

The trade agenda facing our nation is a long and important one: Approval of the U.S.-Jordan Free Trade Agreement and the U.S.-Vietnam Bilateral Trade Agreement; renewal of the Generalized System of Preferences and the Andean Trade Preferences Act; a fully revised and improved Trade Adjustment Assistance program; completion of negotiations on bilateral free trade agreements with Chile and Singapore; active negotiations on the Free Trade Area of the Americas.

But, despite a strong feeling in the Congress that we need to continue the aggressive pursuit of trade liberalization and market opening around the world, we have made no progress at all this year. There are several hold-ups.

First, we need to determine how to deal with the issues of trade-related environmental standards and internationally recognized core labor principles in trade agreements. Second, we need to reach agreement on America's trade priorities and our trade negotiating objectives. And, third, we have to determine how we will deal with the numerous elements of the trade agenda.

The key to breaking loose this logjam and allowing us to start to build a consensus on trade lies with the U.S.-Jordan Free Trade Agreement. This was negotiated during the Clinton Administration, although it was completed too late to secure Congressional action last year. This agreement has wide support in the Congress, in the Administration, and throughout the country. I am confident that, once formally endorsed by the Administration, it will sail through easily. Yet the delay in approval continues because it has been linked to the rest of the trade agenda and the unresolved issues I mentioned a moment ago.

We need to delink Jordan from the rest of our trade agenda. It is a good, solid trade agreement. Jordan is a key partner of the United States in the search for peace in the Middle East. This agreement will strengthen our relationship with Jordan, demonstrate how important we considered King Hussein, and now consider King Abdullah, in the peace process, and complete the set of free trade agreements that already apply to Israel and the Palestinian Authority.

Majority Leader LOTT summarized this eloquently when he wrote to President Bush:

Jordan has been a reliable partner of the United States and has played an important role in America's efforts to achieve a lasting peace in the Middle East. The United States-Jordan Free Trade Agreement is an important and timely symbol of this critical relationship.

This agreement serves America's vital national interest.

The Jordan FTA contains provisions in which both our countries agree not to relax environmental or labor standards in order to enhance competitiveness. For the first time, these provisions are in the main body of the agree-

ment. Although there has been some controversy about that, I think the issue has been put to rest, especially after King Abdullah explained to us during his recent visit about how difficult it would be to open up the text of the agreement.

The controversy over the Jordan FTA now centers around one phrase: If there is no resolution at the end of the dispute settlement process, "the affected Party shall be entitled to take any appropriate and commensurate measure." This includes trade sanctions, and therein lies the problem. Many Democrats welcome this because it puts enforcement of trade-related labor and environmental commitments on a par with other trade commitments. Many Republicans object because they believe trade sanctions should not be used in the case of labor or environmental disputes.

So, let me make my proposal.

The "appropriate and commensurate" phrase is flexible enough to encompass a variety of measures, including trade sanctions, fines, cuts in aid programs, and a variety of other options. Let's move ahead with the Jordan FTA as negotiated. We Democrats will note that the Jordan FTA is a breakthrough in how it addresses labor and environment. We will also note that "appropriate and commensurate measure" includes trade sanctions, without requiring them. After all, in our trade negotiations throughout the world, sanctions, of any kind, are the very last resort, and we work hard to avoid their imposition. And remember that trade sanctions in the context of the Jordan FTA simply means removing some of the concessions we make in the agreement itself.

Across the aisle, Republicans can also correctly note that "appropriate and commensurate measure" does not require trade sanctions in the case of a dispute over trade-related labor or environmental issues. The President will decide what is an "appropriate and commensurate measure."

In other words, we will agree to take enforcement measures appropriate to the circumstances. This is not the best outcome, but it is a way to get past the current paralysis in trade policy. It would allow us to move forward on an agreement of strategic importance to the United States. It would demonstrate flexible and creative thinking on both sides. It would move us to work toward a compromise that can garner broad bipartisan support.

And, let's be honest with ourselves. Given the very small volume of trade with Jordan, the very large strategic significance of our relationship with Jordan, and the importance Jordanians place on this free trade agreement, it is highly unlikely that any Administration, Democrat or Republican, present or future, will be forced to impose trade sanctions on Jordan. Disputes are likely to be settled amicably, as they have been with Israel which has a similar free trade agreement with the United States.

Several weeks ago, I introduced legislation to implement the U.S.-Jordan Free Trade Agreement. The bill is a simple one. It merely gives the President authority to reduce tariffs with Jordan, outlines rules-of-origin requirements, deals with safeguards provisions, and eases non-immigrant visa requirements for Jordanian business people. It does not even mention "appropriate and commensurate measures." U.S. law would not be changed at all by this phrase.

Let's pass this bill. Let's create the U.S.-Jordan free trade area. And let's get on with the business of working together to develop a consensus on how we move forward on a lengthy and important national trade agenda.

#### 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 last month. 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.

Today, I would like to detail a heinous crime that occurred August 24, 2000 in Allentown, PA. A 24-year-old fatally shot a 15-year-old youth attending a party in his home after the teen touched him on the arm and other partygoers suggested the teen was gay. According to the Allentown Morning Call, a witness said that the alleged perpetrator, Michael Gambler, retrieved a shotgun and shot Kevin Kleppinger in the forehead. Friends say that Kleppinger was not gay and had been rubbing the perpetrator's arm because he thought he had accidentally spit on it. Other teens in the apartment began teasing the victim that he might be gay before the perpetrator shot him.

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, we can change hearts and minds as well.

#### CONGRATULATING POLAND ON THE 210TH ANNIVERSARY OF THE POLISH CONSTITUTION

Mr. DURBIN. Mr. President, today marks the 210th anniversary of the Polish Third of May Constitution, which was the first democratic constitution in Europe and the second one in world's history after the American Constitution was ratified in 1788. On May 3, 1791 the Polish Parliament followed the example of the United States and adopted its own written and modern supreme law of the land.

The Constitution signed by the Polish King and the Lithuanian Grand Duke was originally known as the Bill

on Government and it extended equal protection of the law to every person, including peasants, as well as establishing separation of powers. Although the Constitution formally lasted only for few years until the Third Partition of Poland, today the legacy of this historic document is still alive. It tells us about the grand Polish tradition of democracy, which was crafted in the Polish-Lithuanian Commonwealth in the 18th century, evolved in the Polish Republic after regaining independence in 1917, and was reconfirmed in the early 1990's following the end of the cold war.

Poland's has been a success story in its smooth transition to a liberal democracy with a free market economy. I was proud to cast my vote in the Senate in favor of the enlargement of the North Atlantic Treaty Organization, NATO, to include Poland, Hungary and the Czech Republic. Poland was admitted to NATO on March 12, 1999, and has become a close ally and friend of the United States, which is a home to more than 9 million people of Polish descent. Furthermore, Poland is one of the frontrunners seeking membership in the European Union.

We must continue our support for Poland's successful integration in the Western structures of security and economic cooperation, which promote peace, stability and prosperity across all of Europe. I firmly believe that both America and Poland share the same goal of continuing to enlarge NATO by admitting the Baltic countries into NATO in order to enhance the overall tranquility in the region.

As a Senator of the State of Illinois, where the Polish community is the second largest in the country, I hope my colleagues in the Senate will join me in congratulating Poland on its remarkable celebration of anniversary of their democratic constitution. I also believe that they will join me in providing their support to Poland's continuing endeavor to contribute to the security and stability of the entire European continent.

The Third May Constitution two centuries ago signaled to the world that Poland entered the family of emerging Western democratic states. Our effort today should be to make sure that Poland's centuries-long commitment to democracy culminates in Poland fulfilling its promise as a full-fledged member of the Western democratic world and ceasing to be discounted as part of Europe's "grey zone."

#### COLUMBIA BASIN SALMON RECOVERY PLAN

Mr. CRAPO. Mr. President, a priceless national treasure in the Pacific Northwest is in dire straits. Icons of our region, wild salmon and steelhead, teeter on the brink of extinction. These anadromous fish are one of the best examples of how nature works her magic and selects the best and the brightest for future generations. This heritage must not end. Our generation has the

responsibility to assure that these fish live on and enrich our lives in the future.

Despite several decades of work and a cost to taxpayers and electricity ratepayers of an estimated \$3 billion, Pacific Northwest salmon and steelhead have continued to decline to the point where they may soon become extinct. We must reverse this trend. We must not allow extinction to happen and must proceed quickly with an aggressive consensus plan of action that returns them to sustainable and fishable populations. I believe we can do so in a manner that honors the principles of state water sovereignty, states' rights, and private property rights.

The economy of the Pacific Northwest is mainly vibrant and strong with some important exceptions, particularly in some more rural areas that depend on agriculture and natural resource industries. We must keep our Northwest economy strong and spread its strength throughout the entire region. This economy provides jobs for families and tax revenue to support important work, particularly the education of our children. Now, we face high energy costs and drought. Therefore, it is imperative that we make prudent choices now that will assure our future and quality of life in the Pacific Northwest.

There are volumes of scientific research and theories on what needs to be done to bring these fish back from the brink of extinction. For years, I have studied documents, discussed science with experts and advocates, held hearings to learn about and publicize policy choices, and today I am here to lay out a funding proposal to make our efforts for salmon and steelhead recovery far more aggressive, comprehensive, and coordinated than they have ever been.

The cost of restoring these fish has largely been borne by the citizens of the Northwest through the electricity rates they pay that fund the Northwest Power Planning Council's Fish and Wildlife Program. But because this is a national issue and because recovering the species is required by the Endangered Species Act, the Federal Government has an obligation to shoulder a significant portion of the financial responsibility for doing so.

I will not support flow augmentation other than that agreed to by the State of Idaho, if any. The extensive political opposition to breaching the four lower Snake dams means that such a recommendation would put the region into economic and political gridlock in such a way that would prohibit further efforts to take achievable steps to save the salmon and steelhead.

We now have a window of time, possibly up to 10 years, to exercise options and take steps toward recovering the fish before evaluation of dam breaching is then brought back to the table for further consideration. That means we have a brief opportunity to do things right. Otherwise, if we continue to spin

our wheels or make wrong decisions about how to approach recovery, we will, in 5, 6, or 8 years be once again facing the difficult question of whether the region must breach the dams to save the fish.

Even though we have not yet mastered the entire process required to recover these fish, it is very obvious that we do have an enormous amount of good information and a very long list of measures that we can do, right now. The problem is that we have done only part of what we can do. My proposal will commit the region and the Federal Government to take immediate coordinated and aggressive action that is known to benefit the fish while providing an agreed-upon mechanism for monitoring and subsequent adjustments.

Specifically, I am recommending: Corps of Engineers, \$159.8 million, additional funding for their Columbia River Fish Mitigation program. This program primarily funds the construction of fish passage systems and also provides dollars for the Corps to contract with the National Marine Fisheries Service to do anadromous fish research and monitoring.

An increase for operations and maintenance funding (O&M), which will also provide the money needed to barge all fish, rather than trucking salmon around the dams. O&M funding is essential to keeping fish passage systems operable and mitigation programs running. Furthermore, we must study the potential benefit to modernizing the region's flood control management.

Money for restoring estuary habitat in the Lower Columbia River and Tillamook Bay Estuaries. We have heard from all of the interests that we'll get a big bang for the buck for salmon and steelhead by restoring estuary habitat.

National Marine Fisheries Service, \$243.5 million, additional funding for the operations and maintenance of fish hatcheries. In the past, our hatcheries have provided sport fishing opportunity, but have not yet benefitted wild salmon and steelhead recovery. We need to reform our hatcheries to produce fish that are not susceptible to disease and predation, and support recovery goals.

An increase for screening irrigation diversions. If we are to recover salmon and steelhead, we must keep juveniles in the river and out of irrigation systems. These diversion screens can cost up to \$1 million apiece, which make them unaffordable to communities, irrigation districts, and individual farmers.

Full funding for the Coastal Salmon Recovery Fund. It is critical to the states of Idaho, Alaska, Washington, Oregon, and California as well as the Tribes that the federal government provide funding to help meet federal Endangered Species Act requirements for salmon and steelhead.

Bureau of Reclamation, \$25.0 million, funding to provide for the purchase of