to say regarding this issue.

One thing I want to say in my reservation, and I will save the rest as I get the floor, I have the greatest respect for my friend from Arizona, a man who is an outstanding lawyer. I knew of JON KYL's legal reputation in Nevada. I knew of him in Nevada because of his reputation in Arizona as a lawyer. He was good at a lot of things.

One of the things we look to JON KYL for with respect is his great knowledge of water law. In the arid Southwest, when a lawyer understands water rights, someone in the legal profession, someone who bears a standard, one whom others look up to—not many people know water law.

The point I am trying to make is that the Senator from Arizona is a fine lawyer. He is a fine Senator. But I want to remind him as to one of the things he spent a little time discussing today, the DC Court of Appeals—Senator KYL discussed the need to fill vacancies in the DC Circuit—President Bush has nominated two people to the circuit court. Because they have been nominated by President Bush, my friend from Arizona, the lawyer whose credentials I have already established, has changed his tune. Lawyers can do that. When they do, sometimes you have to bring it to them.

On March 19, 1997, for President Clinton we were trying to get approved a man by the name of Merrick B. Garland, a lawyer from Maryland, to be a U.S. Circuit judge for the District of Columbia.

The Senator from Arizona said, among other things, when responding to Senator SESSIONS: Like my colleague from Alabama, my colleague from Iowa, and others, I believe the 12th seat on this circuit does not need to be filled. I am quite skeptical that the 11th seat, the seat to which Mr. Garland has been nominated, needs to be filled, either. The case against filling the 12th seat is very compelling and it makes me question the need to fill the 11th seat.

He goes on to say: In the fall of 1995, the court subcommittee of the Judiciary Committee held a hearing on the caseload of the D.C. Circuit. Judge Silberman pointed out that the courtroom normally used for en banc hearings seats only 11. In other words, that is all they can accommodate.

Mr. President, the Senator from Arizona, 4 or 5 years ago, thought there was no need to have these seats filled in this circuit court. But he has changed his tune now because we have a different President.

For this and other reasons, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. KYL. Mr. President, I very much appreciate the kind remarks that the Senator from Nevada made about my law career, and I do appreciate that sincerely. He knows of my affection for him.

Before I make my next request, I point one thing out with respect to what the Senator from Nevada said about my opposition to filling the 12th position on the D.C. Circuit Court of Appeals. At that time, there were two vacancies. He correctly read my remarks. I said I didn't think we needed to fill the 12th, and I had questions about the 11th. But there are now 4 vacancies, and I don't think there is any doubt we need to fill numbers 9 and 10. When we get up to No. 11, maybe I will have a question still, and I might even not support filling the 12th. But that was a totally different situation because we were talking about the 12th and final vacancy.

Here we have four vacancies, and I have advocated that we fill two of them.

In view of the objection that was heard, let me ask my colleague if he would agree to the following, and I propound this request: I ask unanimous consent no later than May 9, 2002, the Judiciary Committee will conclude hearings on at least seven of the eight remaining of those nominations made by President Bush on May 9, 2001, to the D.C. Circuit Courts of Appeals.

Mr. REID. Reserving the right to object, I don't often smile on the Senate floor, but I really have to smile at this request. The reason I do that is I had a Senator come up to me today and say: Why are we voting on all these judges? We voted on four judges last week. We voted two judges today.

I have other things I will say, but I object.

The PRESIDING OFFICER. The objection is heard.

Mr. KYL. Mr. President, I appreciate the objection.

We have voted on several judges. I am talking about holding hearings on judges nominated over a year ago, not voting on them; just holding a hearing and trying to hold the hearings before the anniversary day.

In view of that objection, let me propound this request: That no later than May 9, 2002, the Judiciary Committee shall conclude hearings on at least six of the eight nominations remaining of those made by President Bush on May 9, 2001, to the U.S. Circuit Courts of Appeals?

Mr. REID. Mr. President, we could go through 6, 5, 4, 3, 2, 1. I object.

I reserve the right to object in this instance because the Judiciary Committee is working very hard. Let me lay the foundation.

Senator LEAHY became chairman of the Judiciary Committee. In fact, we didn't organize—he became chairman sometime in July or August—because we had trouble getting the organization going after we took control of the Senate. Immediately after he became chairman of the committee, however, 9–11 occurred, and a short time after that, anthrax in Senator DASCHLE's office basically closed up one office building and that took care of half the Senators.

In spite of 9–11, the new leadership role that Senator LEAHY obtained, and the anthrax scare, he went ahead and held all kinds of meetings of the Judiciary Committee. I attended one in the basement of the Capitol. There we had a circuit court judge, Judge Pickering. I remember that very well because I had one of my Nevada judges there. I testified for my judge. It was very crowded. Senator LEAHY was commended, as he should have been, for holding the hearing. There was really no room.

Senator LEAHY has gone to great lengths to make the Judiciary Committee one that functions well. I will lay out in some detail what he has done to maintain the Senate's proper role in the selection of judges. Remember, the Judiciary Committee had the lead role in a number of other very important items following September 11. The work that we did with antiterrorism legislation was all done in the Judiciary Committee. Senator LEAHY, with his counterpart, Senator HATCH, worked night and day for weeks to get that done. We finally got it passed. It took an inordinate amount of time.

I say to my friend from Arizona, with the deepest respect, Senator LEAHY and the Judiciary Committee are going to hold hearings. They have already held hearings.

As I have said on this floor on a number of occasions: This is not payback time. If it were payback time, we would not have already approved 52 Federal judges since Senator LEAHY took over that committee. But we have approved 52 Federal judges.

If it were payback time, we would not be holding any hearings. Remember, we had judges who waited more than 4 years for a hearing. We are not going to do that.

People who are selected by the President of the United States to be judges, whether they are trial court judges or circuit court judges, are going to have hearings. I assume there would be some exceptions, but I can say, with little reservation, Senator LEAHY is going to hold hearings for all these people and in as timely a fashion as he can.

I therefore object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, in deference to the Senator from Michigan who is here, I gather, to speak, instead of going through the numbers of 5, 4, 3, let me just see if I could get my colleague to agree to this because we do have a full week left. I am a member of the Judiciary Committee, and I can tell you, we have not been that busy. We have had plenty of opportunities for hearings. These eight nominees have been sitting around for a year, and none of them has had a hearing. We could easily have a hearing for two of these nominees before the anniversary date of 1 year from their nomination by the President.

I ask unanimous consent that no later than May 9, 2002, the Judiciary Committee shall conclude hearings on at least two of the eight nominations remaining of those made by President Bush on May 9, 2001, to the U.S. Circuit Courts of Appeals.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. REID. Mr. President, I can assure the Senator from Arizona and anyone within the sound of my voice that Senator PAT LEAHY is going to do the very best he can in holding hearings for all nominees, not only circuit court but trial court judges. As to whether or not he can complete two judges within the next week—the next 9 days is what it is because tomorrow is May 1—I really cannot tell Senator KYL whether that will take place.

But I know the Senator from Vermont is going to do the best he can. I heard him in a conversation today, right here. He was right here because he was at the leader's desk this morning talking about the judges whom we approved. I heard him talking to a Senator regarding a circuit court judge, that he would do a hearing in the immediate future. Immediate is pretty quick. I know that will be done.

With respect and the knowledge that Senator LEAHY is going to move it forward as quickly as he can, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I think I know the answer to this, but it would certainly be possible for us to have a hearing on one nominee. As a member of the committee, I think it is doable, I can tell you. I think it is only fair that Senator LEAHY pick out one of these people and have a hearing for him or her 12 months after their nomination.

So, out of desperation, I ask unanimous consent that no later than May 9, 2002, the Judiciary Committee shall conclude hearings on at least one of those nominations remaining of those made by President Bush on May 9, 2001, to the U.S. Circuit Courts of Appeals.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, my friend should not be desperate. This is not a desperate situation. I am not on Senator LEAHY's committee. I can't speak for his committee. But I have some responsibility to try to see that the Senate operates in an orderly fashion, especially things that go on here in the Chamber. I am convinced Senator LEAHY will do everything he can to move these men and women forward who have been nominated.

Remember, I am sure we have had at least 52 hearings. We have 52 judges who have moved forward during the last few months. That is pretty good. So it is not as if there is a so-called stonewall. He is doing the best he can.

I say with some degree of apology to my friends from Michigan and Kansas, I am going to speak for a few minutes on the judges situation, so I think they should rest their legs for just a little bit because I am going to speak.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I guess in light of this last objection, as the lawyers say, I will rest my case. I think I have made my point. I hope we can have this conversation again in the next 2 days. Having had an opportunity to confer with Senator LEAHY, I hope the Senator from Nevada will have better news for us, but especially for the eight nominees who have been languishing now for a full year, and we can quickly move to have a hearing on at least some of those nominations.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. KENNEDY. Will the Senator yield?

Mr. REID. I am happy to yield without losing my right to the floor.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we consider an increase in the minimum wage no later than June 15.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Yes, Mr. President. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I think I made my case.

The PRESIDING OFFICER. The Senator from Nevada, the assistant majority leader.

Mr. REID. Mr. President, I ask unanimous consent to speak as in morning business and the time count against the 30 hours, postcloture.

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

Mr. REID. Mr. President, just last week, as I indicated, the Senate confirmed its 50th judicial nominee. Today we got two more judges. This has happened in less than 10 months since the change in majority. More of President Bush's judicial nominees have been confirmed in less than 10 months than were confirmed in all 12 months of 4 of the 6 years Republicans controlled the Senate.

I have always been very dubious of numbers because even as one who did not have a degree in engineering or did not do much in the way of math in high school or college, I can still do a lot of things with numbers. We can manipulate numbers—you know that is easy to do. We can have all kinds of numbers games. I will run through a few numbers here this evening on judges.

The thing I want everyone to know is that Chairman PAT LEAHY is an honorable man. He represents a very small State in population, the State of Vermont. He takes a very close look at everything that affects Vermont. He does a great job for Vermont.

One reason I have so much respect for Chairman LEAHY is his view is of more than the State of Vermont. He has a national view. He has been a Senator for a long time, the first Democratic Senator ever elected from the State of Vermont.

He has been able to represent that State so well, but also do a good job for our country. A lot of times that is not easy to do, but he has done that.

He has been chairman of the Agriculture Committee. I served on the Appropriations Committee. He has been chairman of that very volatile Subcommittee on Foreign Operations, foreign aid—the committee from which people run. He doesn't run from that or anything else. He is a very courageous man, PAT LEAHY.

I only say that because we can do all kinds of things with numbers. My friend on the other side of the aisle can bring out fancy little charts and say this happened. I can bring them here and talk about what has happened. But I want everyone to look for just a minute in their mind's eye at PAT LEAHY. Does he want to leave a legacy in the Senate that he was the kind of person who would not approve people who are qualified lawyers who want to become Federal judges? The answer is no.

PAT LEAHY also before he came here was a prosecutor, a lawyer. He was a good one. He was a young man. But that is why he got elected to the Senate, because he was a great prosecutor.

Look at PAT LEAHY a little bit. Put yourself in his role. He wants to be recognized as somebody who runs the Judiciary Committee in a fair manner. I do not know of anyone who could question his honesty, his integrity, and therefore I say let's not really worry about all these numbers.

I can make a case with numbers. I think he has done more than he physically should have done, because it has just been so hard for him to do that. I talk about the committee hearing. My colleagues complained that we have only approved—I don't know how many circuit judges he said. But we had hearings on them. Pickering had a hearing. He couldn't make it out of committee. That is more than they gave our people.

He said some people on May 9 will have waited a year. Well, that is too long, and I recognize that. But it is not 4 years.

More than 50 of President Clinton's nominees never even got a vote. Others waited years to be confirmed. Still others languished for years and many months before a hearing and then no vote. They had hearings and never had a vote in the committee. The Judiciary Committee never voted. Where were the Republican voices of concern then?

Under Republicans, total court vacancies rose from 63 in 1995 to 110 in July 2001, when the committee reorganized, and circuit vacancies more than doubled from 16 to 33. The Republicans caused all the vacancies about which they are now complaining.

I had a big murder case when I practiced law. A young man shot his two parents. It was a very serious case, to say the least. But today people still joke about that case. There isn't anything to joke about. It is the old standard joke that you have heard a thousand times: He was now an orphan. He pled for the mercy of the court because he was an orphan. He killed his parents.

That is about what we have here. Republicans caused these vacancies. Vacancies continue to exist on the courts of appeals, in part because a Republican majority wasn't willing to hold a hearing or vote on more than half—56 percent—of President Clinton's circuit nominees in 1999 and 2000, and was not willing to confirm a single circuit judge during the entire 1996 session.

This is like somebody who kills his parents and then asks for mercy. They ask for mercy because they are an orphan.

They helped create these vacancies.

I repeat: On more than half—56 percent—of President Clinton's circuit nominees in 1999 and 2000, the Republicans were not willing to hold hearings and vote on them. In 1996, not a single circuit judge was confirmed. Some of the vacancies they are talking about go back to 1990, 1994, and 1996. They refused to fill the vacancies.

Under Senator LEAHY's leadership and Senator DASCHLE's leadership, judicial vacancies are going down, with 50 judges confirmed—as I indicated last week, it is now up to 52—including 9 circuit judges. That is more than were confirmed in all 12 months of 4 of the 6 years of Republican control. As of April 29, there were 90 vacancies, and 29 of them were circuit.

The Senate has already devoted a week in March to Senator LOTT's amendment, No. 3028, to the energy bill. One reason it took the energy bill so long is we had a week of time on the sense-of-the-Senate resolution demanding that those nominated last May 9 have a hearing by May 9. The Senate, of course, rejected this, as it should have done. An almost unanimous Senate supported, instead of the second-degree amendment to that resolution, the committee's continued fair treatment of judicial nominees and its efforts to schedule and hold regular hearings on judicial nominees.

That is what we said we would do. That is what Senator LEAHY is doing. The Judiciary Committee has continued its efforts in accord with the Senate resolution which passed this body. The Judiciary Committee held 17 hearings involving 61 judicial nominees. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. They were considered en bloc form rather than one or two at a time. In effect, we have had at least 54 hearings.

I say that really skewing numbers a little bit because in some hearings more than one person was brought before the committee.

That is more hearings on judges than the Republican majority held in any year of its control of the Senate.

I repeat: The Judiciary Committee had 17 hearings in less than a year, and that is more than held in any year of the Senate when the Republicans controlled it.

Rather than berating the Judiciary Committee, I commend Senator LEAHY and the members of that Judiciary Committee for doing the good work they have done. Remember, they have more responsibility than just approving judges. The Republican leadership never followed a ''first in, first out'' rule. As the former chairman said in 2000, ''If nominees were only considered in the order they were nominated, the process would grind to a halt as more qualified nominees would back up behind the questionable nominees.'' That makes sense.

The Democratic leadership has been working hard to process the nominations of qualified, noncontroversial nominees to address the vacancy crisis caused by previous Republican obstruction and inaction.

We are carefully reviewing the records of those nominated last May, as well as other nominees. All but one of those nominated last May 9 were chosen by the President without any consultation with both parties in the Senate. In spite of that, we have already expedited and confirmed three of them.

One of the May 9 nominees lacks home-State consent. Surely the minority is not suggesting overriding the Senate tradition of consent or what we call blue slips from both home-State Senators. Senator ORRIN HATCH—a dear friend—would never agree to that when he was chairman. He would never consider that. The other seven appear to be relatively more controversial nominees who require a great deal of background research. They will have hearings, but more work needs to be done. If the committee fails to do this thorough investigation of these men and women who would serve for life, it fails its job to the rest of us.

When these nominations come here, I depend on the Judiciary Committee. I am not a member of that committee. I assume that if there is a problem with one of them, someone is going to provide that for me. If they don't and something comes up later, I am going to be very upset, as well as Senator LEAHY and the other members of that committee. They need to take the time to do the job right.

Five of the May 9 nominees were nominated to seats that have been held vacant for years and years by Republicans. Well-qualified Clinton nominees to those seats were blocked by Republicans, including two well-qualified gentlemen active in the Hispanic community in Texas: Enrique Moreno and Judge Jorge Rangel; three distinguished lawyers from the African-American community: James Wynn and James Beatty of North Carolina, and Elan Kagen; and other nominees with equally outstanding credentials, such as Kent Markus of Ohio and Allen Snyder of the District of Columbia.

I would like to take just a little bit of time to pay our colleagues, our Republican counterparts, the courtesy of making sure that this request for unanimous consent for immediate action on Bush nominees is OK with them, including the anonymous Republican Senators who held up votes on Clinton nominees such as Bonnie Campbell, Judge Margaret Morrow, and many of the circuit court nominees who languished for years without ever receiving even a vote in committee.

The deep concern now expressed about vacancies was oddly silent when the minority—then the majority—was blocking more than 50 judicial nominees.

Some Republicans held these seats open for years for another President to fill. That President is President Bush. They wanted to save these seats for a Republican President. Maybe some thought these would be judicial activists for their agenda and would tilt the balance of numbers on these circuit courts to give Republican appointees a majority, with the hope of winning through these activists what they were not been able to win at the ballot box.

One of the people for whom I have the greatest respect—he is my friend, he has great Nevada roots, and he has all kinds of family in Nevada—is Karl

Rove, a close confidant of the President. He has given speeches to conservative groups talking about he wants what he refers to as conservative judges. He has a right to say that. But that is why Chairman LEAHY has an obligation to look and make sure these people are qualified and that they have more credentials than just simply being conservative.

Advice and consent does not mean giving the President carte blanche to pack the courts. The committee's evaluation of nominees is a critical part of the checks and balances of our democratic Government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream, and whose decisions would further divide our Nation.

President Bush has singled out Justice Scalia and Justice Thomas, the Supreme Court's most conservative Judges, as model Judges. Well, isn't it interesting he would do that. He has chosen Scalia and Thomas as model Judges. I wonder if that had anything to do with the decision they made dealing with Florida when they, in effect—there are not only articles written—lots of those—but there are books written of how Scalia steamrolled the other Judges. And Scalia elected George Bush President. Well, no wonder he thinks he is a model judge. I think if he selected me as President, as he did President Bush, I would also probably think he was a model.

The committee is acting responsibly. The Judiciary Committee, led by PAT LEAHY, is acting responsibly in its consideration and scheduling of nominees. We would be able to move more expeditiously on nominees if the White House were acting in a bipartisan way, by nominating more consensus nominees to these lifetime judgeships, conferring with the Judiciary Committee, conferring with home State Senators.

Even with the partisanship of the White House and the Republicans, Senator LEAHY's Judiciary Committee has had more confirmations of circuit court nominees in less than 10 months than were confirmed in a similar period for Presidents Reagan, Clinton, and the first President Bush.

Nine circuit court judges—consensus nominees—have been confirmed in less than 10 months. This is more confirmations of circuit nominees of President George W. Bush than in the first 10 months of the Reagan, Bush I, and Clinton administrations combined.

We also have the best pace of confirmation in recent history. The Democratic-led Senate is averaging 5 confirmations per month, as compared with 1.6 per month during Bush I, and 3.1 per month and 3.6 per month for President Clinton and President Reagan, even though they had Senate majorities from their own party.

So that is why I have objected to these motions. Chairman LEAHY and the Senate Judiciary Committee should be commended for reforming the process and practices used during the 6½ years of Republican leadership. We are holding more hearings for more nominees than in the recent past. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

The Democratic leadership and Majority Leader DASCHLE should be commended and not attacked with these unfair claims and motions.

Mr. President, I apologize to my friends, especially the Senator from Michigan, whom I know wishes to address the Senate. I also apologize and extend my deep appreciation to the Senator from Florida for his usual courtesy in remaining in the chair so the Senator from Michigan can speak. I am personally very grateful to the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I indicate to our leader from Nevada that he is certainly welcome to take whatever time is necessary to talk about this very important issue and to set the record straight. I very much appreciate the Senator being able to do that in such articulate terms so that it is very clear that we, in fact, are moving ahead in a way that, frankly, has been unheard of when we have had a President of one party and the Senate majority of another party in terms of confirming judges.

So I certainly associate myself with the Senator's comments and very much appreciate his advocacy.

PRESCRIPTION DRUGS

Mr. President, I rise this evening to speak about an issue that is incredibly important. It is probably one of the most important challenges facing our families today; and that is the question of the cost of prescription drugs.

I cannot think of a more important issue facing older Americans, who, on average, use 18 different medications in a year, or a more important issue facing families, who, for example, may have a disabled child, or a more important issue for anyone who is struggling and does not have coverage under their insurance policy for prescription drugs.

We know that right now, even as we are at the dinner hour on a Tuesday evening, there are seniors who are sitting down at their kitchen table and deciding: Do I eat supper or do I take my medicine?

We are the greatest country in the world. I say shame on us for our inability to address this issue and to have a Medicare prescription drug plan that lowers the costs for everyone. This is an issue that now touches every part of our economy.

Today, I met with the leadership of Michigan Blue Cross-Blue Shield. Yesterday, I met with people who are involved with hospitals and home health care agencies and nursing homes.

I meet with small business owners who cannot afford to keep their insurance for their employees because the costs are going up 30 percent, 40 percent a year, and the majority of that is the uncontrolled costs of prescription drugs. I meet with the big three automakers, and I hear the same thing.

These costs are out of control. There is no accountability, and it affects every part of our economy and the lives of too many Americans.

So I rise this evening to ask our colleagues on the other side of the aisle, and to ask the President of the United States, to join with us in a serious effort—not words, not efforts that look as if they do something on paper but do not really solve the problem—but to join with us in a serious effort to provide a comprehensive prescription drug benefit under Medicare that is long overdue, and to join with us in a number of issues and a number of strategies to lower the costs of prescription drugs for every American.

I find it extremely frustrating, when we know that American taxpayers underwrite much of the research—certainly the initial basic research through the National Institutes of Health for new prescription drugs, new technologies, new cures—and I certainly support that. I support the fact that we allow research tax credits and deductions. And taxpayers subsidize those efforts as well. It is important for us.

But I am very frustrated that after we have patents that are given for 15 years, 20 years, to companies to recoup their costs, when they do not have to have competition, we create a way for them to come up with these new, wonderful drugs that are lifesaving, and yet, at the end of the line, Americans pay more than anyone in the world—and that is not an exaggeration—for those drugs. If someone is uninsured, Heaven help them—which the majority of seniors are in this country—because when they walk into the pharmacy, they are paying the highest prescription drug price of anyone in the world.

Tomorrow, we are going to start Older Americans Month. And I say again, shame on us for not addressing this issue in a comprehensive manner.

I ask my colleagues to join with us in a number of efforts. One, we want to make sure that generic drugs are more available and that we close loopholes that are now used by the companies to change patents or do other things that stop generics from coming on the market even though it is the same—a very comparable drug—at a dramatically reduced price. We certainly have legislation right now in the Senate which Senator SCHUMER and Senator MCCAIN have put forward that needs to be addressed.

We also need to do something about the explosion of advertising. Since the FDA changed the rules a number of years ago on direct consumer advertising, I daresay you can't turn on your

television set in any 5-minute increment and not see at least one advertisement for a prescription drug. They are nice ads. Many of them are very pretty. But we pay a heavy price for that advertising.

We also pay a heavy price for the promotions that are going on in the doctors' offices and all of the effort that goes into this question of advertising rather than putting the money into research for more lifesaving drugs.

We want to address that in the Senate, and we ask our colleagues to join with us to stop this spiraling situation where right now there is twice as much being spent on advertising in this country, advertising and promotion of prescription drugs, than on research to create new lifesaving drugs. We intend to put forward proposals to do that in the next week.

I specifically wish to talk for a moment about S. 2244, an effort my colleague from North Dakota, Senator DORGAN, and many of us have joined in to provide another way of creating cost savings; that is, to open the border to Canada. I find it ironic that at the time we are creating open trade, fast track, a trade bill on the floor of the Senate, we have in place walls at the border of Canada. And coming from Michigan, where it is 5 minutes across the bridge, 5 minutes across the tunnel, this is a very real wall where we are told, based on legislation passed back in the 1980s, that even though you can get your medications made in America, FDA approved, safe drugs, my citizens in Michigan or those from Florida or anyone cannot go 5 minutes across that Ambassador Bridge or that tunnel and lower their cost because of a law that was put in place to protect our companies from competition.

We believe, those of us who have put forward S. 2244, that the wall needs to come down. If we are going to talk about open trade, we should not close trade. We should not be allowing lack of competition on prescription drugs. If we did that, we could see amazing changes immediately. It would not cost money other than probably a small amount as it relates to the FDA. We are not talking about any large sum of money to be able to open the borders and immediately we could lower costs 40 percent, 50 percent or more.

I took two different bus trips to Canada to demonstrate, as other colleagues have, the cost differences, working with the Canadian Medical Society, going through a Canadian physician and a Canadian pharmacy to demonstrate the differences in the prices for prescription drugs. I wanted to share with you some of those differences.

Zocor is a drug for high cholesterol. In Michigan, it is $109 a month for the prescription; it is $46.17 in Canada—$109 versus $46.

Even more dramatic is Tamoxifen. We had women on our bus trip with breast cancer. In Michigan, they are paying $136.50 a month for Tamoxifen. In Canada, they purchased it for $15.92—$136 versus $15.

There is something seriously wrong when our citizens are having to pay such a large amount of money when compared to other countries, particularly our Canadian neighbor to the north, and at the same time they are having to juggle all of the other expenses in their life, and many people are not being able to purchase Tamoxifen or Zocor or Prilosec, all of the other drugs where there is such a disparity.

I invite colleagues tonight to join with us in supporting S. 2244, to become cosponsors, to join with us in an effort to say that we are going to open the borders; we are going to create competition; and we are going to make sure Americans who underwrite so much of the cost of the new medications being developed every day have the opportunity to get the very best price.

We need to do that. It is long overdue. From my perspective, there is no excuse at this time not to proceed to support this effort to open the border, to create new opportunities for generic drugs, to make sure we are addressing the high cost of advertising and to put some sense around that, and promoting research rather than more advertising. These are all items that need to happen, and they need to happen now.

My biggest concern is that we don't have the same sense of urgency in the Congress that I hear from my own family, from neighbors and constituents I represent in Michigan. This is not a theoretical debate. This is real. This is about whether or not people will be able to live longer because they can benefit from the medications being developed with the help of taxpayers or whether they are going to struggle every day to decide whether to eat, to pay the utility bill, or to get their medicines they so desperately need.

We can do better. Our older citizens, our families, our children, our businesses wanting to cover their employees for health care costs deserve better. We have an opportunity to do that in the Senate and to say to everyone: We have really done something that will make a difference in the lives of the people we represent. I suggest the time is now.

I yield the floor.

(Ms. STABENOW assumed the chair.)

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wanted to echo the eloquent comments the Presiding Officer, speaking in her capacity as the Senator from Michigan, has spoken about, a problem that is so rampant today.

Medicare was designed 37 years ago in 1965. Think of the condition of health care at that time. It was centered around acute care in hospitals. Thus, as we designed the system which would be a health insurance system for senior citizens to assist with medical expenses, what were most of the medical expenses? In 1965, they were expenses that were attendant to hospital care and physician services that often occurred in and around the hospital. Medicare Part B was set up for additional expenditures, primarily physician expenditures. That has served our senior citizens so very well, as a health insurance system at the time that they knew they needed health care, when, as we get older, things don't quite work as they did when we were 21.

Over that 37 years we have had these wonderful, I call them, miracles of modern medicine that have occurred through technology, through research, through the ingenuity of American enterprise. And as a result, we now have a health care system that produces prescription drugs that can often cure our ailments when compared with the state of medical care 37 years ago.

I talk about that little bit of history to follow the comments of the Senator from Michigan because it is instructive for us as to why we need to modernize the Medicare system 37 years later and now provide a prescription drug benefit.

There is no question in the State of Florida, with our abundance of wonderful, vibrant senior citizens, that people want Medicare modernized with a prescription drug benefit. Clearly, in the election of 2000, I talked about it, and I know both of the candidates for President talked about it in the State of Florida—indeed, they had signed up to the idea that we were going to be spending—then the figure was $300 billion to $350 billion over a 10-year period. That is what was thought to be the expenditures to give a fairly substantial Federal Government investment for providing prescription drugs to those who were eligible as senior citizens under Medicare. And here we are, a year and a half after that election, and we still have not enacted it.

The administration has come forth with a proposal for $190 billion over 10 years. That is not going to cut it because that is not what was promised. With the explosion of the cost of prescription drugs, the cost of that prescription drug benefit over the next decade might well be in excess of the $300 billion to $350 billion that we talked about during the campaign of 2000. So we ought to be addressing it here.

In the meantime, the Senator from Michigan has pointed out other ways that we can start addressing the cost of prescription drugs. Why could we not address a system by which we could suddenly pool the various needs and start buying in bulk and, therefore, bring down the cost per unit? That is a common economic principle. So as we approach a discussion of whether we are talking about trade or whether we are talking about judicial appointments, we need to constantly remind people about the promises and the expectations in the election for President in the year 2000, and those statements were very clear in the State of Florida,

which became so critical for the outcome of the election.

ANDEAN TRADE

Madam President, since we are on the trade bill, I want to make a few comments about a tremendous dilemma that I have with regard to this trade bill. I am a free trader. I am for free and fair trade. That has basically been the kind of voting record that I have had in the last year and a half. I believe that a State such as my State, Florida, which is so affected by being not only a microcosm of America but now so much of a microcosm of the Western Hemisphere, will benefit economically by free and fair trade.

The dilemma in which I find myself, as does my colleague—my senior colleague, wonderful colleague, Senator BOB GRAHAM—is that the very premier industry of Florida, the citrus industry, the very industry whose symbol graces all of our license plates on our vehicles in Florida—the Florida orange—is threatened if we don't take action on an amendment in this bill.

What I have said is that I support free and fair trade. What we find is that, with the concentrated, frozen orange juice production, the country of Brazil has 50 percent of the world consumption of concentrated orange juice. Florida has 40 percent of the world's production, and that is primarily servicing the needs of the domestic market in the United States, a large part of which has been created as a result of the advertising over the last five decades by the Florida Citrus Commission, so that now orange juice is a regular staple of the diet at the breakfast table in America each morning. So it is 50 percent Brazil, 40 percent Florida, and the remaining 10 percent is spread throughout the rest of the planet.

The problem is that it is not free and fair trade if Brazil is allowed to undercut because of Brazil growers colluding into a cartel, undercutting the price of Florida, and dumping additional product on to the market. If there is not tariff protection for the Florida citrus industry, Brazil will be participating not in free and fair trade, but Brazil will have taken over the market and they will have a monopoly. A monopoly is exactly what we want to get away from in global economic markets. We want the crosscurrents of economic competition to bring the best product at the lowest price. That is not what is going to happen.

So the dilemma that my senior colleague, Senator GRAHAM, and I find ourselves in is wanting to support the administration on the trade promotion authority or, as some people call it, the fast track, where the administration can negotiate the agreement without every little detail having to be approved, except when the final agreement has to come back to the Congress, which I think is a step in the right direction, and facing the Hobson's choice that if we do so without an amendment that would protect this industry from a monopoly from foreign shores, our major citrus industry would be facing a life or death choice.

Now, that is not an easy choice for this Senator. So I call to the attention of the Senate the fact that Senator GRAHAM and I will be offering an amendment that doesn't specifically just speak to Florida orange juice but says that if there is an order by the International Trade Commission against dumping by companies or by a country, or if there is a countervailing duty as a result of an order by the Department of Commerce because foreign competition is subsidized by a foreign government and therefore it is not free and fair trade—if there is an order from either one of those two, whatever the commodity is, the tariff cannot be reduced until 1 year after that order by the Department of Commerce, or that order by the International Trade Commission has been removed, because that noncompetitive practice has been eliminated by that foreign country or those foreign corporations.

In other words, if we want to have free and fair trade and there is an order that another country is not being free and fair, we are not going to put the American industry at the disadvantage of having the tariff lowered so that anticompetitive action in that foreign country, against which there is already an order, is not able to protect that industry in America.

I am not just talking about orange juice. I am talking about steel. I am talking about salmon production in the Northwest. I am talking about honey production in Montana. I am talking about any commodity where organizations such as the Department of Commerce or the International Trade Commission say there is anticompetitive behavior, and therefore there is an order against that anticompetitive behavior; if that order is in place, then you cannot reduce the tariff.

That seems to me common sense. Therefore, there is no reason the administration should not accept Senator GRAHAM's and my amendment. Yet they will not. Just today Senator GRAHAM and I talked to the Secretary of Commerce: Well, we will look at it. I understand. That is a polite way of saying: No, we do not agree.

I have talked to people about this amendment until I was blue in the face. I have talked to the chief lobbyist for the White House as to why this is so important to Florida, which happens to be important to this administration. I have talked to members of the Finance Committee to get them to understand why this is so important, not only to Florida but to other States with regard to steel, salmon, and beekeepers in their honey production.

The fact is, the administration thinks it has the votes. In fact, it thinks it is filibuster proof; that it has more than 60 votes for this trade bill. Therefore, there is no willingness to engage in a discussion with Senator GRAHAM, me, and others about adding this amendment, as they did so vigorously in the House when, several months ago, they passed the trade promotion authority bill by the razor thin margin of one vote.

I can tell you, Madam President, it will not only be tonight, but I will continue to speak until my face, to use an old southern expression, turns blue. I will continue to speak every opportunity I have as we go about considering this trade bill over the course of the next 2 to 3 weeks.

I hope there are folks in the White House who are listening. The State of Florida has a great deal at stake in this debate. It is not that we are asking for any special protection; we are asking for free and fair trade. We do not want another country to have a monopoly of a single product that is so very important to our State of Florida.

Madam President, neither you nor I expected to be here at this late hour, but it was an opportunity for us to say something that is very important to this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise to speak on the pending business, the trade promotion authority bill. I will be brief.

I believe I am the only Member of the Senate who has worked in the Trade Representative's office. In 1991, I had a wonderful experience as we were negotiating several major treaties at that time. Without qualification, for the United States to engage in more trade negotiations and more trade agreements is positive.

There will be sectors in the United States that have difficulty. That is why we have trade assistance provisions, to make those transitions better. But overall, for the U.S. consumers and the U.S. economy, trade promotion, reducing barriers and tariffs—and tariffs amount to nothing more than taxes; tariffs are taxes—this is a positive action for U.S. producers and U.S. consumers. Not that it is uniform for everybody, but for the overall economy this is positive. It has been positive and remains positive.

Narrowly for my State, the State of Kansas, where we have a lot of agricultural exports, where at least 1 out of 3 acres goes to the export market, the international market is a critical market for us. A lot of our livestock goes to the international marketplace. It is a very important part of our business.

Aviation is a main part of our industry. Much of that goes into the international marketplace as well.

This is positive. It is probably the best thing we can do at this time, on top of the tax cuts, to stimulate the U.S. economy, and expansion of our broad-band access is a third issue that can stimulate the overall economy. Trade is a key one. It is broadly supported in this body. It is not supported by everybody, but overall it has a strong base of support and that is because our economy is built on trade

and so much of our opportunities to expand this economy are built on trade. The trade needs to be both free and fair.

I hope we can get a strong vote for trade promotion authority to encourage the President to engage in substantial trade agreements with key trading partners of the United States so we can aggressively move our economy forward and out of the sluggish position and the negative growth we had last year and continue strong, positive growth.

I wish to talk narrowly about a particular provision I would like to see us take up, and I will be putting forward an amendment with regard to this issue, and that is expansion of trade in central Asia. I am referring to those countries known as the ''stans,'' that were under the Soviet Union—Kazakhstan; Uzbekistan became more familiar to us in the war on terrorism; Turkmenistan, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan as well. We need to enter into permanent normal trade relations with these nations.

As we seek to engage them, as we seek to work closer with them in the battle on terrorism, as we seek to engage them internationally, particularly Kazakhstan on expanded oil production and gas production so we are not as dependent on the Middle East for oil, it is very important that we engage them in the area of permanent normal trade relations; that we are able to give to them the same status we give to virtually every country trading with the United States around the world.

They are key countries. They are key in the battle on terrorism, as we have already seen. They are key in our energy diversity. I am hoping we can get more of our energy production at home. That is what we debated over the last 5 weeks.

We also need to diversify our source of energy. One of the key areas to which we can go is Kazakhstan and also Azerbaijan. We need to have permanent normal trade relations to expand that energy supply and expand that energy exchange.

They want to grow with us. Some are trying to pull them into being a radicalized militant state against the United States. There are forces in several of these countries seeking to do that. One of the best things we can do with them is to broadly engage them economically.

We have the opportunity, but we do not have PNTR with these nations in the central Asian region. We do with Georgia, we do with Kyrgyzstan, but not the other countries I named.

I will be putting forward an amendment, hopefully with a number of cosponsors, that is going to be modeled after the Central Asian Trade Act of 2002. In this bill, we would like to bring up the issue of PNTR with these central Asian countries.

I hope my colleagues will look at this carefully, critically, and with an eye to what is best for this region and what is best for the United States.

In our battle on terrorism, it is best we be engaged with these countries. In our battle to diversify our energy sourcing, it is best we be engaged with these countries. For their stability in this region of the world long-term, it is best that we are engaged. One of the prerequisites for us being able to do that is PNTR.

I am quite hopeful we can take this up; that it will be a noncontroversial amendment; that it can be accepted, passed, and that we can move this on through so we can get PNTR for central Asia and we can start working so we are not engaged in this region militarily, pull out of the area, then we see more militant activity buildup and we have to go back in. Rather, let's be engaged in this region on a long-term basis so we do not have to go in episodically, with billions of dollars, and try to clean up a problem that evolved over a period of time.

This is one we can head off at the pass. We can deal with this, we should deal with this, and I am hopeful we are going to be able to take this amendment up on PNTR for central Asia during this debate.

I yield the floor.

Mr. WYDEN. Madam President, as the Senate debates the Andean Trade Preference Expansion Act, ATPEA, I wish to call attention to another issue vital to the long term success of the Andean nations in the world economy.

International arbitration was created in order to mitigate the risks of overseas investment due to political consideration and capricious changes that can affect legal institutions. It gives investors and sovereign nations an agreed-upon mechanism to resolve disputes. Arbitration is a key building block to attract foreign investment, promote modernized legal systems, and provide for the kind of legal economy that we are seeking to foster with this legislation.

For this reason, Congress stipulated in the recent Andean Trade Promotion Act, ATPA, that beneficiary countries were required to recognize as binding and enforce international arbitral awards in favor of U.S. citizens and companies. I am concerned that the U.S. Government has not done enough to ensure that one beneficiary in particular, Colombia, has lived up to this requirement. Before Congress passes new legislation on this matter, shouldn't we hold countries accountable for violating this criterion under the previous legislation?

Unfortunately, Colombia has a disturbing trend of disregarding binding arbitration rulings. The Colombian Government has refused to abide by rulings of arbitration tribunals that are unfavorable, launching aggressive campaigns to undermine arbitration. It has utilized the inefficiencies of its internal legal structures to avoid payment. This blatant disregard for arbitration harms companies that have already invested in Colombia, dissuades others from investing much needed capital, and violates the qualification criteria for ATPA and ATPEA.

In one case, a 22-month binding arbitration tribunal, agreed to by the Colombian Government, ruled that Colombia must pay $61 million due to what it defined as reprehensible behavior and breach of contract. Despite concerns raised by Members of Congress, the Colombian Government has refused to even discuss the issue with the American companies. The cost to the Colombia economy in lost international investment due to this lawless behavior may be greater than any aid that we can provide, and indeed, raises questions about U.S. aid.

For these reasons, I call on the President of the United States and the U.S. Trade Representative in particular to hold Colombia, and any other country that fails to uphold the qualification criteria for ATPEA, to the letter of the law under consideration today. The administration is seeking expanded trade benefits, but it should first require that Colombia implement the rulings of arbitration panels. To do otherwise would undermine the intended effect of this legislation in lifting these developing nations to the status newly industrial democracies governed by the rule of law.

Mr. ALLEN. Madam President, I rise today to address the House version of the Andean Trade Act (H.R. 3009). First, I strongly support fair and free trade. Second, I favor granting the President trade promotion authority. Third, I believe that certain improvements can be made to help workers who lose jobs due to international competition. And fourth, I do believe the current Andean Trade Act should be extended.

However, as currently drafted, this is an Act that could have an adverse impact on the people of Virginia. In particular, Southside Virginia has been especially hard hit the past few years by the loss of textile and apparel jobs. Textile manufacturers in the United States are finding it more difficult, if not impossible, to compete with the low cost of overseas labor and limited environmental protection laws.

We must fully consider the potential impact of this Andean Trade proposal rather than rush into a convoluted procedure for voting on unrelated, albeit important, issue. The men and women involved in the manufacturing and production of textile and apparel products are suffering. We need to find ways to help these individuals, not bring additional heartache. The House version of this bill unnecessarily increases the amount of non-U.S. yarn and fabric coming into our country. The existing law has been sufficiently beneficial.

The U.S. textile and apparel industry, which employs 1.4 million people and accounts for 8 percent of all workers in our country, has fallen on hard times. Over the past five years, the textile industry has lost about 180,000 jobs,

nearly one-third of the industry's workers. During this same time, there have been at least 220 textile plants that have closed their doors and ceased operations.

Last year alone, 116 mills closed in the United States. The workers at these locations lost their jobs as domestic producers struggled to compete with cheaply priced imports. As a matter of fact, almost 140,000 textile and apparel employees have lot their jobs in the last 15 months.

Just yesterday, DuPont Textiles and Interiors announced that it will be reducing its workforce by more than 2,000 employees worldwide. Unfortunately, 200 of those workers will be from Virginia.

Also in Virginia, we've lost Tultex, VF Imagewear, and Pluma. And, Burlington Industries in Pittsylvania County, which makes synthetic and wool products, has been forced to eliminate thousands of jobs.

As you know, the Andean nations are well known for their production of these products as well. Burlington and others will no doubt be impacted by the increase of products into our nation from these Andean countries.

My vote to oppose cloture is to take a stand for the right of Senators to fully consider the House version of this bill and offer amendments. As I have stated, I am a firm believer in free and fair trade agreements that will, on balance, benefit millions of Americans. But what has been happening in the textile and apparel industry is not desirable for the people of Virginia.

One aspect of trade is that some workers will almost inevitably have to move to other jobs. When workers are displaced, we must reasonably help ease the impacts of international competition. A bill I introduced last year, the Homestead Preservation Act (S. 1848) can assist these workers who have lost jobs due to international competition. This proposal would provide workers who have been displaced from their jobs because of international competition to become eligible for a secured loan so that they my continue making their mortgage payments on their home for up to one year while they find new employment.

In summation, I strongly support trade promotion authority to tear down tariffs and barriers to American products, goods and services. But trade promotion authority ought to be considered separately from the extension of the Andean Trade Act. I, nevertheless, look forward in the next few weeks to working with my colleagues to fully examine the House passed version of the Andean Trade Act and am hopeful that the Senate will pass a version that is not so harmful to U.S. textile jobs. My vote on procedure is to allow Senators the opportunity and right to calmly review, debate and revise the House passed version of the Andean trade bill without the confluence and distraction of other issues that should be addressed separately.

In the end, we need to pass three separate bills dealing with trade promotion authority, trade adjustment assistance, and the Andean Trade Act. Each of these measures should be accorded individual scrutiny, amendment and ultimate passage. Indeed, the tactic of merging these issues together can result in the House rejecting the most important of all three—trade promotion authority. This ploy to join all these items together can culminate in the unfortunate failure to pass any of these measures this year.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, what is now before the Senate?

The PRESIDING OFFICER. The motion to proceed to H.R. 3009.

Mr. REID. I ask unanimous consent that I be allowed to speak as in morning business and the time run against the 30 hours.

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

TERRORISM INSURANCE

Mr. REID. Madam President, I have used this illustration on other occasions—I hope not too many, but I know I have used it before—and the reason I do it is, for me, it is illustrative of what is taking place in the Senate.

When I was a little boy, I lived in a small town in southern Nevada. I had a brother who was 10 or 12 years older than I, and he got a job with Standard Stations one summer. That was a big deal for us. He was out of high school, and they transferred him to Las Vegas to be an assistant manager to a service station in Ask Fork, AZ. As a little boy, I never traveled anyplace, and he agreed to take his little brother to Ask Fork, AZ. Oh, I was excited about going there. I do not know how long he spent there, probably about a week or 10 days, but just the anticipation of the trip was really amazing because I had never been anyplace.

So I went to Ask Fork, AZ. It was a little railroad town in Arizona, very large compared to where I was raised, in Searchlight. When I arrived there, I learned my brother had a girlfriend. I thought he was going to be taking me every place, but he did not take me anyplace because he had this girl with whom he was involved.

He did take me to meet her little brother, who was about my age. So I spent a lot of time with him. I have never forgotten that because it was his house and they were his games and his equipment. Every game we started to play, I could beat him; it did not matter what it was. But I never won anything because he kept changing the rules so I could never win.

I went home, having seen a lot of the world, at least in my eyes—Ask Fork, AZ—having spent a week or 10 days with this boy about my age, and had never been victorious in anything because, I repeat, every time he would change the rules in the middle of the game anytime I was beginning to win.

I bring that to the attention of the Senate because that is what we have going on in the Senate now is the same kind of a deal with terrorism insurance. It does not matter what we do; it is not good enough. We start with this, we try that. Okay, that sounds good. We offer it in the form of a unanimous consent agreement. Well, that is not quite right; I think we had better change this. No, we cannot agree to allow you to bring that to the floor.

Weeks have gone by, and we now have no legislation in the Senate to deal with the serious problem the country is having. I will bet the Presiding Officer has had people call her and come to see her—realtors, people from banks and other financial institutions, insurance people, developers—saying: Senator, why have you not done something about terrorism insurance? My construction job cannot go forward. The insurance companies will not write me insurance.

They have come to me, and I have responded the way I think we all have: Well, this is something we should try to do something about.

Senator DASCHLE has been trying to get something to the Senate. He has worked with Senator DODD, he has worked with Senator HOLLINGS, he has worked with Senator SARBANES, and we have agreed to bring legislation to the floor. Last Thursday, I offered a unanimous consent agreement. I am not going to do that tonight—there is no one present for the minority—but I would like to, and I should. I would like to have them again object to the unanimous consent request to bring this legislation to the floor. We have also gone to the extreme. We first started out by saying: Why don't we have two amendments? They said: We want more than two. We said: How about four? Now we are at four amendments.

I cannot understand why we cannot do that. There is something about the bill that people do not like, have an up-or-down vote with an amendment.

We attempted to move the Dodd-Sarbanes-Schumer bill last December. There was no disagreement about the base bill, but over the amendments offered and the time to dispose of the amendments. On April 8, we tried to get another agreement to take up the legislation, and there was no objection to base text. The Republicans always agreed to the underlying Dodd-Sarbanes as the vehicle to bring to the floor. Now the objections are no longer about the number of amendments and the time agreements, but they are opposed to bringing it up.

A strange thing happened last June. The Democrats took control of the Senate. It is a slim margin, but we still have control of the Senate and we control the agenda. The minority might

not like that but that is the way it is. That is the rules of the Senate. Therefore, Senator DASCHLE has a right to determine what legislation is going to be brought forward. The majority leader determines what bills are brought to the floor. If the minority is opposed, they have a right to offer amendments and attempt to modify the text of the bill. When it comes to terrorism insurance, this does not seem acceptable.

I want the world to know—because I don't want anyone from Nevada to think I am doing anything to hold up this legislation, or that any Democrat is doing anything to hold up this legislation; we are not—we are ready to legislate on terrorism insurance. As I have said, we have offered to bring up the bill with four amendments on each side. It gives everybody an opportunity to make the changes they seek. They object to this. The legislation is must-pass legislation. We need to get it out of here and get it to conference.

The White House says publicly they desperately want us to do something. They should weigh in with the Republican Members of this Senate and help move something forward. Treasury Secretary O'Neill testified today that the lack of terrorism insurance could cost 1 percent, at least, to gross domestic product because major products will not get financing due to lack of insurance.

It is not just insurance companies increasing their policies or changing them. Banks are refusing to finance large projects because they lack insurance coverage. Policies are going through the roof or they are excluding terrorism from the coverage. This has a devastating effect on the economy, and it will get worse.

I encourage my friends on the other side of the aisle to review today's testimony from Secretary O'Neill before Senator BYRD and the Appropriations Committee. The time to act is now. We can take up this legislation and move it very quickly or we can continue to keep changing the rules in the middle of the game and wind up with nothing. That would be very bad for our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is my understanding we are in a period of morning business; is that right?

The PRESIDING OFFICER. Not yet.

MORNING BUSINESS

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

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

ADDITIONAL STATEMENTS

INVESTING IN STUDENTS

● Mr. BAUCUS. Mr. President, I rise today to respond to a recent recommendation by the Administration to end fixed-rate consolidations of federal student loans in order to address a $1.3 billion shortfall in Pell Grant funds.

I fully agree with the President that we need to fund the Pell Grant program. But, as a constituent of mine in Montana recently said, ''It makes no sense to rob Peter to pay Pell.'' Pell Grants are just one of the federal government's efforts to help students afford the rising costs of a college education. Moreover, Pell Grants are only available to low-income students.

Importantly, the federal government offers a variety of student aid, often in the form of subsidized or low-interest loans, to extend help to low- and middle-income students and families that don't qualify for Pell Grants. In fact, many Pell Grant recipients must also apply for loans in order to meet their education costs. These loans offer hope to students as they seek the advanced education, exposure to new ideas, and acquisition of new skills they require to secure good paying jobs.

We need to be consistent in sending that message of hope to students. In fact, we need to be more vigilant in sending that message in states like Montana, where the average cost of attending a public university has increased by 228 percent for in-state students and 257 percent for non-residents over the past 10 years. Those increases mean larger student loans, larger student debt, and greater student sacrifice. And I am very concerned about the kind of sacrifices Montana students must make to pay back an $18,000 student loan in a state whose average per capita income barely surpasses $20,000.

Simply put, we need to do more to help students invest in themselves, not less. Offering a fixed-rate interest on consolidated loans helps students; eliminating that option places additional financial stress on students. Good common sense tells me that we can not close this door on our students.●

NATIONAL CHARTER SCHOOL WEEK

● Mr. GREGG. Mr. President, last Thursday I joined my colleagues, Senators LIEBERMAN, HUTCHINSON, CARPER and BAYH, in introducing S. Res. 254, a resolution to designate the week of April 29th through May 2, 2002 as National Charter Schools Week. This year marks the 10th Anniversary of the opening of the nation's first charter school in Minnesota. In the last ten years, we have come a long way since that auspicious moment when one teacher collaborating with parents started a school specifically designed to meet the needs of the students in the community.

Today, we have well over 2,000 charter schools serving approximately 579,000 students. Charter schools are immensely popular: two-thirds of them report having waiting lists, and there are currently enough students on waiting lists to fill another 1,000 charter schools.

Charter schools are popular for a variety of reasons. They are generally free from the burdensome regulations and policies that govern traditional public schools. They are founded by principals, teachers and parents who share a common vision on education. Perhaps most importantly, charter schools are held accountable for student performance.

Since each charter school represents the unique vision of its founders, these schools vary greatly.

For example, in South Central Los Angeles, two former union teachers founded the Accelerated School, a charter school designed to serve students from the community. Students attending the school outperform students from neighboring schools. In fact, student performance at the Accelerated School exceeds district-wide average performance levels. Originally a K–8th grade school, the founders are now planning on adding a high school.

In Petoskey, Michigan, the Concord Academy provides an arts-focused curriculum that infuses the arts into the overall curriculum. The school has a 100 percent graduation rate which exceeds the graduation rate for the suburbs. The Concord Academy also spends an average of $2,500 less per student than traditional public schools. Like many charter schools, they are getting greater results using less money.

These are but a handful of the success stories in the charter school movement.

I expect that we will see the popularity of charter schools continue to grow. Last year, the President signed into law the No Child Left Behind Act, which gives parents in low-performing schools the option to transfer to another public school. The Act also provides school districts with the option of converting low-performing schools into charter schools. I believe these provisions will strengthen the charter school movement by creating more opportunities for charter school development. And, as parents exercise their right to school choice, the call for charters schools will grow.

I commend all those involved in the charter school movement. They have led the charge in education reform and have started a revolution. A recent study found that charter schools have had a positive impact on school districts. Districts with a large number of charter schools reported becoming more customer service oriented, creating new education programs, many of

which are similar to those offered by charter schools, and increasing contact with parents.

I encourage my colleagues to visit a charter school this week to witness firsthand the ways in which these innovative schools are making a difference, both in the lives of the students they serve as well as in the community in which they reside.●

● Mr. HUTCHINSON. Mr. President, I rise in support of Senate Resolution 254, which designates April 29 through May 3, 2002, as ''National Charter Schools Week,'' and was passed by unanimous consent on April 25, 2002. I am an original cosponsor of this resolution with Senators LIEBERMAN, GREGG, and CARPER, and I am proud to support our Nation's charter schools and highlight their impact on effective school reform across the country.

Charter schools are laboratories of reform and excellence. By allowing increased flexibility and autonomy, charter schools are able to implement new ideas, while still being held to high standards. Charter schools are also public schools, and must serve disadvantaged students and students with disabilities, often doing so with increased success. Studies have shown a link between increased student achievement and enrollment in charter schools. Most importantly, parents and communities are satisfied with charter schools, evidenced by two-thirds of charter schools having waiting lists.

The charter school movement continues to move forward as more and more states have passed laws authorizing charter schools. My home state of Arkansas is in the early stages of implementation, with six charter schools open at the beginning of the 2001 school year.

With the passage of the No Child Left Behind Act earlier this year and our continued support for charter schools across the country, we are saying to our parents, teachers, and students that our efforts are focused on increased academic achievement for all children. I hope that the charter school movement continues to grow and spurs innovation and reform to strengthen our nation's public school system.●

CONGRATULATING THE UNIVERSITY OF WISCONSIN-MADISON'S DAILY CARDINAL ON ITS 110TH ANNIVERSARY

● Mr. FEINGOLD. Mr. President, I am pleased to congratulate the University of Wisconsin-Madison's Daily Cardinal newspaper on its 110th year of independent publication. As a proud UW alumnus, I can attest to the Cardinal's tradition of public service and exceptional journalism.

Since 1892, student journalists at The Cardinal have gained valuable reporting experience while covering some of the country's most important news, from the declaration of war in 1941 to the events of September 11. The Cardinal's achievements have been recognized by the Los Angeles Times and Associated Collegiate Press and the Society of Professional Journalists, who named The Cardinal's Election 2000 coverage the Nation's best. Their excellence is further evidenced by the accomplishments of outstanding alumni like CNN correspondent Jeff Greenfield and ESPN chief of correspondents Andy Katz.

The Daily Cardinal is a source of pride for UW-Madison students past and present, and the State of Wisconsin. I commend The Cardinal for its accomplishments and look forward to celebrating its future success.●

CONGRATULATIONS TO SCOTT HIGH SCHOOL

● Mr. BUNNING. Mr. President, I rise today to honor the 17 members of the Scott High School Science Olympiad team for winning this year's state Science Olympiad Tournament on April 20 at Western Kentucky University in Bowling Green, Kentucky. Next, the team will have the unique opportunity to compete in the national competition at the University of Delaware on May 18.

Throughout the state competition, the students had the chance to compete in a variety of events covering all areas of science including: biology, chemistry, physics, anatomy, and mathematics. Some of these events required projects to be built in advance and taken to the competition while others include laboratory testing and other more conventional means of testing. I firmly believe that this competition was an extremely beneficial experience for all involved. The students have acquired useful and applicable information on a variety of interesting and engaging subjects while learning the importance of teamwork and competition. In order for Kentucky to keep up with the rapid pace of the scientific community, students, like those at Scott High School, must possess the desire to learn in depth about such topics as mathematics, biology, physics, and be able to apply this knowledge outside of the classroom.

I once again congratulate the Scott High School Science Olympiad team for their state title and wish them the best of luck in the upcoming national competition. Their dedication and hard work has not gone unnoticed. I would like to thank each and every one of them for their hard work and determination.●

CELEBRATING OXNARD HARBOR DISTRICT'S 65TH ANNIVERSARY

● Mrs. BOXER. Mr. President, the Oxnard Harbor District's Annual National Maritime Day Celebration will be particularly special this year, as the event will also recognize the district's 65th Anniversary on May 10, 2002.

Created in 1937, the Oxnard Harbor District owns and operates the Port of Hueneme, located in Ventura County, CA. The port greatly contributes to the economic success of California and the nation. More than $4 million worth of cargo moves through the port each year. In addition, the Port of Hueneme is the nation's number one seaport for exporting citrus products and conducts business with countries including Brazil, Costa Rica, Ecuador, Germany and Japan. The Oxnard Harbor District has every reason to be proud of its outstanding accomplishments and contributions to our nation's great maritime heritage.

To help recognize the district's long history, this year's event will feature the SS *Lane Victory*, one of America's last remaining World War II Victory ships, and a National Historic Landmark. It loaded its first cargo consignment in Port Hueneme in July 1945.

To conclude, I would like to add a special word of commendation to the International Mariners Center, whose unwavering and unparalleled support has been instrumental to the Oxnard Harbor District's success.

I thank the Oxnard Harbor District for their many contributions to the community, State and Nation, and wish the staff many more years of prosperity.●

THE SCHOOL SERVICE ACT OF 2002

● Mr. SMITH of Oregon. Mr. President, yesterday I joined my colleagues, Senator EDWARDS and Senator CLINTON, in introducing the School Service Act of 2002. This legislation will offer new support to school districts across America that want to give their students the opportunity to learn through community service.

Service-learning is much more than just community service done by school students, it is a method of classroom instruction that engages a student's intellect through hands-on work outside the classroom that benefits the community at large. Research shows that students participating in service-learning make gains on achievement tests, complete their homework more often, and increase their grade point averages. Service-learning is also associated with both increased attendance and reduced dropout rates. It is clear to educators across the country that service-learning helps students feel more connected to their own education while strengthening their connection to their community as well.

Thousands of students across Oregon participate in formal service-learning, and nearly every student in Oregon engages in community service through their schoolwork at some point or another, they just don't know that it's called service-learning. The School Service Act will give local schools and school districts the resources they need to formalize their commitment to service-learning. Under this legislation, school districts are eligible to apply for grants if they choose to make meaningful community service a requirement for graduation. It is my hope that

schools will take advantage of this funding opportunity, and give their students the chance to experience the benefits of an education tied to community service.

My own State of Oregon is a national leader in service-learning, and I hope that this bill will help schools in my state continue their commitment to reclaiming the public purpose of education. I also hope that the School Service Act will encourage the further spread of service-learning across America, because I believe that it will improve education and, perhaps as important, instill students with an ethic of public service that will stay with them throughout their lives.●

VOTE EXPLANATION

● Mrs. CARNAHAN. Mr. President, early Sunday morning there were horrible tornadoes that killed a young child, injured many others and caused extensive damage throughout Marble Hill and other communities in southern Missouri. I believed it was important to visit the affected communities on Monday to comfort them and lend support. I regret that due to scheduling difficulties, I could not return to Washington in time for the vote on the motion to proceed to the Andean Trade Act.●

COLONEL DERRELL B. JEFFORDS, USAF

● Mr. MCCAIN. Mr. President, I rise today to honor a great American patriot, Colonel Derrell B. Jeffords, USAF. As a young man, Colonel Jeffords knew that he wanted to serve his country in the military, dreaming of becoming an Air Force pilot. He began to realize his goals in June of 1944, when he graduated from the United States Army Air Force Cadet Flying School. Over the next 22 years of dedicated service, he distinguished himself not only as a skilled pilot, but also as an outstanding leader. After tours at 12 different bases in 20 years he answered his nation's call once more. In October of 1965, Colonel Jeffords reported to Vietnam for what would turn out to be his final deployment. On Christmas Eve 1965, just as President Johnson announced a week long bombing halt in North Vietnam, Colonel Jeffords' family received the painful telegram declaring him Missing in Action. His family learned that while on an armed reconnaissance mission, just south of Ban Bac, Laos, Colonel Jeffords' C–47 ''Spooky'' had been shot down.

Deryl Jeffords was only 13 years old when her father was shot down. She was forced to remember him through the letters that he wrote from Vietnam. Those letters never reflected any sign of fear, resentment or anger at being in Vietnam. To Colonel Jeffords, it was not a duty to serve in Vietnam, it was an honor. I was recently contacted by Ms. Jeffords, who told me about her father's life. Moved by the heroic story of Colonel Jeffords, I felt it necessary to rise on the floor of the United States Senate, to give her father the respect, honor, dedication and recognition that he so richly deserves from our country. Colonel Jeffords is an American hero, who fought for all citizens, so that we could keep the freedom that we enjoy today.

Colonel Jeffords will always be in the heart and soul of his family that he left behind. None of us should ever forget Colonel Derrell B. Jeffords, for he represents the very heart of what our country stands for. God Bless him.●

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred January 27, 1993 in Queens, NY. A gay man was beaten by two teenagers yelling anti-gay slurs. Junior Guerrero, 18, and Michael Ithier, 19, were arrested in connection with the incident.

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

TRIBUTE TO THE NASHUA HIGH SCHOOL AP GOVERNMENT CLASS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Tarin Lafrance and her Nashua Senior High School AP government class. The class was chosen to represent the State of New Hampshire in the ''We the People . . .'' national competition. Nashua will compete against other States in analyzing and interpreting the Constitution of the United States as it applies in everyday life.

As a former schoolteacher, I commend Tarin Lafrance and the entire class for their hard work in this competition. The students' dedication is evident as shown through their strong commitment to excellence in education. I applaud their efforts and innovative interpretations of the Constitution. In working to gain a better understanding of our democratic Republic, the class studied the historical background of the Constitution, the three branches of government, judicial review, the Bill of Rights, and the Constitution as it applies in today's society. So much of our Nation's history revolves around the Constitution, and more importantly, this document serves as the foundation of all our Government's decisions. Nashua's commitment to education is a positive example for the Granite State.

I commend all members of the class and wish them continued success as they travel to Washington, DC, to showcase their presentation. Good luck to Julie dePointbriand, Beth Drolet, Jennifer Dube, Brendan Farrell, Kyle Gilbertson, Laurie Gorham, Ariella Green, Kelly Hogan, Jerry Hopkins, Sarah Janowitz, Zach Janowski, Michael Kiser, Candice LeCourt, Fariha Mahmud, Holly Masek, Jennifer McDonald, Lisa Minich, Linnea Sanderson, Lauren Schneider, Stephen Schuler, Katie Staab, and Heather Zimmerman. Go Panthers! It is an honor to represent you in the Senate.●

TRIBUTE TO LAURIE L. CHANDLER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Laurie L. Chandler, senior vice president of Fleet's Private Clients Group. Laurie has been named New Hampshire's Women in Business Advocate of the Year by the Small Business Administration of the United States.

Laurie's 20 years of experience in the financial services industry have been indispensable to the women in New Hampshire's small business community. Along with serving her current position at Fleet, Laurie developed and administered the Women Building Wealth Program of Fleet. The program, which consists of monthly informal seminars for business women, has been crucial to those within New Hampshire. Laurie's time mentoring women has been above and beyond any call of duty. She has been credited with consistently going the extra mile for businesswomen to succeed and always extending herself within the business community.

I commend Laurie for her continued dedication to the women in New Hampshire's business community. Her actions set a positive example for the Granite State. Her commitment and business savvy are well respected and admired amongst her peers and are exemplified by her position within the Fleet organization. I look forward to seeing more of Laurie Chandler within our business community and wish her continued success. It is an honor to represent you in the Senate.●

TRIBUTE TO JERRY MILLER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Jerry Miller of Hampton. Jerry has been chosen as the New Hampshire Business Journalist of the Year by the Small Business Administration of the United States. Jerry serves as a correspondent for the Union Leader and New Hampshire Sunday News for the Portsmouth and Seacoast regions of the State.

Jerry has worked tirelessly to report on New Hampshire's small businesses for the past 12 years, covering issues

including Pease Air Force Base and the Portsmouth Naval Shipyard. His career has been long and distinguished in both print and broadcast journalism, reporting on hundreds of issues each year. His dedication to the readers of New Hampshire is evident in the stories he writes; I commend him on success. As Jerry so humbly stated, ''I have never tired of covering business in the Granite State, where the entrepreneurial spirit is alive and well. It's a spirit I've seen every day in the men and women who take the risks associated with businesses and job creation, so that they and others may enjoy their perceptions of the American dream.'' This further exemplifies why he was such a deserving candidate for this award.

I applaud Jerry on receiving this award and wish him continued success in keeping New Hampshire well informed. His commitment to small business is a positive example for the State and I look forward to reading Jerry's next article. It is an honor to represent you in the Senate.●

TRIBUTE TO PETER F. BURGER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mr. Peter F. Burger of Concord. Peter was recently named New Hampshire's Special District Advocate of the Year by the U.S. Small Business Administration. Currently practicing with the law firm of Orr & Reno, Peter's exemplary contribution to the small business community over the year made him the likely recipient of this award.

I applaud Peter's commitment to the International Trade Resource Center of Portsmouth. He has made time over the past decade to volunteer his services and expertise to the center, teaching classes and taking clients on a pro bono basis. Peter's time spent volunteering has been crucial to the center's clients. Without his contributions, the ITRC would not have been able to offer competitive and complete services to New Hampshire's small businesses.

New Hampshire's small business community is privileged to have such a dedicated member of their community. Peter has generously volunteered his time advising on numerous issues including trademark protection and licensing, contract issues related to e-commerce, financing, and mergers and acquisitions. Without the competitive edge ITRC and Peter offer to our State's small businesses, they would be at a disadvantage to their competition. I commend Peter on his dedication to the Granite State. It is an honor to represent you in the Senate.●

TRIBUTE TO GT EQUIPMENT TECHNOLOGIES, INC.

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to GT Equipment Technologies, Inc of Nashua, which has been chosen as New Hampshire's Small Business Exporter of the Year by the Small Business Administration of the United States.

GTi began in 1994 as a two person home-based operation and has grown into an 80 employee firm with this year's projected annual sales of $30 million. As one of New Hampshire's great export success stories, GTi has gained national recognition and numerous business awards. In 1997 GTi was designated one of Entrepreneur Magazine's top 100 fastest growing companies, as well as the president and CEO Kedar P. Gupta being named Entrepreneur of the Year. Along with numerous entrepreneurial awards for both Kedar and the executive vice-president Jonathan A. Talbott, GTi received NASA's Commitment to Excellence award of 1998 and Deloitte & Touche's 2000 list of the top 50 fastest growing technology companies. I applaud the dedication and hard work that Jonathan and Kedar have shown in the rise of their company. They have set a positive example of the risk and reward associated with starting and owning a small business for the Granite State.

As a former small business owner, I can appreciate the efforts required to have a successful business, and I wish GTi continued success in the coming years. As Jonathan so humbly stated, ''As a company we strive to meet and exceed the expectations of our customers, and that's the key to our success. This award is really our employees, for their hard work, dedication, and long hours.'' It is an honor to represent you in the Senate.●

TRIBUTE TO LAURA L. MONICA

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Laura L. Monica, New Hampshire's Small Business Person of the Year by the U.S. Small Business Administration. Laura is currently president and owner of the Bow based company, High Point Communications Group.

I applaud Laura's determination and hard work in making High Point one of New Hampshire's successful small businesses. As a former small business owner, I understand the amount of energy that starting and running your own business requires. Laura started as a one woman team and has taken her company to a nine-person staff, with revenues exceeding $2.2 million. Laura followed her dream of changing and evolving the typical ''public relations'' model into a new strategic communications model designed specifically for businesses.

By reaching out and taking risks, Laura was able to make her dream of innovative and creative strategic communications a reality. I commend her business savvy and exceptional work ethic in the field of public relations. She has brought High Point to a higher level of work productivity and created a company which is able to compete with corporations. I will continue to work hard to protect New Hampshire's small businesses as I am assured that Laura Monica will continue to work hard in putting High Point on the map. With High Point being named as one of the ''Top Ten Best Companies To Work for in New Hampshire'' by NH Business Magazine, we can be sure to see even more great things from Laura Monica and her team at High Point Communications. I wish her continued success in years to come, it is an honor to represent you in the Senate.●

TRIBUTE TO ROBERT G. CARON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mr. Robert G. Caron of Rye. Robert was named New Hampshire's SCORE Counselor of the Year by the U.S. Small Business Administration. His outstanding service to the Portsmouth Service Corps of Retired Executives made him the perfect candidate for this year's award.

I applaud his continued service and commitment to New Hampshire's small business community. His dedication to helping his fellow Granite Staters is exemplary. In his fourth year as a SCORE member, Robert is considered to be one of the most active counselors in the organization. Using his experience as the former senior vice president and CEO of an international chemical manufacturing company, he is able to effectively use his expertise in general management, marketing, profit and working capital improvement, strategic thinking and financial reporting.

The business savvy that Robert brings to New Hampshire's small business community is to be commended. His continued service to the Granite State is a positive example for others. Robert so humbly stated, ''I'm grateful that SCORE has given me the opportunity to use my skills to help others in our community.'' New Hampshire is also grateful. It is an honor to represent you in the Senate.●

MESSAGE FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 2248. An act to extend the authority of the Export-Import Bank until May 31, 2002.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the following enrolled bill, previously signed by the Speaker of the House, was signed subsequently by the Acting President pro tempore (Mr. NELSON of Nebraska).

S. 2248. An act to extend the authority of the Export-Import Bank until May 31, 2002.

MEASURE HELD AT THE DESK

The following concurrent resolution was ordered held at the desk by unanimous consent:

S. Con. Res. 103. Concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6618. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost (APUC) breach; to the Committee on Armed Services.

EC–6619. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–088–FOR) received on April 26, 2002; to the Committee on Energy and Natural Resources.

EC–6620. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled Final Rules—10 CFR Part 35, ''Medical Use of Byproduct Materials,'' 10 CFR Part 20, ''Standards for Protection Against Radiation,'' and 10 CFR Part 32, ''Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material'' (RIN3150–AF74) received on April 26, 2002; to the Committee on Environment and Public Works.

EC–6621. A communication from the Vice Chairman of the Export-Import Bank, transmitting, a report relative to a transaction involving U.S. exports to Israel; to the Committee on Banking, Housing, and Urban Affairs.

EC–6622. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6623. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Austria; to the Committee on Banking, Housing, and Urban Affairs.

EC–6624. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Upper Midwest Marketing Area—Interim Order'' (Doc. No. DA–01–03; AO–361–A35) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6625. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2002–2003 Marketing Year'' (Doc. No. FV02–985–1FR) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6626. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Doc. No. FV02–932–1 FIR) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6627. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rates'' (Doc. No. FV02–930–2FR) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6628. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California ; Revision to Container and Pack Requirements'' (Doc. No. FV02–925–2 IFR) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6629. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker Quarantined Areas; Technical Amendment'' (Doc. No. 01–079–3) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6630. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Steam Treatment of Golden Nematode-Infested Farm Equipment, Construction Equipment, and Containers'' (Doc. No. 01–050–2) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6631. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Limited Ports of Entry for Pet Birds, Performing or Theatrical Birds, and Poultry and Poultry Products'' (Doc. No. 01–121–2) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6632. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Texas (Splenetic) Fever in Cattle; Incorporation by Reference'' (Doc. No. 01–110–1) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6633. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas'' (Doc. No. 01–049–2) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6634. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 2000 Annual Report of the National Institution of Justice (NIJ); to the Committee on the Judiciary.

EC–6635. A communication from the Acting Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC–6636. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the Untied States; to the Committee on the Judiciary.

EC–6637. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–6638. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–6639. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. ALLEN, Mr. HOLLINGS, Mrs. BOXER, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. NELSON of Nebraska, and Mr. DORGAN):

S. 2395. A bill to prevent and punish counterfeiting and copyright piracy, and for other purposes; to the Committee on the Judiciary.

By Mr. CARPER:

S. 2396. A bill to suspend temporarily the duty on prodiamine technical; to the Committee on Finance.

By Mr. CARPER:

S. 2397. A bill to suspend temporarily the duty on thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2398. A bill to suspend temporarily the duty on mixtures of fluazinam; to the Committee on Finance.

By Mr. CARPER:

S. 2399. A bill to suspend temporarily the duty on benzyl carbazate; to the Committee on Finance.

By Mr. CARPER:

S. 2400. A bill to suspend temporarily the duty on esfenvalerate technical; to the Committee on Finance.

By Mr. CARPER:

S. 2401. A bill to suspend temporarily the duty on triflusulfuron methyl formulated product; to the Committee on Finance.

By Mr. CARPER:

S. 2402. A bill to suspend temporarily the duty on Avaunt and Steward; to the Committee on Finance.

By Mr. CARPER:

S. 2403. A bill to suspend temporarily the duty on 50% Homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50% polyricinoleic acid; to the Committee on Finance.

By Mr. CARPER:

S. 2404. A bill to suspend temporarily the duty on black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxylphenyl)azo] phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2405. A bill to suspend temporarily the duty on fast black 287 NA paste, 1,3-

benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl) azo]-1-naphthalenyl]azo]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2406. A bill to suspend temporarily the duty on fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]az o]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2407. A bill to suspend temporarily the duty on fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5'-[[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt; to the Committee on Finance.

By Mr. CARPER:

S. 2408. A bill to suspend temporarily the duty on cyan 1 RO feed, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2409. A bill to suspend temporarily the duty on cyan 1 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2410. A bill to suspend temporarily the duty on cyan 1 OF stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulf derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2411. A bill to suspend temporarily the duty on cyan 9075 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2412. A bill to suspend temporarily the duty on yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3 ,3'-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2 ,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2413. A bill to suspend temporarily the duty on yellow 1 G stage, benzenesulfonic acid, 3,3'-[carbonylbis[imino(3-methoxy-4 ,1-phenylene)azo]]bis-, disodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2414. A bill to suspend temporarily the duty on yellow 746 stage, 1,3- bipyridirium, 3-carboxy-5'-[(2-carboxy-4-sulfophenyl)azo]-1,2', dihydro-6'-hydroxy-4'-methyl-2'-oxo, inner salt, lithium/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2415. A bill to suspend temporarily the duty on black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4 -amino-4 or 2-hydroxyphenyl)azo]phenyl]amino]-3-sulfophenyl] axo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2416. A bill to suspend temporarily the duty on magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3 ,6-disulphonate-7-[(1-sulpho-2-naphthalenyl) azo]-1-naphthalenyl] amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2417. A bill to suspend temporarily the duty on yellow 577 stage, 5-(4-[4-[4-(4 ,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3 ,5]triazin-2-ylamino]phenylazo)isophthalic acid/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2418. A bill to suspend temporarily the duty on cyan 485/4 stage, copper, [29H,31H-phthalocyaninato (2-)-xN29,xN30,xN31 ,xN32]-aminosylfonyl [(2-hydroxy-ethyl)amino] sulfonyl sulfo derivatives, sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2419. A bill to suspend temporarily the duty on R118118 Salt; to the Committee on Finance.

By Mr. CARPER:

S. 2420. A bill to suspend temporarily the duty on NSMBA; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. DOMENICI):

S. 2421. A bill to amend section 402A of the Higher Education Act of 1965 to define the terms different campus and different population; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2422. A bill to suspend temporarily the duty on low expansion laboratory glass; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2423. A bill to suspend temporarily the duty on low expansion laboratory glass; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2424. A bill to suspend temporarily the duty on low expansion laboratory glass; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. BROWNBACK):

S. 2425. A bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 2426. A bill to increase security for United States ports, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2427. A bill to require the National Institutes of Mental Health and the Human Resources and Services Administration to award grants to prevent and treat depression; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr . STEVENS, Mr. BREAUX, Mr. MURKOWSKI, Mr. SARBANES, Mr. REED, and Mr. FEINGOLD):

S. 2428. A bill to amend the National Sea Grant College Program Act; to the Committee on Commerce, Science, and Transportation.

By Mr. HUTCHINSON (for himself, Mr. CRAIG, Mr. ENZI, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, and Mr. SMITH of New Hampshire):

S. 2429. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction from certain expenses in connection with the determination, collection, or refund of any tax; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. NICKLES, Mr. CLELAND, Mr. BROWNBACK, Mr. MILLER, Mrs. HUTCHISON, and Mr. HUTCHINSON):

S. 2430. A bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Ms. STABENOW, Mr. REID, Mrs. BOXER, Mr. KENNEDY, Mr. CLELAND, Ms. CANTWELL, Mr. WYDEN, Mr. THOMAS, Mr. BINGAMAN, Mr. DOMENICI, Mr. JEFFORDS, Mrs. MURRAY, Mr. ROBERTS, Mr. FEINGOLD, Mr. HELMS, Mr. SARBANES, and Mr. AKAKA):

S. Res. 255. A resolution to designate the week beginning May 5, 2002, as ''National Correctional Officers and Employees Week''; to the Committee on the Judiciary.

By Mr. LOTT:

S. Res. 256. A resolution making Minority party appointments for the Special Committee on Aging for the 107th Congress; considered and agreed to.

By Mr. BYRD:

S. Res. 257. A resolution expressing the gratitude of the United States Senate for the service of Suzanne D. Pearson to the Office of Legislative Counsel; considered and agreed to.

By Mrs. CLINTON (for herself, Mr. CAMPBELL, Mr. DEWINE, Mr. EDWARDS, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEVIN, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. TORRICELLI):

S. Con. Res. 103. A concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 839

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the Medicare Program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

At the request of Mrs. HUTCHISON, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 839, supra.

S. 913

At the request of Ms. SNOWE, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of all oral anticancer drugs.

S. 999

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

S. 1194

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1194, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State

and local controls over the flow of municipal solid waste, and for other purposes.

S. 1339

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

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1917

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1998

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1998, a bill to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

S. 2194

At the request of Mr. MCCONNELL, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Alabama (Mr. SESSIONS), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2200

At the request of Mr. BAUCUS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. CLELAND), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2200, a bill to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

S. 2210

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2215

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2384

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2384, a bill to establish a joint United States-Canada customs inspection project.

S. RES. 247

At the request of Mr. LIEBERMAN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Rhode Island (Mr. REED), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 247, a resolution expressing solidarity with Israel in its fight against terrorism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. ALLEN, Mr. HOLLINGS, Mrs. BOXER, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. NELSON of Nebraska, and Mr. DORGAN):

S. 2395. A bill to prevent and punish counterfeiting and copyright piracy, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Anticounterfeiting Amendments of 2002, along with Senators ALLEN, HOLLINGS, BOXER, MURRAY, SMITH of Oregon, NELSON of Nebraska, and DORGAN.

In February of this year, I held a hearing entitled, ''Theft of American Intellectual Property: Fighting Crime Abroad and At Home,'' and I issued a report on the status of our fight against this crime.

What I learned is that every day, thieves steal millions of dollars of American intellectual property from its rightful owners. Over a hundred thousand American jobs are lost as a result.

American innovation and creativity need to be protected by our government no less than our personal property, our homes and our streets. The Founding Fathers had the foresight to provide for protection of intellectual property, giving Congress the power to ''promote the progress of science and useful arts'' by providing copyrights and patents.

American intellectual property represents the largest single sector of the American economy, employing 4.3 million Americans. It has been estimated that software piracy alone cost the U.S. economy over 118,000 jobs and $5.7 billion in wage losses in the year 2000. Even more, the International Planning and Research Corporation estimates that the government loses more than a billion dollars worth of revenue every year from intellectual property theft.

To put that in perspective, with a billion dollars in additional revenue, the American government could pay for child care services for more than 100,000 children annually. Alternatively, $1 billion could be used to fund a Senate proposal to assist schools nationally with emergency school renovations and repairs.

There's another problem. Counterfeiters of software, music CDs and motion pictures are now tampering with authentication features. Holograms, certificates of authenticity, and other security features allow the copyright owners to distinguish genuine works from counterfeits. But now, highly sophisticated counterfeiters have found ways to tamper with these features to make counterfeit products appear genuine and to increase the selling price of genuine products and licenses. Put another way, not only do crooks illegally copy American intellectual property, they also now illegally fake or steal the very features property owners use to prevent that theft.

Copyrights mean nothing if government authorities fail to enforce the protections they provide intellectual property owners. The criminal code has not kept up with the counterfeiting operations of today's high-tech pirates, and it's time to make sure that it does. The Anticounterfeiting Amendments of 2002 update and strengthen the Federal criminal code, which currently makes it a crime to traffic in counterfeit labels or copies of certain forms of intellectual property, but not authentication features. For example, we can currently prosecute someone for trafficking in fake labels for a computer program, but we cannot go after them for faking the hologram that the software maker uses to ensure that copies of the software are genuine.

In addition, many actions that violate current law go unprosecuted in this day and age when priorities, such as the fight against terrorism and life-threatening crimes, necessarily take priority over crimes of property, be they intellectual or physical. Moreover, the victims of this theft often do not have a way to recover their losses from this crime. For this reason, the Anticounterfeiting Amendments of 2002 also provide a private cause of action, to permit the victims of these crimes to pursue the criminals themselves and recover damages in federal court.

Current law criminalizes trafficking in counterfeit documentation and packaging, but only for software programs. The Anticounterfeiting Amendments of 2002 update and expand these provisions to include documentation and packaging for phonorecords, motion pictures and other audiovisual works.

America is a place where we must encourage diverse ideas, and with that encouragement we must protect those ideas. They are the source of our music, our art, our novels, our movies, our software, all that is American culture and American know-how. The

Anticounterfeting Amendments of 2002 give our ideas the protection they deserve.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2395

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anticounterfeiting Amendments of 2002''.

SEC. 2. FINDINGS.

Congress finds that—

(1) American innovation, and the protection of that innovation by the government, has been a critical component of the economic growth of this Nation throughout the history of the Nation;

(2) copyright-based industries represent one of the most valuable economic assets of this country, contributing over 5 percent of the gross domestic product of the United States and creating significant job growth and tax revenues;

(3) the American intellectual property sector employs approximately 4,300,000 people, representing over 3 percent of total United States employment;

(4) the proliferation of organized criminal counterfeiting enterprises threatens the economic growth of United States copyright industries;

(5) the American intellectual property sector has invested millions of dollars to develop highly sophisticated authentication features that assist consumers and law enforcement in distinguishing genuine intellectual property products and packaging from counterfeits;

(6) in order to thwart these industry efforts, counterfeiters traffic in, and tamper with, genuine authentication features, for example, by obtaining genuine authentication features through illicit means and then commingling these features with counterfeit software or packaging;

(7) Federal law does not provide adequate civil and criminal remedies to combat tampering activities that directly facilitate counterfeiting crimes; and

(8) in order to strengthen Federal enforcement against counterfeiting of copyrighted works, Congress must enact legislation that—

(A) prohibits trafficking in, and tampering with, authentication features of copyrighted works; and

(B) permits aggrieved parties an appropriate civil cause of action.

SEC. 3. PROHIBITION AGAINST TRAFFICKING IN ILLICIT AUTHENTICATION FEATURES.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the heading and inserting ''TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT AUTHENTICATION FEATURES, OR COUNTERFEIT DOCUMENTATION OR PACKAGING'';

(2) by striking subsection (a) and inserting the following:

''(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

''(1) a counterfeit label affixed to, or designed to be affixed to—

''(A) a phonorecord;

''(B) a copy of a computer program;

''(C) a copy of a motion picture or other audiovisual work; or

''(D) documentation or packaging;

''(2) an illicit authentication feature affixed to or embedded in, or designed to be affixed to or embedded in—

''(A) a phonorecord;

''(B) a copy of a computer program;

''(C) a copy of a motion picture or other audiovisual work; or

''(D) documentation or packaging; or

''(3) counterfeit documentation or packaging,

shall be fined under this title or imprisoned for not more than 5 years, or both.'';

(3) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3)—

(i) by striking ''and 'audiovisual work' have'' and inserting the following: '', 'audiovisual work', and 'copyright owner' have''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) the term 'authentication feature' means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other physical feature that either individually or in combination with another feature is used by the respective copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, or documentation or packaging is not counterfeit or otherwise infringing of any copyright;

''(5) the term 'documentation or packaging' means documentation or packaging for a phonorecord, copy of a computer program, or copy of a motion picture or other audiovisual work; and

''(6) the term 'illicit authentication feature' means an authentication feature, that—

''(A) without the authorization of the respective copyright owner has been tampered with or altered so as to facilitate the reproduction or distribution of—

''(i) a phonorecord;

''(ii) a copy of a computer program;

''(iii) a copy of a motion picture or other audiovisual work; or

''(iv) documentation or packaging;

in violation of the rights of the copyright owner under title 17;

''(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the respective copyright owner; or

''(C) appears to be genuine, but is not.'';

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

''(3) the counterfeit label or illicit authentication feature is affixed to, is embedded in, or encloses, or is designed to be affixed to, to be embedded in, or to enclose—

''(A) a phonorecord of a copyrighted sound recording;

''(B) a copy of a copyrighted computer program;

''(C) a copy of a copyrighted motion picture or other audiovisual work; or

''(D) documentation or packaging; or''; and

(B) in paragraph (4), by striking ''for a computer program'';

(5) in subsection (d)—

(A) by inserting ''or illicit authentication features'' after ''counterfeit labels'' each place it appears;

(B) by inserting ''or illicit authentication features'' after ''such labels''; and

(C) by inserting before the period at the end the following: '', and of any equipment, device, or materials used to manufacture, reproduce, or assemble the counterfeit labels or illicit authentication features''; and

(6) by adding at the end the following:

''(f) CIVIL REMEDIES FOR VIOLATION.—

''(1) IN GENERAL.—Any copyright owner who is injured by a violation of this section or is threatened with injury, may bring a civil action in an appropriate United States district court.

''(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

''(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain violations of this section;

''(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of this section; and

''(C) may award to the injured party—

''(i) reasonable attorney fees and costs; and

''(ii)(I) actual damages and any additional profits of the violator, as provided by paragraph (3); or

''(II) statutory damages, as provided by paragraph (4).

''(3) ACTUAL DAMAGES AND PROFITS.—

''(A) IN GENERAL.—The injured party is entitled to recover—

''(i) the actual damages suffered by the injured party as a result of a violation of this section, as provided by subparagraph (B); and

''(ii) any profits of the violator that are attributable to a violation of this section and are not taken into account in computing the actual damages.

''(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

''(i) the value of the phonorecords or copies to which counterfeit labels, illicit authentication features, or counterfeit documentation or packaging were affixed or embedded, or designed to be affixed or embedded; by

''(ii) the number of phonorecords or copies to which counterfeit labels, illicit authentication features, or counterfeit documentation or packaging were affixed or embedded, or designed to be affixed or embedded,

unless such calculation would underestimate the actual harm suffered by the copyright owner.

''(C) DEFINITION.—For purposes of this paragraph, the term 'value of the phonorecord or copy' means—

''(i) the retail value of an authorized phonorecord of a copyrighted sound recording;

''(ii) the retail value of an authorized copy of a copyrighted computer program; or

''(iii) the retail value of a copy of a copyrighted motion picture or other audiovisual work.

''(4) STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of this section in a sum of not less than $2,500 or more than $25,000, as the court considers appropriate.

''(5) SUBSEQUENT VIOLATION.—The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated this section within 3 years after a final judgment was entered against that person for a violation of this section.

''(6) LIMITATION ON ACTIONS.—A civil action may not be commenced under this section unless it is commenced within 3 years after the date on which the claimant discovers the violation.

''(g) OTHER RIGHTS NOT AFFECTED.—Nothing in this section shall enlarge, diminish, or otherwise affect liability under section 1201 or 1202 of title 17.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The item relating to section 2318 in the table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting ''or illicit authentication features'' after ''counterfeit labels''.

By Mr. CARPER:

S. 2396. A bill to suspend temporarily the duty on prodiamine technical; to the Committee on Finance.

By Mr. CARPER:

S. 2397. A bill to suspend temporarily the duty on thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2398. A bill to suspend temporarily the duty on fluazinam; to the Committee on Finance.

By Mr. CARPER:

S. 2399. A bill to suspend temporarily the duty on benzyl carbazate; to the Committee on Finance.

By Mr. CARPER:

S. 2400. A bill to suspend temporarily the duty on esfenvalerate technical; to the Committee on Finance.

By Mr. CARPER:

S. 2401. A bill to suspend temporarily the duty on triflusulfuron methyl formulated product; to the Committee on Finance.

By Mr. CARPER:

S. 2402. A bill to suspend temporarily the duty on Avaunt and Steward; to the Committee on Finance.

By Mr. CARPER:

S. 2403. A bill to suspend temporarily the duty on 50% Homopolymer, 3-(dimethylamino propyl amide, dimethyl sulfate-quaternized 50% polyricinoleic acid; to the Committee on Finance.

By Mr. CARPER:

S. 2404. A bill to suspend temporarily the duty on black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxylphenyl)azo] phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2405. A bill to suspend temporarily the duty on fast black 287 paste, 1,3-benzenedicarboxylic acid 5-[[4[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl azo]-1-naphthalenyl]azo]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2406. A bill to suspend temporarily the duty on fast black 287 NA liquid feed, 1, 3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl)azo]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2407. A bill to suspend temporarily the duty on fast yellow 2 stage, 1, 3-benzenedicarboxylic acid 5,5′-[[6-(4-morpholinyl)-1, 3, 5-triazine-2,4-diyl]bis(im ino-4, 1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt; to the Committee on Finance.

By Mr. CARPER:

S. 2408. A bill to suspend temporarily the duty on cyan 1 RO feed, copper [29H, 31H-phthalocyaninato (2-) -N29,N30,N31,N32]-aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2409. A bill to suspend temporarily the duty on cyan 1 stage, copper, [29H, 31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2410. A bill to suspend temporarily the duty on cyan 1 OF stage; copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2411. A bill to suspend temporarily the duty on cyan 9075 stage, copper [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2412. A bill to suspend temporarily the duty on yellow 1 stage, 1,5-naphthalenedisulfonic acid 3,3′-[[6-(2-hydroxyethy)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4, 1-phenylene)az o]]bis-,tetrasodium salt, to the Committee on Finance.

By Mr. CARPER:

S. 2413. A bill to suspend temporarily the duty on yellow 1 G stage benzenesulfonic acid 3,3′-[carbonylbis[imino(3-methoxy-4, 1-phenylene)azo]]bis-, disodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2414. A bill to suspend temporarily the duty on yellow 746 state, 1,3-bipyridirium, 3-carboxy-5′-(2-carboxy-4-sulfophenyl)azo]-1,2′, dihydro-6′-hydroxy-4′-methyl-2′-oxo, inner salt, lithium/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2415. A bill to suspend temporarily the duty on black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[-4-[(2 or 4 -amino-4 or 2-hydroxphenyl)azo]phenyl]amino]-3-sulfophenyl] axo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2416. A bill to suspend temporarily the duty on magenta 3B–OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2417. A bill to suspend temporarily the duty on yellow 577 stage, 5-{4-[4-[4-(4,8-disulfonapthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-ylamino]phenylazo}isophthalic acid/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2418. A bill to suspend temporarily the duty on cyan 485/4 stage, copper [29H,31H-phthalocyaninato (2-)-xN29,xN30,xN31,xN32]-aminosylfonyl[(2-hydroxy-ethyl)amino] sulfonyl sulfo derivatives, sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2419. A bill to suspend temporarily the duty on R118118 Salt; to the Committee on Finance.

By Mr. CARPER:

S. 2420. A bill to suspend temporarily the duty on NSMBA; to the Committee on Finance.

Mr. CARPER. Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 2396

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

SECTION 1. PRODIAMINE TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	Prodiamine technical - 1, 3-benzenediamine, 2,6-dinitro-N1,N1-dipropyl-4-(trifluoromethyl)- (CAS No. 29091–21–2) (provided in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2397

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

SECTION 1. THIAMETHOXAM TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	Thiamethoxam technical -4H-1,3,5-oxadiazin-4-imine, 3-[(2-chloro-5-thiazolyl] methylltetrahydro-5-methyl-N-nitro (CAS No. 153719–23–4) (provided in subheading 2934.10.20)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2398

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

SECTION 1. MIXTURES OF FLUAZINAM.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	Fluazinam mixed with - 2-pyridinamine,3-chloro-N-[3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl]-5-(trifluoromethyl) (CAS No. 79622–59–6) (provided in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2399

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

SECTION 1. BENZYL CARBAZATE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in the numerical sequence the following new heading:

''	9902.29.48	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2400

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

SECTION 1. ESFENVALERATE TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in the numerical sequence the following new heading:

''	9902.29.49	(S)-Cyano (3-phenoxy-phenyl)- methyl (S)-4-chloro-α-(1-methyethyl)-benzeneacetate (CAS No. 66230–04–4) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2401

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

SECTION 1. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.38.16	Mixtures of methyl 2-[[[[[4-(dimethylamino) -6-(2,2,2-trifluoroethoxy) -1,3,5-triazin-2-yl] -amino]carbonyl] amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) and application adjuvants (provided for in subheading 3808.10.15)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2402

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

SECTION 1. AVAUNT AND STEWARD.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.38.17	Mixtures of (S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl) [4 (trifluoromethoxy) phenyl] amino]-carbonyl] indeno [1,2-e][1,3,4] oxadiazine-4a-(3H)-carboxylate (CAS Nos. 144171–61–9 and 173584–44–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2403

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

SECTION 1. 50% HOMOPOLYMER, 3-(DIMETHYLAMINO) PROPYL AMIDE, DIMETHYL SULFATE-QUATERNIZED 50% POLYRICINOLEIC ACID.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.38.34	50% homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50% polyricinoleic acid (provided for in subheading 3824.90.40.90)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2404

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

SECTION 1. BLACK CPW STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[[-4-[(2 OR 4 –AMINO-4 OR 2-HYDROXYPHENYL)AZO] PHENYL]AMINO]-3- SULFOPHENYL]AZO]-5-HYDROXY-6-(PHENYLAZO)-TRISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.40	Black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4 –amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3- sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt. (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2405

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

SECTION 1. FAST BLACK 287 NA PASTE, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.35	Fast black 287 NA paste, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2406

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

SECTION 1. FAST BLACK 287 NA LIQUID FEED, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.35	Fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2407

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

SECTION 1. FAST YELLOW 2 STAGE, 1,3-BENZENEDICARBOXYLIC ACID, 5,5′-[[6-(4-MORPHOLINYL)-1,3,5-TRIAZINE-2,4-DIYL]BIS(IMINO-4,1-PHENYLENEAZO)]BIS-, AMMONIUM/SODIUM/HYDROGEN SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.36	Fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5′-[[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt. (CAS No. not available) (provided for in subheading 3215.19.00.60)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2408

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

SECTION 1. CYAN 1 RO FEED, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES, SODIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.37	Cyan 1 RO feed, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts. (CAS No. 90295–11–7) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2409

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

SECTION 1. CYAN 1 STAGE, COPPER, [29H,31H- PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES. TETRA METHYL AMMONIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.41	Cyan 1 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2410

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

SECTION 1. CYAN 1 OF STAGE, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES, SODIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.42	Cyan 1 OF stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts. (CAS No. 90295–11–7) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2411

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

SECTION 1. CYAN 9075 STAGE, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES, SODIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.43	Cyan 9075 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts. (CAS No. 90295–11–7) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2412

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

SECTION 1. YELLOW 1 STAGE, 1,5-NAPHTHALENEDISULFONIC ACID, 3,3′-[[6-[(2-HYDROXYETHYL)AMINO]-1,3,5-TRIAZINE-2,4-DIYL]BIS[IMINO(2-METHYL-4,1-PHENYLENE)AZO]]BIS-, TETRASODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.39	Yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3,3′-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt. (CAS No. 50925–42–3 (confidential TSCA listing)) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2413

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

SECTION 1. YELLOW 1 G STAGE, BENZENESULFONIC ACID, 3,3′-[CARBONYLBIS[IMINO(3-METHOXY-4,1-PHENYLENE)AZO]]BIS-, DISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.38	Yellow 1 G stage, benzenesulfonic acid, 3,3′-[carbonylbis[imino(3-methoxy-4,1-phenylene)azo]]bis-, disodium salt. (CAS No. 10114–86–0) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2414

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

SECTION 1. YELLOW 746 STAGE, 1,3-BIPYRIDIRIUM, 3-CARBOXY-5′-[(2-CARBOXY-4-SULFOPHENYL)AZO]-1′,2′, DIHYDRO-6′-HYDROXY-4′-METHYL-2′-OXO-, INNER SALT, LITHIUM/SODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.44	Yellow 746 stage, 1,3-bipyridirium, 3-carboxy-5′-[(2-carboxy-4-sulfophenyl)azo]-1′,2′, dihydro-6′-hydroxy-4′-methyl-2′-oxo-, inner salt, lithium/sodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2415

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

SECTION 1. BLACK SCR STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[[4-[(2 OR 4 –AMINO-4 OR 2-HYDROXYPHENYL)AZO]*COM003*PHENYL]AMINO]-3-SULFOPHENYL] AZO]-5-HYDROXY-6-(PHENYLAZO)-TRISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.47	Black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4 –amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3-sulfophenyl] azo]-5-hydroxy-6-(phenylazo)-trisodium salt. (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2416

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

SECTION 1. MAGENTA 3B-OA STAGE, 2-[[4-CHLORO-6[[8-HYDROXY-3,6-DISULPHONATE-7-[(1-SULPHO-2-NAPHTHALENYL) AZO]-1-NAPHTHALENYL] AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-5-SULPHOBENZOIC ACID, SODIUM/LITHIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.45	Magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl) azo]-1-naphthalenyl] amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts. (CAS No. 12237–00–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2417

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

SECTION 1. YELLOW 577 STAGE, 5-[4-[4-[4-(4,8-DISULFONAPHTHALEN-2-YLAZO)-PHENYLAMINO]-6-(2-SULFOETHYLAMINO)-[1,3,5]TRIAZIN-2-YLAMINO]PHENYLAZO]ISOPHTHALIC ACID/SODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.46	Yellow 577 stage, 5-{4-[4-[4-(4,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-ylamino] phenylazo}isophthalic acid/sodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2418

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

SECTION 1. CYAN 485/4 STAGE, COPPER, [29H,31H-PHTHALOCYANINATO (2-)– XN29,XN30,XN31,XN32]-AMINOSYLFONYL [(2-HYDROXYETHYL)AMINO] SULFONYL SULFO DERIVATIVES, SODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.48	Cyan 485/4 stage, copper, [29H,31H-phthalocyaninato (2-)–xN29,xN30, xN31,xN32] -aminosylfonyl [(2-hydroxyethyl)amino] sulfonyl sulfo derivatives, sodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2419

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

SECTION 1. R118118 SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	R118118 Salt - benzoic acid, 3-[2-chloro-4-(trifluoromethyl) phenoxy]-(CAS No. 63734–62–3) (provided in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2420

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

SECTION 1. NSMBA.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	NSMBA - Benzoic acid, 4-(methylsulfonyl)-2-nitro (CAS No. 110964–79–9) (provided in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. FEINGOLD (for himself and Mr. DOMENICI):

S. 2421. A bill to amend section 402A of the Higher Education Act of 1965 to define the terms different campus and different population; to the Committee of Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I rise today with my colleague from New Mexico to introduce the TRIO Education Access Act of 2002, which will improve access to higher education by ensuring that these programs are available to all those in need.

While many students in my State benefit immensely from the TRIO programs, misguided regulations are preventing Wisconsin's two year colleges from receiving funds to begin more than one TRIO program for the entire State.

Many students today dream of going to college, but the things that can put college out of reach for some students don't always get the attention that they deserve. Students who face these additional barriers to higher education need a helping hand, and thanks to the TRIO Program, more students are getting the help they need.

The TRIO Program was so named because there were originally three programs, all of which had roots dating back to Lyndon Johnson's administration in the 1960s. Today TRIO consists of eight programs that offer vital advice and academic support to middle and high school students hoping to get into college, and it continues to offer that support to students after they enter college and begin working toward their diploma.

Many Federal education programs have come and gone, but the TRIO programs have not only survived, they've thrived and expanded to aid more than 10 million Americans.

In my home State of Wisconsin, many students at the University of Wisconsin's two-year colleges could reap tremendous benefits from the services the TRIO programs have to offer.

But today, because of the way that TRIO grants are structured, UW's 13 two-year colleges can only be considered for TRIO grants collectively, instead of applying for grants to serve each campus.

The Department of Education has ruled that the unique structure of the University of Wisconsin's two-year system, a centrally run system with 13 branch campuses, does not meet the criteria of having ''independent'' campuses.

This decision deeply concerns me, as the Federal Government is simply penalizing UWs' two-year colleges simply because of their administrative structure.

As a result of the Department of Education's decision, only one TRIO Program, the Student Support Services Program, is available to these two-year colleges. UW—Waukesha is home to a thriving Student Support Services Program, which offers students counseling and vital academic support and skills development.

But UW's two-year colleges deserve to have access to all the TRIO Programs available to four-year institutions, such as Upward Bound, Talent Search, and Educational Opportunity Centers.

In different ways, each of these programs has helped students break through difficult economic or physical circumstances to successfully enter and graduate from college. Students in the Upward Bound program are four times more likely to earn an undergraduate degree than those students from similar backgrounds who did not participate in TRIO.

Students in the TRIO Student Support Services program are more than twice as likely to remain in college than those students from similar backgrounds who did not participate in the program.

By discriminating against the unique structure of the University of Wisconsin's two year colleges, the Department of Education hurts the very population the TRIO Programs aim to serve.

That's why it's so important that the rules at the Department of Education be changed, so that Wisconsin's two-year colleges have the opportunity to apply individually for the TRIO grants they see fit.

By clarifying the ''Different Campus'' and ''Different Population of Participants'' in the TRIO regulations, this legislation makes UW's two-year colleges eligible for all the programs TRIO has to offer. No definition or regulation should get in the way of qualified Wisconsin students gaining access to TRIO programs and the chance to earn a college degree.

I have heard from many Wisconsinites who have shared their personal stories about how TRIO had made a difference in their lives. TRIO offers hope to millions of students across the country who dream of a college education, and students at the University of Wisconsin's two-year colleges should be no exception. Waukesha can be proud of the TRIO program that has served so many students at UW-Waukesha.

Now it's time to give UW-Waukesha, and other two-year colleges around my State, an opportunity to open more TRIO programs, and open the doors of higher education to more Wisconsin students.

I urge my colleagues to co-sponsor this legislation.

By Mr. BAYH (for himself and Mr. BROWNBACK):

S. 2425. A bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism; to the Committee on Foreign Relations.

Mr. BAYH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2425

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Cooperative Antiterrorism Act of 2002''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The use of terrorism is detestable and an illegitimate means of political expression.

(2) International terrorist organizations pose a direct threat to the United States, and this threat is becoming more acute and more difficult to prevent.

(3) The threat from international terrorism is made far more dangerous by the proliferation of chemical, biological, and radiological weapons and the means to produce those weapons.

(4) The prosecution of the war against international terrorist organizations must continue until the threat they pose to the people and interests of the United States is eliminated.

(5) The United States can only win the war against terrorism if it receives cooperation from other countries and entities.

(6) Protecting the United States homeland and United States interests overseas from terrorism is of the highest priority in the foreign relations of the United States.

(7) Cooperation in the global war against international terrorism must be a primary focus of United States foreign relations, United States assistance, and international security relations.

(8) Winning the global war against international terrorism requires cooperation from the international community, especially in the areas of preventing the financing of terror, sharing information on international terror networks, eliminating terror cells, and in preventing the promotion of virulent anti-Americanism with the intent to incite violence and the glorification of terrorism in state-owned media and state-controlled schools.

(9) The promotion of terrorism, intolerance, and virulent anti-Americanism in state-owned media and state-controlled education systems is abhorrent and poses a long-term threat to the safety and security of the United States as well as the community of nations.

(10) All countries and entities must be encouraged to cooperate in the global war against international terrorism.

(11) Some foreign governments and entities are doing little to counter proterrorist and prointolerance messages to mass audiences, including to school age children.

(12) Countries providing direct or indirect assistance to international terrorist organizations undermine the direct security interests of the United States.

(13) Countries demonstrating indifference to or providing actual endorsement of international terror as a legitimate political tool make a direct threat to the security interests of the United States.

(14) United States economic assistance programs and the transfer of United States Munitions List items are a critical tool of United States foreign policy and winning the global war against international terrorism.

(15) Countries receiving United States assistance and the export of items on the United States Munitions List should be expected to support the global war against international terror.

(16) Several existing laws, including the USA Patriot Act of 2001, the Antiterrorism and Effective Death Penalty Act of 1996, the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Export Administration Act of 1979 (or successor statute), prohibit the provision of United States assistance, and the licensing for export of items on the United States Munitions List, to countries supporting terror or not fully cooperating in antiterror efforts of the United States. It would be appropriate in the implementation of these laws to apply the definition of ''fully cooperative in the global war against international terrorism'' set forth in this Act, including preventing promotion of terror in state-owned and state-controlled media and educational systems.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States that—

(1) no United States economic assistance, other than humanitarian assistance, may be provided to any foreign country or entity that is not making a maximum effort to be fully cooperative in the global war against international terrorism; and

(2) no license for export of an item on the United States Munitions List to a country or entity may be issued if that country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism.

SEC. 4. PROHIBITION ON UNITED STATES ECONOMIC ASSISTANCE AND COMMERCIAL ARMS EXPORTS.

(a) UNITED STATES ECONOMIC ASSISTANCE.—If the President determines that a country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism—

(1) no United States economic assistance may be provided to such country or entity; and

(2) the United States shall oppose and vote against any lending from any international financial institution, including the World Bank, the International Monetary Fund, the Asian Development Bank, or other related institutions to such country or entity.

(b) COMMERCIAL ARMS EXPORTS.—No license for the export of an item on the United States Munitions List to any country or entity may be issued if the President determines that such country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism.

SEC. 5. REQUIREMENT FOR AN ANNUAL REPORT.

(a) REQUIREMENT FOR REPORT.—The President, in consultation with the Secretary of State, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall prepare an unclassified annual report that—

(1) contains a list of each country or entity for which the President has determined that there is credible evidence that such country or entity is not being fully cooperative in the global war against international terrorism under section 4; and

(2) describes for each country or entity listed under paragraph (1)—

(A) the specific failures of each country or entity to be fully cooperative in the global war against international terrorism;

(B) the reasons why such country or entity is not fully cooperative;

(C) the efforts being made by the United States Government to promote greater adherence by such countries or entities with the global war against international terrorism; and

(D) any removal of a country or entity from the list in paragraph (1).

(b) TRANSMISSION TO CONGRESS.—

(1) REPORT.—The report required by this section shall be submitted to Congress every year as a section of the annual country reports on terrorism required by section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656(f)).

(2) BRIEFING.—The President shall make the appropriate officials available to provide

a classified briefing to the appropriate committees of Congress if such committees request additional clarifying details on why a country or entity is listed under subsection (a)(1).

SEC. 6. PRESIDENTIAL WAIVER.

United States economic assistance or exports prohibited by section 4 may be provided to a country or entity described in that section if the President—

(1) determines that permitting such assistance or exports is important to the national security interests of the United States; and

(2) not later than 15 days before permitting such assistance or exports, furnishes a report describing the United States economic assistance or exports to be provided to the appropriate committees of Congress.

SEC. 7. DEFINITIONS.

In this Act:

(1) EXPRESSION OF SUPPORT FOR TERRORISM AGAINST THE UNITED STATES.—The term ''expression of support for terrorism against the United States'' means a pattern of actions or expressions that are designed to provoke or incite anti-American violence, advocate international terrorism, or to glorify the use of violence against citizens or government officials of the United States.

(2) FULLY COOPERATIVE IN THE GLOBAL WAR AGAINST INTERNATIONAL TERRORISM.—The term ''fully cooperative in the global war against international terrorism'' means a country or entity that has the necessary legal framework and, to the maximum extent possible, is enforcing efforts to—

(A) prevent the knowing financing of terrorism, including preventing—

(i) direct financial payments to any terrorist organization;

(ii) any terrorist organization or any entity supporting a terrorist organization from receiving financial services such as brokering, lending, or transferring currency or credit;

(iii) any person from soliciting funds or items of value for a terrorist group; and

(iv) any humanitarian or other nongovernmental organization from providing financial support to terrorist organizations;

(B) share intelligence information with the United States, including—

(i) releasing information to the United States related to any terrorist organization;

(ii) cooperating in investigations conducted by the United States; and

(iii) providing, to the extent possible, access to individuals suspected of or supporting terrorist organizations to United States investigators; and

(C) act against terrorist organizations, including—

(i) preventing terrorist organizations from committing or inciting to commit terrorist acts against the United States or its interests overseas;

(ii) preventing terrorist organizations from operating safe houses or providing transportation, communication, documentation, identification, weapons (including chemical, biological, or radiological weapons), explosives, or training to terrorists; and

(iii) in the cases of a country—

(I) investigating suspected terrorists within its national territory;

(II) enforcing international agreements and United Nations Security Council Resolutions against terrorism; and

(III) curbing any domestic expression of support for terrorism against the United States and its allies in state-owned media, state-sanctioned gatherings, state-governed religious institutions, and state-sanctioned school and textbooks.

(3) HUMANITARIAN ASSISTANCE.—The term ''humanitarian assistance'' means any humanitarian goods and services, including foodstuffs, medicines, and health assistance programs.

(4) TERRORIST ORGANIZATION.—The term ''terrorist organization'' means an organization designated as a foreign terrorist organization by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(5) UNITED STATES ECONOMIC ASSISTANCE.—The term ''United States economic assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2, relating to the Overseas Private Investment Corporation);

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954;

(D) financing under the Export-Import Bank Act of 1945; and

(E) does not include humanitarian assistance or other assistance that is intended to support cooperative antiterrorism, peacekeeping, counter-narcotics, nonproliferation and counter-proliferation programs, or funding for nongovernmental organizations promoting education and democratic institutions.

(6) UNITED STATES MUNITIONS LIST.—The term ''United States Munitions List'' means the defense articles and defense services controlled by the President under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

By Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. STEVENS, Mr. BREAUX, Mr. MURKOWSKI, Mr. SARBANES, Mr. REED, and Mr. FEINGOLD):

S. 2428. A bill to amend the National Sea Grant College Program Act; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, I rise today to introduce with my colleagues, Ms. SNOWE, Mr. HOLLINGS, Mr. STEVENS, Mr. BREAUX, Mr. SARBANES, Mr. REED and Mr. FEINGOLD the National Sea Grant College Program Act Amendments of 2002, legislation to reauthorize the National Sea Grant College Program Act.

Congress established the Sea Grant program back in 1966. Since that time Sea Grant has provided the Administration and Congress a comprehensive vehicle that engages our best universities to respond to complex and changing ocean, coastal, and Great Lakes issues. The 31 Sea Grant programs, located in coastal and Great Lakes States and Puerto Rico, serve as the core of this dynamic national network of over 300 participating institutions involving more than 3,000 scientists, engineers, educators, students, and outreach experts.

Sea Grant's legislative charge is to ''increase the understanding, assessment, development, utilization, and conservation of the nation's ocean and coastal resources by providing assistance to promote a strong education base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques''. Sea Grant has consistently proven its value to taxpayers as a program that supports rigorous, high quality research that is directly responsive to the concerns of coastal constituents. The Sea Grant Program brings academic creativity and expertise to bear on a host of issues affecting the oceans, coasts and Great Lakes.

Most decisions that affect the coastal environment are made locally, and, through the Sea Grant Colleges, the federal government has the ability to partner with state and local constituencies to address national problems at state and local levels. Moreover, many coastal issues cross State jurisdictions and need to be addressed regionally. In addition to its state-based infrastructure, Sea Grant has developed a system of regional networks for organizing multi-state responses to regional/ecosystem-level problems.

The current administration proposed moving the Sea Grant program from the National Oceanic and Atmospheric Administration, NOAA, to the National Science Foundation, NSF. I do not support such a move. The Sea Grant program has been a success in NOAA and one has to wonder if something is not broke why should we fix it. This is obviously the case with Sea Grant and I see no reason why we should move the program from NOAA to NSF.

Allow me for a moment to point out one area where the Sea Grant/NOAA partnership is working. As Chairman of the Oceans, Fisheries and Atmosphere Subcommittee I know first-hand the struggles that commercial fishermen face as we try and rebuild our stocks. Sea Grant is currently working in coastal communities to better document the social and economic impacts of fishery regulations on communities, so that we can develop regulations that not only preserve and protect are valuable marine resources but also protect the fabric of our coastal communities. As you may know, the National Marine Fisheries Service is one of five line offices within NOAA, that is charged with regulating all of our domestic commercial fisheries. One thing that all of us from coastal states will agree on is the need to improve our knowledge of fishing communities and how regulations affect the lives of the people who live there.

A unique feature of the existing National Sea Grant College Program Act, which is maintained through this reauthorization bill, is that the majority of grants awarded require that every $2 of federal funds be matched by $1 of non-federal funds that are usually provided by host universities, as well as state or local governments, thus providing outstanding leverage as well as strong regional support for the federal funds awarded.

Because Sea Grant is non-regulatory and science-based, it serves as an ''honest broker'' among a wide range of constituents. In an age that emphasizes multi-disciplinary, goal-oriented, performance-measured partnerships, Sea Grant has demonstrated its capability to effectively deliver relevant science and services.

In short, Sea Grant offers numerous economic opportunities, problem-solving processes and programmatic efficiencies for the federal government to achieve its marine and coastal science agenda. Based on the Sea Grant College Program's remarkable capabilities, excellent track record, and cost effective use of federal funds, I ask for your support in quick passage of this reauthorization bill.

I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 2428

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Act Amendments of 2002''.

SEC. 2. AMENDMENTS TO FINDINGS.

FINDINGS.—Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting '', including strong collaborations between Administration scientists and scientists at academic institutions.''.

SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 204 (c)(1) of the National Sea Grant College Program Act (33 U.S.C. 1123 (c)(1)) is amended to read as follows: ''The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan which establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the strategic plans of the Department of Commerce and of NOAA.''.

(b) ALLOCATION OF FUNDING.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended.—

(1) by striking ''and'' after the semicolon at the end of clause (ii);

(2) by adding at the end the following:

''(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and''.

(c) ENSURING EQUAL ACCESS.—Section 208(a) of such Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: ''The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection.''.

SEC. 4. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: ''The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsections (a) and (b) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $75,000,000 for fiscal year 2004;

''(B) $77,500,000 for fiscal year 2005;

''(C) $80,000,000 for fiscal year 2006;

''(D) $82,500,000 for fiscal year 2007; and

''(E) $85,000,000 for fiscal year 2008.

''(2) PRIORITY RESEARCH.—In addition to the amount authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2004 through 2008—

''(A) $5,000,000 for competitive grants for university research on biology and control of zebra mussels and other important non-native species as identified in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4171(b)(4)(A));

''(B) $5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

''(C) $5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including Pfiesteria piscicida; and

''(D) $3,000,000 for competitive grants for research contributing to the fisheries extension program to enhance, not supplant, existing core program funding.

''(b) LIMITATIONS.—

''(1) ADMINISTRATION.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

''(A) the amount authorized to be appropriated under this title for the fiscal year; or

''(B) the amount appropriated under this title for the fiscal year.

''(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.''.

(b) DISTRIBUTION OF FUNDS.—Such section is further amended by striking subsection (c) and inserting the following:

''(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made pursuant to subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute the excess amounts (except amounts used for the administration of programs) solely to—

''(1) State sea grant programs on a merit reviewed, competitive basis to support, enhance, and reward programs that are best managed and carry out the highest quality research, education, extension, and training programs; and

''(2) national strategic initiatives.''.

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by Mr. HUTCHINSON (for himself, Mr. CRAIG, Mr. ENZI, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, and Mr. SMITH of New Hampshire):

S. 2429. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction from certain expenses in connection with the determination, collection, or refund of any tax; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I rise today to introduce legislation that will help ease the financial burden for the millions of Americans that find themselves extremely confused and frustrated every year as they try to prepare their tax returns. This year's tax filing deadline expired on April 15 for most American taxpayers, and the 17,000-page, 2.8 million-word tax code was more complex than ever. One estimate is that it now takes 28 hours and six minutes to tackle the Internal Revenue Service's 1040 form and do the necessary record keeping.

According to the Tax Foundation, it is estimated that in 2002, individuals and small businesses will spend approximately 5.8 billion hours complying with the Federal income tax code, with an estimated compliance cost of over $194 billion. This amounts to imposing a more than 20 cent tax compliance surcharge for every dollar the tax system collects. By 2007, the compliance surcharge is conservatively estimated at $244.3 billion. Under current law, there is a way for those taxpayers who itemize and accumulate tax preparation fees up to at least 2 percent of their Adjusted Gross Income to receive a financial break from the IRS to help offset the cost of having a tax preparer calculate their tax. The problem is that there are millions more low- or middle-income individuals and small business owners trying to decipher the same complicated instructions and forms, for which there is no tax break.

Since 1985, we have more than doubled the pages in the instruction booklet that accompanies the 1040. In response to this increased complexity, American taxpayers are seeking professional help at a record level that equals almost 60 percent of all returns filed. I believe it is time that we acknowledge how difficult our current tax system has become and help the millions of Americans who have to look to outside help in filing their yearly tax returns. I suggest that since the Federal Government is the party responsible for creating this overly complicated code, it is the Federal Government that should bear the burden of the costs that are incurred in its compliance.

My proposal is simple, my legislation provides for the expenses that are incurred by a taxpayer in having their return prepared to be fully deducted. This would be treated as an above-the-line deduction and would allow for anyone who pays for these services to deduct up to $500 of these costs. Further, for those who already qualify to have their preparation cost be deducted because they reach the 2 percent threshold, they can opt not to have this deduction apply and continue to have their tax preparation fees be deducted under the current guidelines.

I believe the legislation that I have introduced today will provide much needed relief to the millions of American taxpayers that are forced to comply with this complex code. I ask my colleagues for their support.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2429

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

SECTION 1. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES IN CONNECTION WITH THE DETERMINATION, COLLECTION, OR REFUND OF ANY TAX.

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following new paragraph:

''(19) CERTAIN TAX EXPENSES.—Unless the taxpayer elects to not have this paragraph apply, the deduction allowed by paragraph (3) of section 212 with respect to so much of the expenses described in such paragraph as does not exceed $500.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid or incurred in taxable years beginning after the date of the enactment of this Act.

By Mr. BREAUX (for himself, Mr. NICKLES, Mr. CLELAND, Mr. BROWNBACK, Mr. MILLER, Mrs. HUTCHISON, and Mr. HUTCHINSON):

S. 2430. A bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, I rise today along with Senators NICKLES, CLELAND, BROWNBACK, MILLER, HUTCHISON, and HUTCHINSON to introduce legislation that is designed to rejuvenate the struggling telecommunications and high-tech sectors of our economy. The Broadband Regulatory Parity Act of 2002 requires the Federal Communications Commission, FCC, to adopt rules that establish a level playing field for all broadband service providers in order to spur investment in broadband technology and to ensure that consumers can obtain the benefits of free and open competition.

Federal and State regulations on the books today governing high-speed Internet access are based largely on an outdated view of the telecom and high-tech industry. Both Federal and State regulators continue to view the emerging broadband market through different sets of eyes, focusing their regulatory policies on the type of provider rather than the type of service. Cable, wireless, and satellite providers face no regulation of their broadband networks, while telephone companies are heavily regulated. The effect of this disparate regulatory treatment among providers has been to construct a barrier to new investment in broadband networks by incumbent local telephone companies.

I am not alone in calling on the FCC to level the regulatory playing field for broadband providers. Several weeks ago, the High Tech Broadband Coalition, a group comprised of six leading trade associations representing the computer, telecommunications equipment, semiconductor, consumer electronics, software and manufacturing industries, filed comments with the FCC requesting the removal of burdensome, outdated regulations that are hindering investment and limiting competition in high-speed Internet access.

In order to promote free and fair competition in the broadband market, my legislation requires the FCC to promulgate regulations, within 120 days of enactment, to achieve regulatory parity between broadband services providers and facilities. The key provision in my bill is, I believe, the 120-day requirement for FCC action. The FCC, to its credit, is attempting by means of a tortuously slow process to move in the direction of regulatory parity among broadband services and providers. Once the FCC completes action on its rulemakings, however, its orders will certainly be appealed, just as the FCC's March 14, 2002, order declaring cable modem service to be an information service has already been appealed to the United States Court of Appeals for the Ninth Circuit. To effect this needed regulatory parity, we need the expert agency to accomplish this reform with the necessary fine tuning that will further the public interest, but we need the force of Congressional action to bring about prompt results. I urge prompt action on this legislation.

Mr. NICKLES. Mr. President, I'm pleased to join Senator BREAUX today to introduce a bill that will allow all providers of broadband services to compete under the same rules and regulations. This bill will bring certainty to the regulatory environment ensuring more Americans will have a choice in their broadband service provider.

Access to broadband is crucial to consumers and communities in today's economy. High-speed connections to the Internet can provide a lifeline to small businesses, schools and hospitals, and can help communities prosper and grow in the Information Age.

But unfortunately, different rules for competing high-speed Internet companies are stifling competition. Phone companies that offer the same service as wireless, satellite, and cable companies face different rules and regulations that raise costs and slow innovation. These rules make it more difficult and expensive for phone companies to provide broadband service, leaving millions of consumers without access to high-speed connections and millions more with only one choice.

This service disparity is growing wider, and dozens of communities are at risk of being left behind, especially rural areas and inner-city neighborhoods. This bill will help close the Digital Divide and help ensure that all Americans have choices for high-speed Internet services. This issue is not about choosing winners and losers, it is about helping to ensure that high speed Internet service is not only available but competitive and affordable all across the country.

The Breaux-Nickles bill is a free-market, deregulatory approach to encourage private companies to rapidly deploy this new technology. It does nothing to change what the 1996 Telecom Act sought to accomplish, to open up the local voice telephone market to competition. At the time, no one envisioned the growth of the Internet. In fact, the web browser had just been invented. This bill simply eliminates regulations that were intended for the legacy network but have been mistakenly applied to new infrastructure investment.

The goal of this bill is to provide an economic incentive for local telephone companies to upgrade their networks and to rapidly deploy high-speed, broadband services throughout the U.S. According to the most recent nationwide data, there are approximately 11 million high speed Internet subscribers. Of that total, 7.2 million currently use high-speed cable modems and 3.5 million use Digital Subscriber Lines (DSL) provided by the telephone companies.

Today's rules are not only unfair but they are a disincentive to deployment. No company will invest the capital required to upgrade their network and deploy new technologies when they are required to provide this new, upgraded technology to their competitors at a government-set price. If high speed, broadband service is going to be deployed rapidly throughout the country, especially in rural areas, the answer is not more rules and regulations, but a market-based deregulatory approach.

For a new market to evolve quickly and efficiently, government should not regulate the market out of existence before it has a chance to flourish. In fact, yesterday's Wall Street Journal had an editorial expressing concern about over-regulation at a critical time, it states, ''Then the digital revolution ran headlong into the FCC and Congress, whose tender mercies enfolded consumer broadband at the moment of creation.'' It is not too late to encourage growth and innovation. As the Wall Street Journal points out, ''There's still plenty of Internet and telecom enthusiasm out there, if only regulators will let it blossom.''

With regulatory certainty, companies have the incentive to invest. For example, earlier this week, in my home State of Oklahoma, less than two weeks after Gov. Frank Keating signed the first state broadband parity law in the country, SBC Southwestern Bell announced a massive program of technology investment that will nearly double the number of Oklahoma towns with access to high-speed DSL Internet Access Service.

This initiative will bring high-speed DSL Internet service to 37 more towns, and expand access by building new broadband equipment in another 25 towns that already have the service. The initiative will make DSL available to about 137,000 more homes and businesses in 62 Oklahoma communities.

SBC is making this investment at a time when they, and other telecommunications companies, have dramatically slashed capital spending throughout the country.

This is the kind of investment that regulatory certainty and real competition bring and that is why I strongly support this legislation. If we can do for the country what we have done for the state of Oklahoma, Congress will go a long way toward reversing the economic slide currently enveloping the telecom sector. When all broadband providers are allowed to compete under the same rules, consumers win and the economy wins. I am pleased to sponsor this bipartisan approach to promoting competition for broadband services.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 255—TO DESIGNATE THE WEEK BEGINNING MAY 5, 2002, AS ''NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK''

Mrs. FEINSTEIN (for herself, Mr. HATCH, Ms. STABENOW, Mr. REID, Mrs. BOXER, Mr. KENNEDY, Mr. CLELAND, Ms. CANTWELL, Mr. WYDEN, Mr. THOMAS, Mr. BINGAMAN, Mr. DOMENICI, Mr. JEFFORDS, Mrs. MURRAY, Mr. ROBERTS, Mr. FEINGOLD, Mr. HELMS, Mr. SARBANES, and Mr. AKAKA) submitted the following resolution, which was referred to the Committee on the Judiciary.

S. RES. 255

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK.

That the Senate—

(1) designates the week beginning May 5, 2002, as ''National Correctional Officers and Employees Week''; and

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

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution honoring our Nation's correctional officers and employees. This resolution reaffirms our support for the more than 200,000 corrections professionals who work in the face of danger while monitoring and reforming criminals and maintaining the safety of our communities.

I am pleased that Senators HATCH, STABENOW, REID, BOXER, KENNEDY, CLELAND, CANTWELL, WYDEN, THOMAS, BINGAMAN, DOMENICI, JEFFORDS, MURRAY, ROBERTS, FEINGOLD, HELMS, SARBANES, and AKAKA have joined me in submitting this resolution today.

The job of correctional officers and employees is a dangerous, and often thankless, one. Most of us leave for work knowing that we will return home safe and sound at the end of the day. But, corrections personnel are not afforded this luxury. They put their lives on the line every time they begin a shift.

Tragically, many correctional officers have been permanently injured or killed in the line of duty. In all, more than 361 correctional officers and employees have died while on duty. This year, we honor nine: John Burkett III, Wayne Mitchell, James Salvino, Gregory Collins, George Turner, Richard Huffman, Virgil Reel, Timothy Williams, and Rodney Welch, whom we lost during the past year. We must not forget the sacrifices made by these heroic individuals for our public safety.

These courageous officers all died while performing the normal day-to-day tasks their jobs asked of them. Whether they died transporting inmates or responding to disturbances within their facilities, their loss reminds us of the many brave acts that take place daily among correctional officers and employees.

Since prison security never rests, officers work all hours of the day and night, weekends, and even holidays. But, corrections professionals do much more than just watch over prisoners. They also play an important role in reforming them and in lowering recidivism rates. Through literacy programs and vocational training, they work hard to transform offenders into productive, law-abiding members of society, which is sometimes no easy task.

The efforts of America's correctional officers and employees to make our world a better, safer place too often go unnoticed. Few of us can truly appreciate the perils faced daily by these courageous public servants. We not only owe them our recognition, but our gratitude as well. To that end, I am pleased to offer this resolution to designate the week beginning May 5, 2002, as National Correctional Officers and Employees Week, and to honor and acknowledge their diligence and dedication to our public safety.

SENATE RESOLUTION 256—MAKING MINORITY PARTY APPOINTMENTS FOR THE SPECIAL COMMITTEE ON AGING FOR THE 107TH CONGRESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 256

Resolved, That the following be the minority membership on the Special Committee on Aging for the remainder of the 107th Congress, or until their successors are appointed:

Special Committee on Aging: Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Ms. Collins, Mr. Enzi, Mr. Hutchinson, Mr. Ensign, Mr. Hagel, and Mr. Smith of Oregon.

SENATE RESOLUTION 257—EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF SUZANNE D. PEARSON TO THE OFFICE OF LEGISLATIVE COUNSEL

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas Suzanne Pearson became an employee of the Senate on February 10, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the Office of the Legislative Counsel of the United States Senate for almost 32 years;

Whereas Suzanne Pearson from January 1, 1991, to December 31, 2001, served as the Office Manager of the Office of the Legislative Counsel and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of her position;

Whereas Suzanne Pearson retired on December 31, 2001, after more than 33 years of Government service; and

Whereas Suzanne Pearson has met the needs of the Senate with unfailing professionalism, skill, dedication, and good humor during her entire career: Now, therefore, be it

Resolved, That the United States Senate commends Suzanne D. Pearson for her almost 32 years of faithful and exemplary service to the United States Senate and the Nation, and expresses its deep appreciation and gratitude for her long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Suzanne D. Pearson.

SENATE CONCURRENT RESOLUTION 103—SUPPORTING THE GOALS AND IDEALS OF NATIONAL BETTER HEARING AND SPEECH MONTH, AND FOR OTHER PURPOSES

Mrs. CLINTON (for herself, Mr. CAMPBELL, Mr. DEWINE, Mr. EDWARDS, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEVIN, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. TORRICELLI) submitted the following concurrent resolution; which was ordered held at the desk:

S. CON. RES. 103

Whereas the National Institute on Deafness and Other Communication Disorders (NIDCD) reports that approximately 42,000,000 people in the United States suffer from a speech, voice, language, or hearing impairment;

Whereas almost 28,000,000 people in the United States suffer from hearing loss;

Whereas 1 out of every 3 people in the United States over 65 years of age suffers from hearing loss;

Whereas although more than 25,000,000 people in the United States would benefit from the use of a hearing aid, fewer than 7,000,000 people in the United States use a hearing aid;

Whereas sounds louder than 80 decibels are considered potentially dangerous and can lead to hearing loss;

Whereas the number of young children who suffer hearing loss as a result of environmental noise has increased;

Whereas every day in the United States approximately 33 babies are born with significant hearing loss;

Whereas hearing loss is the most common congenital disorder in newborns;

Whereas a delay in diagnosing a newborn's hearing loss can affect the child's social, emotional, and academic development;

Whereas the average age at which newborns with hearing loss are diagnosed is between 12 and 25 months;

Whereas more than 1,000,000 children received speech or language disorder services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) during the school year ending in 1998;

Whereas children with language impairments are 4 to 5 times more likely than their peers to experience reading problems;

Whereas 10 percent of children entering the first grade have moderate to severe speech disorders, including stuttering;

Whereas stuttering affects more than 2,000,000 people in the United States;

Whereas approximately 1,000,000 people in the United States have aphasia, a language disorder inhibiting spoken communication that results from damage caused by a stroke or other traumatic injury to the language centers of the brain; and

Whereas for the last 75 years, May has been celebrated as National Better Hearing and Speech Month in order to raise awareness regarding speech, voice, language, and hearing impairments and to provide an opportunity for Federal, State, and local governments, members of the private and nonprofit sectors, speech and hearing professionals, and the people of the United States to focus on preventing, mitigating, and curing such impairments: Now, therefore, be it

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

(1) supports the goals and ideals of National Better Hearing and Speech Month;

(2) commends the 41 States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital;

(3) supports the efforts of speech and hearing professionals in their efforts to improve the speech and hearing development of children; and

(4) encourages the people of the United States to have their hearing checked regularly and to avoid environmental noise that can lead to hearing loss.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3382. Mr. DAYTON (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SHELBY, Mr. KERRY, Mr. HELMS, Mr. WELLSTONE, Ms. COLLINS, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mr. DORGAN, Mr. ALLEN, Mr . HOLLINGS, Mr. WARNER, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3382. Mr. DAYTON (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SHELBY, Mr. KERRY, Mr. HELMS, Mr. WELLSTONE, Ms. COLLINS, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mr. DORGAN, Mr. ALLEN, Mr. HOLLINGS, Mr. WARNER, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3(b), add the following:

(4) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (trade authorities procedures) shall not apply to any provision in an implementing bill that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337);

(iii) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.);

(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(v) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

(B) POINT OF ORDER IN SENATE.—

(i) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of at least three-fifths of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless at least three-fifths of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 7, beginning at 9:30 a.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the outlook for this year's wildland fire season as well as to assess the Federal land management agencies' state of readiness and preparedness for the wildland fire season.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to shelly_brown@energy.senate.gov or fax it to 202–224–4340.

For further information, please contact Kira Finkler of the Committee staff at (202) 224–8164.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled ''The Role of the Board of Directors in Enron's Collapse.'' The subcommittee will call on past and present members of the Enron Board of Directors to obtain an insider's perspective on the board's oversight efforts, interactions with Enron management and Andersen, and failure to identify and respond adequately to warning signs of Enron's impending collapse.

The hearing will take place on Tuesday, May 7, 2002, at 9:30 a.m., in room 216 of the Hart Senate Office Building. For further information, please contact Elise J. Bean of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Richard Carmona, to be Surgeon General and Elias Zerhouni, to be Director of the National Institutes of Health during the session of the Senate on Tuesday, April 30, 2002, at 10 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, April 30, 2002, at 9:30 a.m., in room 438A of the Russell Senate Office Building to conduct a joint hearing with the Senate Small Business Committee on ''Small Business Development in Native American Communities: Is the Federal Government meeting its obligations?''.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship and the Committee on Indian Affairs be authorized to meet during the session of the Senate for a joint hearing entitled ''Small Business Development in Native American Communities: Is the Federal Government Meeting Its Obligations?'' on Tuesday, April 30, 2002,

beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on ''Hospital Group Purchasing: Lowering Costs at the Expense of Patient Health and Medical Innovations?'' on Tuesday, April 30, 2002, at 2:30 p.m., in SD226.

Witness List: Ms. Trisha Barrett BSN, Assistant Director, Materiel Services, Value Analysis Facilitator, UCSF Medical Center, San Francisco, CA; Mr. Lynn R. Detlor, Principal, GPO Concepts, Inc., San Diego, CA; Dr. Mitchell Goldstein, Neonatologist, Citrus Valley Medical Center, West Covina, CA; Mr. Joe Kiani, President and Chief Executive Officer, Masimo Corporation, Irvine, CA, Mr. Mark McKenna, President, Novation, LLC, Irving, TX; Mr. Richard A. Norling, Chief Executive Officer, Premier, Inc., San Diego, CA; and Ms. Elizabeth A. Weatherman, Managing Director, Warburg Pincus, LLC, New York, NY.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, April 30, 2002, at 2:30 p.m., for a hearing to examine ''Kids and Cafeterias: How Safe are Federal School Lunches?''.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, April 30, 2002, at 9:30 a.m., for a hearing entitled ''Gas Prices: How Are They Really Set?''.

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

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that privileges of the floor be granted to Fiona Wright during the debate on H.R. 3009.

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

Mr. GRAHAM. Mr. President, I ask unanimous consent that a congressional fellow in my office, Ms. Tiffany Smith, be granted floor privileges for the remainder of the debate on this legislation.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 802 and 804 through 809; and all nominations placed on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate resume legislative session, with the preceding all occurring without any intervening action or debate.

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

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Thomas P. Maguire, Jr., 5939

To be brigadier general

Colonel LaRita A. Aragon, 1042
Colonel Robert B. Bailey, 8474
Colonel Tod M. Bunting, 3552
Colonel Lawrence J. Cerfoglio, 1952
Colonel Eugene R. Chojnacki, 3930
Colonel Thorne A. Davis, 7660
Colonel Allen R. Dehnert, 7273
Colonel Dana B. Demand, 3810
Colonel R. Anthony Haynes, 6893
Colonel Stanley J. Jaworski, Jr., 3640
Colonel Riley P. Porter, 8822
Colonel Richard L. Rayburn, 0291
Colonel Timothy R. Rush, 5351
Colonel Ronald L. Shultz, 1008
Colonel John M. White, 5135

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gary H. Hughey, 9286

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James E. Cartwright, 5961

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Charles H. Johnston, Jr., 2065

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Richard W. Mayo, 4195

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Walter F. Doran, 4942

AIR FORCE

PN1496 Air Force nominations (13) beginning Loraine H. Anderson, and ending Michael E. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1548 Air Force nomination of Marilyn D. Barton, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1549 Air Force nomination of Larry O. Goddard, *which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1655 Air Force nomination of Michael B. Tierney, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1656 Air Force nomination of Donald R. Copsey, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1622 Air Force nominations (51) beginning Samuel E. Aikele, and ending Bryan M. White, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

ARMY

PN1550 Army nomination of Mary B. Bedell, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1551 Army nomination of Rodney E. Hudson, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1552 Army nomination of James R. Uhl, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1588 Army nominations (10) beginning Robert G. Anisko, and ending Craig A. Webber, which nominations were received by the Senate and appeared in the Congressional Record of March 21, 2002.

PN1623 Army nomination of William K.C. Parks, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1624 Army nominations (5) beginning Michael J. Bennett, and ending Robert S. Hough, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1625 Army nominations (8) beginning Frank E. Batts, and ending Evelyn M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1657 Army nominations (6) beginning Michael D. Armour, and ending David J. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1658 Army nominations (2) beginning Bryan T. Much, and ending Lionel D. Robinson, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1659 Army nominations (2) beginning Carl V. Hopper, and ending Timothy A. Reisch, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1660 Army nomination of John R. Carlisle, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1661 Army nomination of Bryan C. Sleigh, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1405 Army nominations (24) beginning Catherine E. Abbott, and ending Jeffrey N. Williams, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2002.

PN1406 Army nominations (41) beginning Eli T. Alford, and ending Eugene C. Wardynski Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2002.

PN1407 Army nominations (66) beginning Bradley G. Anderson, and ending Donald A. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2002.

PN1408–1 Army nominations (339) beginning Mark H. Abernathy, and ending X0314, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2002.

MARINE CORPS

PN1621 Marine Corps nomination of Jason K. Fettig, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1626 Marine Corps nominations (725) beginning Bamidele J. Abogunrin, and ending Jay K. Zollmann, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1662 Marine Corps nominations (2) beginning Lester H. Evans, Jr., and ending Timothy M. Hathaway, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1664 Marine Corps nomination of Thomas P. Barzditis, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1667 Marine Corps nomination of Donald C. Scott, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1668 Marine Corps nomination of John J. Fahey, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

NAVY

PN1554 Navy nominations (2) beginning Eric Davis, and ending Frank D. Rossi, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1589 Navy nomination of James E. Toczko, which was received by the Senate and appeared in the Congressional Record of March 21, 2002.

PN1627 Navy nomination of Bruce R. Christen, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1628 Navy nomination of Cole J. Kupec, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1629 Navy nomination of James E. Lamar, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1630 Navy nominations (12) beginning Robert E. Bebermeyer, and ending Benjamin A. Shupp, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1553 Navy nomination of Lawrence J. Holloway, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

*Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committees of the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MAKING MINORITY APPOINTMENTS FOR SPECIAL COMMITTEE ON AGING

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 256, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) making minority party appointments for the special committee on aging for the 107th Congress.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 256) was agreed to, as follows:

S. RES. 256

Resolved, That the following be the minority membership on the Special Committee on Aging for the remainder of the 107th Congress, or until their successors are appointed.

Special Committee on Aging: Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Ms. Collins, Mr. Enzi, Mr. Hutchinson, Mr. Ensign, Mr. Hagel, and Mr. Smith of Oregon.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed en bloc to the consideration of the following calendar items: Calendar No. 357, H.R. 495; Calendar No. 358, H.R. 819; Calendar No. 359, H.R. 3093; Calendar No. 360, H.R. 3282; and Calendar No. 361, S. 1721.

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

Mr. REID. I further ask consent the committee amendments, where applicable, be agreed to; the bills be read three times, passed, and the motions to reconsider be laid on the table en bloc; and the title amendments, where applicable, be agreed to, that any statements be printed in the RECORD, and that the consideration of these items appear separately in the RECORD, with no intervening action or debate.

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

RON DE LUGO FEDERAL BUILDING

The bill (H.R. 495) to designate the Federal building located in Charlotte Amalie, St. Thomas, United States Virgin Islands, as the ''Ron de Lugo Federal Building,'' was considered, ordered to a third reading, read the third time, and passed.

DONALD J. PEASE FEDERAL BUILDING

The bill (H.R. 819 to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building,'' was considered, ordered to a third reading, read the third time, and passed.

WILLIAM L. BEATTY FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 3093) to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the ''William L. Beatty Federal Building and United States Courthouse,'' was considered, ordered to a third reading, read the third time, and passed.

MIKE MANSFIELD FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 3282) to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the ''Mike Mansfield Federal Building and United States Courthouse,'' was considered, ordered to a third reading, read the third time, and passed.

JAMES L. WATSON UNITED STATES COURTHOUSE

The Senate proceeded to consider the bill (S. 1721) to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United Court of International Trade Building,'' which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(Omit the parts in black brackets and insert the parts printed in italic.)

S. 1721

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

[SECTION 1. DESIGNATION OF JAMES L. WATSON UNITED STATES COURT OF INTERNATIONAL TRADE BUILDING.]

SECTION 1. DESIGNATION OF JAMES L. WATSON UNITED STATES COURTHOUSE.

The building located at 1 Federal Plaza in New York, New York, shall be known and designated as the **[**''James L. Watson United States Court of International Trade Building''.**]** *''James L. Watson United States Courthouse''.*

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference **[**to the James L. Watson United States Court of International Trade Building.**]** *to the James L. Watson United States Courthouse.*

The committee amendments were agreed to.

The bill (S. 1721), as amended, was read the third time and passed, as follows:

S. 1721

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

SECTION 1. DESIGNATION OF JAMES L. WATSON UNITED STATES COURTHOUSE.

The building located at 1 Federal Plaza in New York, New York, shall be known and

designated as the ''James L. Watson United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the James L. Watson United States Courthouse.

The title was amended so as to read: ''A bill to designate the building located at 1 Federal Plaza in New York, New York, as the 'James L. Watson United States Courthouse'.''.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of the following calendar items: Calendar No. 352, S. Con. Res. 102; Calendar No. 353, S. Res. 109; Calendar No. 354, S. Res. 245.

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

Mr. REID. I further ask unanimous consent any committee amendment, where applicable, be agreed to, the concurrent resolution and resolutions and preambles be agreed to, en bloc, the title amendment, where appropriate, be agreed to, and the motions to reconsider be laid on the table, en bloc, and any statements be printed in the RECORD, and consideration of these items appear separately in the RECORD with no intervening action or debate.

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

NATIONAL SAFE KIDS WEEK

The Senate proceeded to consider the resolution (S. Con. Res. 102) proclaiming the week of May 4 through May 11, 2002, as ''National Safe Kids Week.''

The concurrent resolution (S. Con. Res. 102) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 102

Whereas unintentional injury is the number 1 killer of children under 15 years of age;

Whereas in 2000, more than 373,000 children under 15 years of age were treated in hospital emergency rooms for bicycle-related injuries, and more than 16,600 children under 15 years of age were treated for equestrian-related injuries;

Whereas more than 40 percent of all bicycle-related deaths are due to head injuries, approximately three-fourths of all bicycle-related head injuries occur among children under 15 years of age, and 60 percent of all equestrian-related deaths are related to head injury;

Whereas the single most effective safety device available to reduce head injury and death from bicycle and equestrian accidents is a properly fitted and safety certified helmet;

Whereas national estimates report that helmet use among child bicyclists is only between 15 and 25 percent;

Whereas every dollar spent on a bicycle helmet saves this Nation $30 in direct medical costs and other costs to society;

Whereas there is no national safety standard in place for equestrian helmets;

Whereas the National Safe Kids Campaign supports efforts to reduce equestrian-related head injuries;

Whereas the National Safe Kids Campaign promotes childhood injury prevention by uniting diverse groups into State and local coalitions, developing innovative educational tools and strategies, initiating legislative changes, promoting new technology, and raising awareness through the media; and

Whereas the National Safe Kids Campaign, with the support of founding sponsor Johnson & Johnson, has planned special childhood injury prevention activities and community-based events for National Safe Kids Week 2002, which will focus on the prevention of wheel-related traumatic brain injuries: Now, therefore, be it

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

(1) proclaims the week of May 4 through May 11, 2002, as ''National Safe Kids Week'';

(2) supports the efforts and activities of the National Safe Kids Campaign to prevent childhood injuries, including bicycle-related traumatic brain injuries and equestrian-related brain injuries; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe National Safe Kids Week with appropriate ceremonies and activities.

NATIONAL CHILDREN'S MEMORIAL DAY

The Senate proceeded to consider the resolution (S. Res. 109) designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

The resolution (S. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 109

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one; and

Whereas April is National Child Abuse Prevention month: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY AND CHILDREN'S MEMORIAL FLAG DAY.

The Senate—

(1) designates the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe ''National Children's Memorial Day'' with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died; and

(B) fly the Children's Memorial Flag on ''Children's Memorial Flag Day''.

The title was amended so as to read: ''Designating December 8, 2002, as 'National Children's Memorial Day' and April 26, 2002, as 'Children's Memorial Flag Day'.''

NATIONAL OCCUPATIONAL SAFETY AND HEALTH WEEK

The Senate proceeded to consider the resolution (S. Res. 245) designating the week of May 5 through May 11, 2002, as ''National Occupational Safety and Health Week.''

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 245

Whereas every year, more than 6,000 people die from job-related injuries and millions more suffer occupational injuries or illnesses;

Whereas every day, millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes—the occupational safety, health, and environmental professionals who work day in and day out identifying hazards and implementing safety advances in all industries and at all workplaces, thereby reducing workplace fatalities and injuries;

Whereas these safety professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products;

Whereas the more than 30,000 members of the 90-year-old nonprofit American Society of Safety Engineers, based in Des Plaines, Illinois, are safety professionals committed to protecting people, property, and the environment globally;

Whereas the American Society of Safety Engineers, in partnership with the Canadian Society of Safety Engineers, has designated May 5 through May 11, 2002, as North American Occupational Safety and Health Week (referred to in this resolution as ''NAOSH week'');

Whereas the purposes of NAOSH week are to increase understanding of the benefits of investing in occupational safety and health, to raise the awareness of the role and contribution of safety, health, and environmental professionals, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas during NAOSH week the focus will be on hazardous materials—what they are, emergency response information, the skills and training necessary to handle and transport hazardous materials, relevant laws, personal protection equipment, and hazardous materials in the home;

Whereas over 800,000 hazardous materials are shipped every day in the United States, and over 3,100,000,000 tons are shipped annually; and

Whereas the continued threat of terrorism and the potential use of hazardous materials make it vital for Americans to have information on these materials: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 5 through May 11, 2002, as ''National Occupational Safety and Health Week'';

(2) commends safety professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe ''National Occupational Safety and Health Week'' with appropriate ceremonies and activities.

EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF SUZANNE D. PEARSON TO THE OFFICE OF LEGISLATIVE COUNSEL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 257, submitted earlier today by Senator BYRD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 257) expressing the gratitude of the United States Senate for the service of Suzanne D. Pearson to the Office of Legislative Counsel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I rise to commend Ms. Suzanne Pearson who retired on December 31, 2001, after serving for almost 32 years in the Senate Office of the Legislative Counsel, including the last 10 years as Office Manager.

Mr. President, as President pro tempore of the Senate, it was my pleasure to oversee the Office of the Legislative Counsel when Suzanne Pearson was appointed to her position as Office Manager and also at the time of her retirement. I appreciated the great professionalism and dedication she displaced in her role as Office Manager, particularly the meticulous attention she paid to detail in preparing the expense vouchers of the Office for my approval.

We all rely on staff to effectively carry out our legislative responsibilities. Ms. Pearson has seen to it that the Office of Legislative Counsel and all Members of the Senate were well served due to her professionalism and dedication in helping to prepare legislative drafts.

Mr. President, I am proud to sponsor this resolution. Suzanne Pearson has served her Nation well for over 33 years. I wish Suzanne the very best for the future, especially time spent with her sisters, Catherine and Adrienne, and her nephews.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to, en bloc, and the motions to reconsider be laid on the table, with no intervening action or debate.

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 257

Whereas Suzanne Pearson became an employee of the Senate on February 10, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the Office of the Legislative Counsel of the United States Senate for almost 32 years;

Whereas Suzanne Pearson from January 1, 1991, to December 31, 2001, served as the Office Manager of the Office of the Legislative Counsel and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of her position;

Whereas Suzanne Pearson retired on December 31, 2001, after more than 33 years of Government service; and

Whereas Suzanne Pearson has met the needs of the Senate with unfailing professionalism, skill, dedication, and good humor during her entire career: Now, therefore, be it

Resolved, That the United States Senate commends Suzanne D. Pearson for her almost 32 years of faithful and exemplary service to the United States Senate and the Nation, and expresses its deep appreciation and gratitude for her long, faithful, and outstanding service.

SEC. 2 The Secretary of the Senate shall transmit a copy of this resolution to Suzanne D. Pearson.

MEASURE HELD AT THE DESK—S. CON. RES. 103

Mr. REID. Mr. President, I ask unanimous consent that S. Con. Res. 103 be held at the desk.

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

ORDERS FOR WEDNESDAY, MAY 1, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:30 a.m., Wednesday, May 1. Following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 3009 and vote on that motion.

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

Mr. REID. I ask consent that it be in order to ask for the yeas and nays on that motion.

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

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, May 1, 2002, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 30, 2002:

THE JUDICIARY

MICHAEL M. BAYLSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

CYNTHIA M. RUFE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL THOMAS P. MAGUIRE, JR.

To be brigadier general

COLONEL LARITA A. ARAGON
COLONEL ROBERT B. BAILEY
COLONEL TOD M. BUNTING
COLONEL LAWRENCE J. CERFOGLIO
COLONEL EUGENE R. CHOJNACKI
COLONEL THORNE A. DAVIS
COLONEL ALLEN R. DEHNERT
COLONEL DANA B. DEMAND
COLONEL R. ANTHONY HAYNES
COLONEL STANLEY J. JAWORSKI, JR.
COLONEL RILEY P. PORTER
COLONEL RICHARD L. RAYBURN
COLONEL TIMOTHY R. RUSH
COLONEL RONALD L. SHULTZ
COLONEL JOHN M. WHITE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY H. HUGHEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES E. CARTWRIGHT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHARLES H. JOHNSTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. RICHARD W. MAYO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. WALTER F. DORAN

AIR FORCE NOMINATIONS BEGINNING LORAINE H. ANDERSON AND ENDING MICHAEL E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

AIR FORCE NOMINATION OF MARILYN D. BARTON.

AIR FORCE NOMINATION OF LARRY O.* GODDARD.

AIR FORCE NOMINATIONS BEGINNING SAMUEL E AIKELE AND ENDING BRYAN M WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.

AIR FORCE NOMINATION OF MICHAEL B. TIERNEY.

AIR FORCE NOMINATION OF DONALD R. COPSEY.

ARMY NOMINATIONS BEGINNING CATHERINE E ABBOTT AND ENDING JEFFREY N WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2002.

ARMY NOMINATIONS BEGINNING ELI T ALFORD AND ENDING EUGENE C WARDYNSKI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2002.

ARMY NOMINATIONS BEGINNING BRADLEY G ANDERSON AND ENDING DONALD A

ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2002.

ARMY NOMINATIONS BEGINNING MARK H ABERNATHY AND ENDING X0314, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2002.

ARMY NOMINATION OF MARY B. BEDELL.

ARMY NOMINATION OF RODNEY E. HUDSON.

ARMY NOMINATION OF JAMES R. UHL.

ARMY NOMINATIONS BEGINNING ROBERT G. ANISKO AND ENDING CRAIG A. WEBBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 21, 2002.

ARMY NOMINATION OF WILLIAM K.C. PARKS.

ARMY NOMINATIONS BEGINNING MICHAEL J. BENNETT AND ENDING ROBERT S HOUGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.

ARMY NOMINATIONS BEGINNING FRANK E. BATTS AND ENDING EVELYN M. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.

ARMY NOMINATIONS BEGINNING MICHAEL D. ARMOUR AND ENDING DAVID J. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2002.

ARMY NOMINATIONS BEGINNING BRYAN T. MUCH AND ENDING LIONEL D. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2002.

ARMY NOMINATIONS BEGINNING CARL V. HOPPER AND ENDING TIMOTHY A. REISCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2002.

ARMY NOMINATION OF JOHN R. CARLISLE.

ARMY NOMINATION OF BRYAN C. SLEIGH.

MARINE CORPS NOMINATION OF JASON K. FETTIG.

MARINE CORPS NOMINATIONS BEGINNING BAMIDELE J ABOGUNRIN AND ENDING JAY K ZOLLMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.

MARINE CORPS NOMINATIONS BEGINNING LESTER H. EVANS, JR. AND ENDING TIMOTHY M. HATHAWAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2002.

MARINE CORPS NOMINATION OF THOMAS P. BARZDITIS.

MARINE CORPS NOMINATION OF DONALD C. SCOTT.

MARINE CORPS NOMINATION OF JOHN J. FAHEY.

NAVY NOMINATION OF LAWRENCE J. HOLLOWAY.

NAVY NOMINATIONS BEGINNING ERIC DAVIS AND ENDING FRANK D. ROSSI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 2002.

NAVY NOMINATION OF JAMES E. TOCZKO.

NAVY NOMINATION OF BRUCE R. CHRISTEN.

NAVY NOMINATION OF COLE J. KUPEC.

NAVY NOMINATION OF JAMES E. LAMAR.

NAVY NOMINATIONS BEGINNING ROBERT E BEBERMEYER AND ENDING BENJAMIN A SHUPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.