

them have involved votes that have crossed party lines. And Senator BYRD has been a wonderful ally and friend in that connection.

With that, I am ready to go to conference on this bill and allow the Senate to move onto another subject.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

FAST TRACK NEGOTIATING AUTHORITY ON TRADE AGREEMENTS

Mr. BYRD. Mr. President, The President this week submitted to the Congress the "Export Expansion and Reciprocal Trade Agreement Act of 1997", designed to renew so-called "fast track" procedures for trade agreements. There are many issues associated with this proposal, evidenced by the reports that the White House has essentially established a "war room" to marshal the votes in the Congress to support its proposal. We all know the United States needs to be competitive in foreign markets, and we all know the administration needs to strike the best deals it can with foreign nations on behalf of American business and consumers. There is no dispute over these goals. My concern today is over the procedure which the administration wishes to incorporate in considering this proposal which is driven by the insistence by the Clinton Administration that it can only be effective in promoting U.S. trade and negotiating such agreements if the legislative vehicle we consider is subject to one up-and-down vote, after a period of limited debate.

The administration has elevated its desire to eliminate the opportunity for the Congress to amend such enacting legislation to the stature or degree of a religious mantra. The administration seems to think that any agreement it submits to the Congress will, in fact, be amended, forcing it to renegotiate agreements it has reached with foreign nations and thereby shredding its stature as a negotiator. The argument goes that fast-track authority is critical because it sends to our negotiating partners a necessary promise of good faith, that is, they will know that the deals hammered out at the negotiating table won't be dismembered by amendments in the Congress. The proposition is now being stated and restated by the administration's legions ad nauseam that without fast track all is lost. American leadership is gone, nations won't negotiate with us, our strategy on trade as a nation will fail, the sky will go dark, all life forms will perish, and on and on. These assertions are repeated at every opportunity, as if repetition really makes them valid. I say they are wild exaggerations, wild exaggerations, wild exaggerations, which underestimate both the capabilities of our nego-

tiators and the sound judgment of the Congress of the United States.

Mr. President, the insistence on the no-amendment strategy reveals a staggering lack of confidence on the part of the administration in its own negotiating prowess. It suggests that, heaven forbid, possible weaknesses in the agreements that are reached will be discovered and acted upon by the Congress. It shows no sense of confidence—no sense of confidence—on the part of the administration that it can prevail in arguing the merits of a particular agreement to the Congress, thereby forcing the administration to return to the negotiating table to change an agreement. From what I understand, for instance, the relative tariff barriers between the U.S. and Chile are such that an agreement reducing the Chilean barriers is desirable. Why would the Congress not want to support an agreement that is in our interest in penetrating the Chilean market, to even out the playing field on trade matters between the U.S. and Chile?

There is no inconsistency between supporting free trade, or freer trade, as negotiated by the administration around the world, and preserving the right of the Congress not only to scrutinize the agreements reached for their worthiness, but also to question, if necessary, parts of the agreement that might appear not to be in our overall interest. If the administration does its job and negotiates sound agreements, they should be approved by the Congress as such, intact, regardless if there is "fast-track" procedure or not. The Senate is not unresponsive to arguments made by the administration that an international agreement that it has negotiated is in the national interest and that amendments could unravel it. That is not to say that if there is a flaw in the agreement that is serious enough for renegotiation, it may just be in the American national interest for the negotiators to be forced to go back to the table by the people's elected representatives and get it right. If they do the job right in the first place, renegotiation should not be necessary.

Mr. President, one could just as easily make the case that, if the Senate retained amending authority, our negotiators might just come up with a somewhat better product, knowing that the entire agreement will be scrutinized by the elected representatives of the American people. After all, the agreements that are negotiated are presumably on the behalf of the American people, the same constituency that is represented by this Senate. On the other hand, the Senate has a responsibility to turn back amendments that might be offered representing special interests, but not the overall American interest. That is the "American Way." Would such amendments be offered? Possibly. Would they be approved by a majority of Senate? Not if the American interest in the overall agreement would be hurt. This body

has the capability of exerting leadership on trade, just as on any other matter. It can do what is in the best interests of the nation and yet not kill trade agreements through special interest amendments.

The administration, in its insistence on a no-amendment treaty on trade indicates either a lack of confidence in the integrity of this body, or a lack of confidence on the part of its own negotiators, or just simply a desire to have its way and not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

It wants to have it the easy way, no questions asked, just present the agreement to the Senate and the House of Representatives and both bodies just roll over and sleep, sleep, sleep; not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

None of these reasons seems to justify eliminating through a special procedure the power of this body to amend if a majority of this body, or the other body, finds it necessary to do so. None of this justifies Congress' handing off its exclusive power under Article I Section 8, of the Constitution, to "regulate Commerce with foreign nations". The amending potential is a healthy check on sloppy work. The amending potential can prevent a lazy presentation of the issues, or just plain bad negotiating results.

Here is what one pundit says about the need for fast-track negotiating authority. According to David Rothkopf, in an article appearing in the current issue of "The New Democrat": "If the United States doesn't have fast-track authority it cannot negotiate agreements."

Piffle! That is sheer nonsense. "If the United States doesn't have fast-track authority it cannot negotiate agreements."

It goes on to say that this is supposedly a crucial tool that the "administration needs," according to Mr. Rothkopf "to ensure that U.S. businesses and workers are treated fairly in the global economy." I contend that this is all a non sequitur—it just does not follow that preserving the power of the Senate over legislation is inconsistent with America's ability to negotiate agreements. If the Congress does not want the trading environment supposedly created by particular agreements, it can vote the whole thing down. Fast track authority does not, somehow by itself, produce an immediate supporting of freer trade in the Congress.

The administration has expended a huge amount of energy in an exercise to convince the Congress to foreswear its normal ability to amend legislation. And there will be some in here who will fall for that. The administration might be better served to put those tremendous energies into negotiating sound agreements with our negotiating partners and then selling the