

his words “set aside all payroll taxes that are designed for Social Security to be spent only on Social Security.”

We should preserve Social Security surpluses to reduce the debt. And that debt reduction will better prepare us for the challenges of Social Security and Medicare in the future.

As then-Budget Committee chairman, Senator PETE DOMENICI explained in April 2000, when we were running surpluses:

[T]here is less interest being paid because the Social Security trust fund money is not being spent; it is being saved, which means that we have that much less IOUs to the public

Chairman DOMENICI continued:

I suggest that the most significant fiscal policy change made to this point to the benefit of Americans of the future . . . is that all of the Social Security surplus stays in the Social Security fund

In sum, we should, as President Bush said in a March 2001 radio address:

Keep the promise of Social Security and keep the government from raiding the Social Security surplus.

Returning to a budget where the Government no longer uses Social Security trust fund surpluses to fund other Government spending will require a change in policy. While the fiscally responsible actions we took in the 1990s led to balancing the budget without using Social Security in 1999 and 2000, the Government returned, last year, to using the Social Security surplus to fund other Government activities.

According to the Congressional Budget Office’s “Analysis of the President’s Budgetary Proposals,” over the next 10 years, the President’s budget would use \$1.8 trillion of the Social Security surplus to fund other Government spending. In the Congressional Budget Office’s analysis, the Government would not return to a balanced budget without using Social Security during the decade for which they make projections.

But the Government will not have Social Security surpluses to use forever. Starting in 2016, Social Security will start redeeming the bonds that it holds, and the non-Social Security budget will have to start paying for those bonds from non-Social Security surpluses. The bottom line is that starting in 2016, the Government will have to show restraint in the non-Social Security budget so that we can pay the Social Security benefits that people have earned.

That’s why it doesn’t make sense to enact either tax cuts or spending measures that would spend the non-Social Security surplus before we’ve addressed Social Security for the long run. Before we enter into new obligations, we need to make sure that we have the resources to meet the commitments we already have.

To get the Government out of the business of using Social Security surpluses to fund other Government spending, we need to strengthen our

budget process. At a minimum, we need to extend the caps on discretionary spending and the pay-as-you-go discipline that we began in 1990, and which expire in September of this year. The Senator from New Hampshire, Mr. GREGG, and I will offer an amendment to extend the spending caps during consideration of the budget resolution, and perhaps on other legislation, as well.

But we need to do more. We need to improve the budget process so that it includes incentives to balance the budget without using Social Security. I am working with the senior Senator from Texas, Mr. GRAMM, on proposals to do that, and I expect that sometime this year we will offer an amendment to improve our budget process.

We must address the long-term challenges posed by the needs of Social Security and Medicare. As an essential first step, we must revise the budget process to protect the Social Security Trust Fund. We must put our economic house in order, and I look forward to working with my Colleagues to do so.

I yield the floor and 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.

RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 1:01 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The acting majority leader.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes, and that time would end at 2:30 this afternoon.

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 20 minutes.

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

The Senator from North Dakota.

TRADE

Mr. DORGAN. Mr. President, we are about to have the chairman of the Finance Committee and the ranking member of the Finance Committee offer a managers’ package to the Andean trade bill that will be the pending business when we complete morning business.

No doubt some who watch the proceedings will be confused by what is happening because we have an Andean trade bill that will apparently be amended by something called trade adjustment assistance and, more importantly, will be amended by something called trade promotion authority. Trade Promotion Authority is a euphemism for fast-track trade authority. One would expect fast-track trade authority would be brought to the floor by itself. It is a very big policy issue. Yet it is coming in the form of a managers’ package. One amendment is a part of the managers’ package. I regret that, but that is how we have to deal with it.

I will speak about trade generally and explain why I do not support trade promotion authority or so-called fast track. I did not support giving fast-track trade authority to President Clinton, and he didn’t get it. And I don’t support giving fast-track trade authority to this President, and he should not have it.

Let me describe for a moment why I feel that way. This is what the Constitution says about international trade. Article I, section 8, says: The Congress shall have the power . . . To regulate commerce with foreign nations.

Not the President, not the trade ambassador, not some trade negotiator, but the U.S. Congress.

Fast track does away with that. Under fast track, Congress handcuffs its hands behind its back and says to a President, go negotiate a trade agreement somewhere and bring it back to the Congress, and we guarantee none of us will be able to offer an amendment, no matter how flawed the deal might be. Fast track means expedited procedures by which a trade treaty comes through the Congress guaranteeing no one has the ability to offer an amendment.

It is undemocratic. It does not make sense. Why would Congress, being told by the U.S. Constitution what their objection and their responsibilities are, decide to cede those responsibilities to the President? It does not make sense to me.

There is an old saying, there is no education in the second kick of a mule. Having been through this a couple of times and been burned badly, Congress ought to understand when a bad trade agreement is negotiated and brought back. It is very hard for the Congress to turn down a negotiated trade agreement. What happens is the Congress

embraces the agreement in total and rants about the specific provisions in the agreement that injure specific industries in the country because they are unfair, but no one can do anything about it.

We had a speech by Trade Representative Zoellick about 5 or 6 months ago. He was giving a speech in Chicago. Speaking to a business group in Chicago, Zoellick described lawmakers and lobbyists who oppose trade promotion authority, fast track, a bill sponsored by House Ways and Means Committee Chairman BILL THOMAS, and said they are "xenophobes and isolationists." That is a thoughtless way to debate this issue—"xenophobes and isolationists."

A colleague of mine yesterday, in discussing this, said something with which I strongly agree. This country ought not ever hang its head with respect to the issue of trade. This country can, should, and will be proud of its record in trade. We have led the world in opening markets, in deciding we want to lead the world in expanded trade, in freer trade and in fair trade. That has always been what this country has done. No one ought to point to this country with respect to trade issues. We have open markets, we have free trade, we have always been willing to compete almost anywhere, any time, under any set of circumstances. We have nothing at all to be ashamed of. We have a great deal to be proud of with respect to international trade.

We are now moving into a different area. Globalization is here. We are not going to turn back the clock. Globalization is part of our lives. The question isn't whether to embrace it; the question is: What are the rules for globalization? What are the rules for the new global economy? Are there rules of fair play for admission to the American marketplace?

We have had men and women die on the streets in this country who were walking the streets and demonstrating for the right to form labor unions early in the last century, demanding the right of workers to form labor unions. This country now has free labor unions. We had people marching in the street to demand safe workplaces. Now we have rules and laws that require workplaces be safe for workers. We had people marching in the streets to demand child labor laws, to take the 10- and 12-year-old kids out of the coal mines and the factories. Now we have laws in this country with respect to child labor. We had people marching in the streets in America trying to prohibit those who were producing chemicals from and dumping them into our water and our air and polluting our environment. Now we have clean air and clean water laws, and we have prohibitions against those who pollute our environment. These fights have been over the conditions of production.

So, in a global economy, what is the admission to the American marketplace, where we have already had the

debate and made the decisions about those issues, the issues of a fair wage, a safe workplace, the right to organize, the prohibition against polluting? What is the admission to our marketplace? I ask the question, Is it fair trade for someone overseas in some foreign land who hires 12-year-old kids, pays them 12 cents an hour, and puts them in a factory 12 hours a day, to make a product they ship to Pittsburgh, Fargo, or Los Angeles? Is that fair trade for the men and women of the American workforce to compete against? Twenty-cent-an-hour labor by 12-year-old kids? Twelve-cent-an-hour labor by 10-year-old kids? Is it fair to compete against a plant overseas that can dump its chemicals in the water, its pollutants in the air, hire underage children, have unsafe workplaces, and prohibit their workers the right to organize? Is that fair competition for American workers?

Will those who want to produce in our world simply pole-vault over all of those difficult issues we have already addressed in our country—a safe workplace, child labor, a fair income, the right to organize, a prohibition against polluting the air and water? Can they just pole-vault over all of that and go to a country where they do not have to abide by any of that. They can hire kids, dump chemicals in the water and the air, fail to pay a living wage, and do nothing to have a safe workplace. They can produce whatever product they want, and ship it to the American marketplace.

That is not fair trade. It is not fair to the American worker. It is not fair competition. It is not fair to American businesses trying to compete in those circumstances.

Fast-track authority will be voted on here in the next week or so, 2 weeks perhaps. We are told it is sweetened and made less bitter by something called trade adjustment assistance. That means help for people who have lost their jobs. It's ironic, isn't it, that we are told these new trade agreements they want to negotiate will be good for our country, but they are already making plans for all the people that will lose their jobs because of these new trade agreements?

I guarantee that there is not one Member of the Senate who will lose his or her job because of a trade negotiation overseas. Our negotiators will rush overseas, if we give this authority. They will close the room and in secret negotiate a trade deal, and I guarantee there not one Member of the Senate will have his job directly threatened by that trade agreement. It is just the folks who work in the factories, the plants, on the factory floors who are producing products that cannot compete with unfair competition.

I am not someone who believes we ought to put up a wall or we ought to promote less trade. I believe we ought to have essentially free markets and expanded trade. But I demand fair trade. I just demand fair trade. If we do

not have fair trade, then this country ought to have the backbone, the muscle, and the strength to say to other countries: You must open your markets to this country's products and the products you send to this country must be produced under conditions that are fair.

Whenever the subject of trade comes up, a lot of people are quick to classify the different views into two camps: the larger, expansive view of people who are smart and get it and see over the horizon and understand the global economy; that is, the people who support fast track; and the others are xenophobes, who are stooges, who don't understand any of this, have blinders on and cannot see over the horizon. They oppose fast track.

Those who write the editorials, those who are lobbying on behalf of fast track, those who make comments like Mr. Zoellick, they create these thoughtless divisions of those who get it and those who don't; those who are smart and those who are not. Of course that is not the issue at all. Let me describe what the issue is.

I talked about the issues we fought about in this country for years. There are 2.9 million children in Brazil under the age of 15 who are working, working in manufacturing plants and other circumstances that will produce products that will come to our marketplace. Is it fair trade to ask someone from Pittsburgh, trying to raise a family, being paid a decent wage, working in a factory that requires a safe workplace—is it fair trade to ask that person to compete against a 12-year-old? The legal minimum age for workers in Peru is 12. That is the legal working age.

So which of our workers and in which of our States do we want to have to compete against 12-year-olds? Is it fair to have the product of 12-year-olds sit on America's store shelves so the consumers can get a good deal, buying cheap products, because 12-year-olds in some foreign land produced it?

And shouldn't foreign markets be open to our products, which are produced under decent working conditions. Every time I come to the floor, I cite the example of the Korean auto market. I know the Korean automobile industry chokes on it because I have gotten several letters from them now. I use this as an example of fair trade because there is just such a lopsided trade imbalance with Korea when it comes to cars.

Last year Korea shipped 620,000 Korean cars to the United States. Do you know how many American cars we were able to sell in Korea? We sold 2,800.

Let me say that again. Korea shipped us 620,000 Korean automobiles and we were able to sell 2,800 U.S. automobiles in Korea. Do you know why? Because the Koreans don't want to buy U.S. automobiles—I am talking about the Korean Government. They don't want Koreans to purchase U.S. automobiles, and they put a series of obstacles up

against us selling cars in Korea. Fair? Of course it is not fair. Is there somebody going to do something about that? No. Our trade negotiators are not interested in solving problems—only in negotiating new agreements.

Will Rogers once said that the United States of America has never lost a war and never won a conference. He surely must have been thinking of our trade negotiators because they lose almost immediately when they begin negotiating.

If I had some feeling somebody, somewhere, someplace was going to solve a problem or two here or there, then I would maybe have a little confidence. But I could stand here and recite problem after problem. There is the unfair trade involving wheat from Canada, that comes here from a monopoly called the Canadian Wheat Board that would be illegal in this country, taking money out of the pockets of our family farmers, and nothing is being done about it.

How about Brazilian sugar that undermines our sugar program? The sugar is shipped to Canada, where it is packed into molasses. The molasses are shipped to the United States, where the sugar is taken out, and the molasses are shipped back to Canada. This is just a blatantly unfair trade practice, yet nobody is doing anything about it.

Or let's talk about barriers to U.S. exports of high-fructose corn syrup to Mexico. The Mexicans said they would let it into their country. But they will not.

Every pound of beef going from this country to Japan has a 38.5-percent tariff, every single pound of American beef. We ought to get more T-bones into Japan. Our negotiators thought it was a triumph to get Japanese tariffs on U.S. beef reduced to 38.5-percent. Is that a success? I don't think so.

I hardly dare begin to speak of China. The problems of getting access to the Chinese marketplace are legion.

Wheat flour—try to sell wheat flour to the European Union. There is a 78-percent tariff on wheat flour to the European Union, so our farmers can't get wheat flour into the European Union. In fact, we can't get U.S. beef into the European Union because it is produced with hormones. The European press has the Europeans thinking we produce cows with two heads.

Do you know what happened? What happened was interesting. It is typical of, in my judgment, our weak-kneed trade approach. Because Europe has caused us a problem on beef, we took the EU to the World Trade Organization. For once, the World Trade Organization actually ruled in our favor. They ruled that we could take action against Europe. Do you know what action we took against Europe? We slap them with penalties on truffles, goose liver, and Roquefort cheese. That will sure scare the Devil out of the European Union. America is going to take action against their truffles or goose liver.

The fact is, our country is unwilling to stand up and exhibit the backbone necessary to say to other countries: This marketplace is the only one like it in the world. There is no substitute for it. We want it open to you. But understand this: The American marketplace is open to your products but your marketplace must be open to ours. No, it is not open to your products if you are going to ship us prison labor production and, yes, we have had some of those goods coming from Chinese prisons to be put on the store shelves of this country. That is unfair. Our marketplace isn't open to you if you are going to lock kids, 10- and 12-year-old kids in plants producing carpets. That is not fair trade. Our markets will be open to you, but you must open your markets to us.

Having said all of this, those who might listen will say: All right. So this is someone who doesn't like trade.

Nonsense. I think trade is very important. I think expanded trade is very important. It is just that our country has to think differently.

For the first 25 years after the Second World War, our trade was all foreign policy. It didn't have anything to do with economic policy. We could tie one hand behind our back and beat anybody in the world. We were the best, the strongest, and the fact is, we could out-trade anybody under any set of circumstances. So for 25 years our trade policy was foreign policy. But the second 25 years after the Second World War things are different. Our competitors are shrewd and tough competitors—Japan, Europe, Canada, China, and others. The fact is they have grown to be shrewd, tough international competitors, and our trade policy can't be foreign policy anymore. It must be tough, hard-nosed economic policy that requires of them what we demand of ourselves. Regrettably, as a country have not been willing to do that. We are always interested in negotiating the next agreement, notwithstanding the problems that we have created in the past agreements. We just can't continue to do that.

My understanding is that we are going to have a managers' amendment offered. When the ranking member and the chairman show up, I will be happy to give up the floor. But I am going to offer an amendment, hopefully this afternoon—the first amendment on Trade Promotion Authority. I have a number of amendments, as do many of my colleagues on this issue. The first amendment I am going to offer is very simple. It deals with the issue of the North American Free Trade Agreement that we negotiated previously. It was a terrible agreement. When we started negotiating with Mexico and Canada, we had a small trade surplus with Mexico. We have managed to turn that into a huge deficit. We had a moderate trade deficit with Canada, and managed to increase that many times over. That is the record of NAFTA.

I am going to offer an amendment that says that investor dispute tribu-

nals must be opened to the public. We now have a circumstance where when you have an investor dispute with NAFTA, a tribunal is created. It is a three-person tribunal. It is done in secret. It is behind closed doors. It is done in secret. The records are secret. The testimony is in secret. The only thing known are the results.

We ought not ever allow that to happen. My amendment is going to say no more secrecy. My amendment is going to say if we are going to be a part of NAFTA, the tribunals must be open. A little fresh air and sunshine will disinfect that process. I hope this amendment will be accepted by the Senate.

Let me speak briefly about one of the most egregious cases being considered by one of these tribunals. A few years ago, California decided to eliminate MTBE from our gasoline, and other states have done the same. We have discovered that this gasoline additive shows up in drinking water. It is going to injure the public health.

So California says: We have to get rid of MTBE. We will ban it from gasoline as an additive.

Because this country, for its own reasons, decides to stand up for the health of its citizens, we are now being sued under the NAFTA agreement by the Canadian company that makes MTBE. We are getting sued for close to a billion dollars. A tribunal is hearing that case, and is doing so in secret.

Here we are. That is the result of trade agreements that don't pay nearly enough attention to fairness for this country and fairness to international trade.

My expectation is that we will be debating this for perhaps a week or 2 weeks, with many amendments.

I heard a rumor—I don't know whether it is true or not—that the chairman and ranking member have reached some kind of agreement perhaps to oppose amendments to fast track. I hope that is not the case. My hope is—because most of us are not on the Finance Committee—that we will be able to come to the Chamber and offer ideas perhaps they have not thought of. I don't expect that committee has a monopoly on good ideas.

My expectation is that perhaps there are 80 or 85 other Members of the Senate who might have some ideas that could be considered meritorious and that could be added to fast-track trade authority.

I don't support fast-track trade authority. But perhaps in the process of amending this we can change it sufficiently so that it won't adversely impact this country. I hope we will be able to see some support for meritorious amendments that will be offered on the floor of the Senate.

There is a lot to discuss with respect to trade. I will not try to touch on every point right now. I think we are waiting for the chairman and ranking member to come and offer their amendments.

But I would like to talk for a moment about another issue on trade.

This is something that I raised with Secretary of State Colin Powell yesterday in an appropriations hearing. It also has to do with trade.

I fought for over 3 years on the floor of the Senate and was finally successful last year to make it legal again to sell food to Cuba. For 40 years we have had an embargo; we couldn't sell a thing to Cuba. We could not even sell food or medicine. My contention is that is basically immoral for us to use food as a weapon. We sell food to Communist China. We sell food to Communist Vietnam. But for 40 years we couldn't sell food to Cuba.

So I kicked and scratched for a long while with some of my colleagues. I was able to get that aspect of the embargo changed. Just last year, we were able to get it changed so we can actually sell food to Cuba.

Cuba had a hurricane recently that caused a great deal of damage, and they need food. They are offering to buy it, and to pay cash. Cuba has now purchased \$70 million worth of food from the United States in recent months.

A fellow named Pedro Alvarez heads a group called Alimport, which is the Cuban agency that buys food. He was going to come to this country and inspect some facilities, visit a number of agricultural states, including coming to my State of North Dakota. They were prepared to buy wheat and dried beans, I understand.

The State Department issued him a visa. He applied for and was given a visa by our interest section for Cuba to come to the United States. Yet abruptly, the visa was revoked.

I am trying to find out why the visa was revoked. My staff called the State Department. The State Department said: Well, it is our policy not to encourage food sales to Cuba.

Yesterday, I asked the Secretary of State: Is that your policy?

The Secretary of State said: It is news to me. I have no such policy.

Someone deep in the bowels of the State Department apparently defined for himself the State Department's policy, and did not bother to check with Secretary Powell.

I asked for an investigation. Why do you revoke the visa issued to someone who wants to come to our country to buy wheat, dried beans, corn and eggs? Who decided that somehow that threatens our country? Where does that kind of thinking come from?

I expect I will probably hear from Secretary Powell in the next day or two. I hope so. I wrote a rather lengthy letter last week. I had the opportunity to question him before an Appropriations Committee hearing yesterday.

At a time when agricultural prices have collapsed and our family farmers are hanging on by their fingertips trying to make a go of it, we have some folks somewhere behind the drapes inside the State Department deciding they really don't want to sell food to Cuba and they don't want someone

coming up here from Cuba to buy dried beans. If there is some perceived threat about that, I wish someone would inform me and the Senate.

That is one more example of the strange approach that people take to international trade. We ought never, under any circumstance, use food as a weapon. It is immoral. Does anyone think Fidel Castro has ever missed a meal because this country had an embargo for 40 years on the shipment of food to Cuba? Does anyone think he has ever missed breakfast, lunch, or dinner? No. Those sorts of things hurt poor people, sick people, and hungry people. They don't hurt Fidel Castro.

I have personally written to Mr. Alvarez saying: I am inviting you to this country. I have written to the Secretary of State saying: I want you to provide visas to the people who want to come up and buy food from our family farmers.

That is just one more piece in a long, sorry saga of international trade that doesn't represent our country's interests.

I am very interested in having robust, strong expanded, trade. I am very interested in finding ways by which we can force open foreign markets. But the record is abysmal. We agreed to NAFTA, GATT, and we do United States-Canada agreements.

The fact is that very little has changed in the behavior of China, Europe, Japan, and other countries. Our country leads the way in unilateral behavior in international trade that says our market is open. Our country ought to use its leverage to say we are going to hold up a mirror. If your market isn't open to us, you go sell your trinkets, trousers, and cars somewhere else. And, as soon as you understand that other marketplaces don't offer you what our market does, you come back and agree to open up your marketplace to American businesses and American workers. Then we will have reciprocal trade that is fair to both sides, that is multilateral, and that is beneficial to us, and the countries with whom we do trade agreements.

I believe we are about ready to have the chairman and ranking member come.

I am very happy to offer an amendment as soon as they are interested in coming. I think they have lengthy opening statements. I will also have an opening statement at some point to amplify these remarks. But I am anxious to offer an amendment this afternoon. I am anxious to have a vote on an amendment, for that matter. If they come and offer their managers' package, give their opening statements, and then let me be recognized to offer an amendment, we could debate the amendment for an hour and then we could have a vote today. I would be happy to do that.

The PRESIDING OFFICER. The deputy majority leader.

Mr. REID. Mr. President, the Senator from North Dakota has been very pa-

tient and persuasive, as he always is. He has been in the Chamber on several different occasions wishing to speak. He has a lot to say about this legislation. He has indicated he has a number of amendments. I have spoken to him about some of the amendments. They sound pretty good to me.

The manager, Senator BAUCUS, the chairman of the Finance Committee, should be in the Chamber soon to lay down that managers' package. I was in touch with him just a few minutes ago. But he is not here now.

EXTENSION OF MORNING BUSINESS

Mr. REID. So, Mr. President, I ask unanimous consent that the Senate be in a period of morning business until 3 o'clock this afternoon with Senators allowed to speak for a period of up to 10 minutes each.

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 senior assistant bill clerk proceeded to call the roll.

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

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

Mr. GRAMM. Mr. President, are we now in a period of morning business?

The PRESIDING OFFICER. We are in a period of morning business with each Senator allocated up to 10 minutes to speak.

Mr. GRAMM. Mr. President, I ask to be recognized, then, to speak.

The PRESIDING OFFICER. The Senator from Texas.

TRADE PROMOTION AUTHORITY

Mr. GRAMM. Mr. President, to this point, I have not come over and spoken on the issue before us; which is trade promotion authority, and then all of the little cars that have been attached to this big, powerful, important engine. So while we are in the midst of doing these negotiations, I want to simply make a few points.

Let me, first, say that I take a back seat to no Member of the Senate and to no one in public life in supporting trade. I am a free trader. I support trade. I think it is the most powerful engine for economic development in history. I would support a free trade policy worldwide. I am for trade promotion authority.

When Bill Clinton was President, I said it was an outrage that we did not give him trade promotion authority. And I think it is an outrage that we have not yet given it to President Bush. I am very hopeful we are going to give it to him. In fact, I am confident we are going to give it to him. But I am a little bit concerned because what we have is sort of a gamesmanship going on. I guess "hostage taking"