

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