

support necessary once leaders decide to let independent institutions operate.

Fourth, regional and international organizations should be strengthened and encouraged to support reformers and build a consensus on democratic reform. The Organization of American States can play a central role in promoting press freedom, and the U.S. should encourage the Inter-American Development Bank to support educational reform and small enterprise.

Conclusion. Latin America has come a long way in a short time, much to the benefit of the United States. The President's trip put an important focus on the region, and the challenge now is to sustain the attention of U.S. policymakers. With strong support for reform from the United States, the region can consolidate the gains we have so long sought and help create a more stable, democratic and prosperous Latin America.

TRIBUTE TO RONALD BROOKS WATERS

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. MCINTYRE. Mr. Speaker, I am honored to pay tribute today to Mr. Ronald Brooks Waters of Lexington, SC, who displayed extraordinary courage and self-sacrificing assistance in the capture of two accused murderers in Cumberland County, NC.

On September 23, 1997, Cumberland County Sheriff's Deputy David Walter Hathcock and Highway Patrol Trooper Lloyd Edward Lowry were slain while attempting to apprehend two individuals who were operating a stolen vehicle. Mr. Waters was traveling north on Interstate 95 and witnessed the brutal shootings. He repeatedly put his own life in danger in order to relay valuable information to law enforcement personnel which led to the capture of these two armed and dangerous individuals. On two occasions, the suspects attempted to shoot him at point blank range. Had the weapon not jammed, Mr. Waters would surely have been wounded. Yet, through all of this, Mr. Waters displayed great courage as he continued to provide information that led to the capture of the suspects.

Mr. Waters is to be commended for his heroic actions, and I urge my colleagues to join me in recognizing and honoring this outstanding citizen who went above and beyond the call of duty with his self-sacrificing assistance to the Cumberland County law enforcement personnel.

FAST TRACK AUTHORITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. WAXMAN. Mr. Speaker, I appreciate this opportunity to share with my colleagues the reasons I am unable to support H.R. 2621, the Reciprocal Trade Agreement Authorities Act of 1997.

I support the principle of granting fast track authority to President Clinton to negotiate new trade agreements. Since our markets are the most open in the world, we have the most to

gain by international agreements that pry open markets in countries with protectionist policies. In addition, we are uniquely positioned to forge relationships with our neighbors in this hemisphere that can help raise their standards of living and provide a significantly larger consumer base for our goods and services. Finally, since Mexico and Canada now enjoy special trade status with the United States under the North American Free Trade Agreement [NAFTA], it would seem illogical to deny a similar arrangement to other countries in the region.

Unfortunately, however, the debate on trade policy no longer encompasses simple unfair dumping and tariff barriers. Trade negotiations now have a direct impact on our country's ability to maintain strong health and environmental standards because these standards can be challenged as trade barriers.

The fast track language under H.R. 2621 is more regressive than that held by previous administrations and further restricts the authority of the President to negotiate trade agreements that include domestic and global environmental objectives. In addition, the language on food safety standards could reduce levels of risk to an international lowest common denominator. Third, the language would entitle companies to collect compensation if unjustified nontariff barriers restrict their activities. Since many environmental and health regulations have been interpreted as nontariff barriers to trade, governments could be required to compensate companies when public health and welfare regulations hinder capital flows. And finally, my longstanding concern that the broad rulemaking authority of international trade bodies is not instituted in a transparent, democratic manner has not been adequately addressed.

DIRECTLY RELATED TO TRADE LANGUAGE WOULD THREATEN ENVIRONMENTAL SAFEGUARDS

Since the fast track procedure was established in 1974, Presidents have been granted broad discretion to negotiate and include in fast tracked bills any terms the President has judged necessary or appropriate. Unfortunately, H.R. 2621 severely constrains President Clinton's ability to negotiate environmental, health, and labor provisions in trade agreements and leaves open to challenge many of the environmental and health protections we already have in place.

Under section 102(a)(2) of H.R. 2621, labor and environmental measures are considered overall trade objectives only if they are directly related to trade and decrease market opportunities for U.S. exports or distort U.S. trade. Under this legislation, funding for border clean-up projects, worker safety objectives, infrastructure and right-to-know requirements, enforcement of multilateral environmental agreements, and human rights standards would not be part of a trade agreement.

Further, even if the President wanted to negotiate an environmental provision, section 103(b)(3)(b) would prohibit its inclusion in the fast track implementing legislation unless it were necessary for the operation or implementation of the U.S. rights or obligations under such trade agreements.

In addition, the 1988 fast track language included "reducing or eliminating barriers, taking into account domestic objectives such as legitimate health and safety * * *" as a goal for trade in services and foreign investments. H.R. 2621, however, would "reduce or elimi-

nate barriers to international trade in services including regulatory and other barriers that deny national treatment and unreasonably restrict the establishment and operation of service suppliers." (Section 102.2)

H.R. 2621 simply fails to protect our Nation's ability to maintain strong environmental and health standards. Although section 102(b)(7)(B) seeks "to ensure that foreign governments do not derogate from or waive existing domestic environmental, health, safety or labor measures * * * as an encouragement to gain competitive advantage," it contains no enforcement language and provides no incentives for trading partners to establish minimum levels of environmental, health, or safety protections. It also fails to address the competitive advantage that countries without environmental or labor laws would enjoy. Finally, the section contains an escape clause stating that the designation "is not intended to address changes to a country's laws that are non-discriminatory and consistent with sound macroeconomic development." Consequently, a country could waive its environmental, health and safety laws to attract investment if such an action is considered sound macroeconomic policy.

POTENTIAL FOR LOWEST COMMON DENOMINATOR HEALTH AND SAFETY STANDARDS

H.R. 2621 could potentially invalidate U.S. safety standards and expose Americans to levels of risk set by an international lowest common denominator. This is especially troubling given our experience with NAFTA even though U.S. Trade Representative Kantor assured Congress in 1993 that "each government may establish those levels of protection for human, animal or plant life or health that the government considers to be appropriate."

In addition, the World Trade Organization's [WTO] ruling that rejected the European Union's [EU] ban on hormone-fed beef clearly contradicts that position. Under its ruling, the WTO determined that the EU had not provided a sufficient assessment of the hormone's risk. The EU was forced to accept international standards of risk as defined by the Codex Alimentarius Commission and denied its right to make its own societal determinations of public safety even though it presented credible scientific studies in support of its position.

This case sets a dangerous precedent for other sanitary and phytosanitary judgments on food safety, biotechnology, and food irradiation decisions. It is particularly threatening to U.S. food safety since some Codex standards permit residues of pesticides that have been banned in the U.S. and allows residues of others at much higher levels than the U.S. allows. Codex standards allow higher levels of residue than the U.S. on pesticides like DDT, heptachlor, aldrin, diazinon, lindane, permethrin, and benomyl.

H.R. 2621's provisions would exacerbate this problem by restricting Congress's ability to impose precautionary bans on unsafe products. U.S. domestic legislation has often relied on such precautionary measures to protect the public health and safety. For example, certain medical devices are not allowed on the market until they can be proven safe. H.R. 2621 would shift the burden of proof to consumers and health officials to first prove that devices are not safe before they could be restricted from the market.

Of additional concern is that NAFTA's implementing legislation rewrote poultry and meat

safety regulations to allow countries to make food safety inspections if their inspections were equivalent to ours. This language replaced a standard that required inspections to be at least as rigorous as ours. NAFTA and the WTO provide for an equivalency standard, but no formal rulemaking has begun to define equivalency. Unfortunately, food safety protections have been substantially weakened under NAFTA. USDA food safety checks have been reduced to 1 percent at the Mexican border, while Mexican food exports to the U.S. have increased by 45 percent. Equivalency standards are also applied to nonfood standards, performance standards, and good manufacturing practices, which are similarly difficult to evaluate.

Instead of curing these serious problems, H.R. 2621 would endorse the continued erosion of U.S. sovereignty and make it even more difficult for Congress and the President to establish standards of risk that we believe are appropriate, based on sound science, and protect the American people.

EXPROPRIATION OF ASSETS

Another area of concern is the potential for corporations to sue under a takings mechanism for compensation of unrealized profits due to environmental or health regulations. Under article 1110 of NAFTA, the Ethyl Corporation is currently suing the Government of Canada for \$251 million worth of damages in a claim that Canada's ban on the gas additive MMT constitutes an expropriation of company profits. MMT is banned in many U.S. States because of its harmful effects on children and its capacity to destroy catalytic converters.

Another case was recently filed against the Mexican Government by the Metal Clad Corporation. That company is suing on the basis that a governmental declaration of a marsh as a nature preserve is an expropriation of the company's potential assets had they been awarded a contract to build a toxic dump in that location.

Section 102(3)(D) of the foreign direct investment provisions of the fast track proposal endorses this takings approach and requires the U.S. to establish standards for expropriation and compensation for expropriation. Under NAFTA corporations are already granted authority to sue governments directly. The Multilateral Agreement on Investment, one of the multilateral agreements that could be covered under fast track authority, would allow business-dominated international arbitral panels to decide whether an environmental regulation is considered a taking of a property. H.R. 2621 would set a new precedent that could require governments to compensate companies if public health and welfare regulations reduce the value of investments, regardless of the impact on public health and welfare.

NO ADEQUATE DISPUTE RESOLUTION MECHANISMS, PUBLIC OVERSIGHT, OR ENVIRONMENTAL ASSESSMENT

During the NAFTA and GATT debates, I strongly supported a transparent dispute settlement that would allow outside parties an opportunity to present the dispute resolution panel with their views in writing. Unfortunately, this proposal was not adopted and the dispute mechanisms remain secret. Amicus briefs and other public comments are not permitted.

An open process for dispute resolution is particularly important because trade agreements can have such a significant impact on public health and welfare. Two American

alms—the Clean Air Act and the Marine Mammal Protection Act—have already been changed as a consequence of international trade challenges. And, unlike any other area of international negotiations, decisions are enforceable by the ruling bodies through trade sanctions. Our fundamental rights—ones we have taken for granted in the U.S.—are severely diminished in this process.

Unfortunately, the calls in H.R. 2621 for increased transparency of the process are inadequate. Transparency should include public notice and comment periods for all international trade rulemaking bodies and a legally-binding procedure for Environmental Impact Assessments [EIA's] for all future trade and investment agreements. Further EIA's should be prepared early enough in the negotiation process to provide for public comment and full review by the negotiators. Final EIA's should accompany the trade bill sent to Congress for fast track review.

While I am unable to support H.R. 2621 for these reasons, I am interested in working with President Clinton and my colleagues on language that would provide the necessary structures to protect the public interest in trade agreements negotiated under fast track authority.

MOTION TO INSTRUCT CONFEREES ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. KOLBE. Mr. Speaker, a considerable amount of misinformation has dominated the 245(i) program debate. I'd like to set the record straight: 245(i) does not give anyone amnesty, it does not undermine the Immigration Reform and Control Act, and it does not jeopardize national security.

Section 245(i) of the Immigration and Nationality Act allows prospective family- and employment-based immigrants to adjust their status to that of permanent residents while remaining in the United States. That's the sole function of the program. The \$1,000 adjustment fee that is collected from prospective immigrants is used by the Immigration and Naturalization Service [INS] to provide detention space for criminal aliens, and it pays for INS adjudication staff and improved customer service. Last year, the 245(i) program raised almost \$200 million.

I do not favor a permanent extension of the 245(i) program. I do believe, however, that we must help those that have already petitioned for relief under the program. Fairness and humanitarian concerns call for no less. But we must identify a date certain in which no new petitions will be accepted. There appears to be some legitimacy to the claims that petitioners under the 245(i) program enjoy an advantage that other prospective immigrants do not. If we cease accepting new applications yet process all those currently in the system, then from that point forward all intending immigrants would be competing under the same

rules. This is fair and equitable, and continues this great Nation's policy of reunification of families.

Therefore, I am going to vote against the motion to instruct conferees. As Ulysses found out, all is not what it appears to be. Such is the effort to instruct conferees. The motion is a not-so-veiled attempt to kill the 245(i) program. The motion would tie the hands of the conferees and limit our negotiating position in conference. We need to be placed in the situation where we can negotiate a reasonable, workable, and prudent solution. In fact, there are thousands of people expecting us to do so.

BRIAN ANDERSON: THE PRIDE OF THE TRIBE AND THE PRIDE OF GENEVA

HON. STEVE C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. LATOURETTE. Mr. Speaker, today, I rise to salute our beloved Cleveland Indians on an outstanding season, and a gutsy, nail-biting trip through the playoffs and the World Series. It truly was an exceptional series, right down to the edge-of-your-seat, extra-innings' game seven finale. While we all wish we could have enjoyed a different outcome, we have every reason to be extremely proud of this team and all it accomplished this year. We also have reason to be especially proud of one of our hometown heroes, and one of the stars of the 1997 American League Champion Cleveland Indians—Brian Anderson.

Tribe pitcher Brian Anderson grew up in Geneva and graduated from Geneva High School in 1990. He played ball in college at Wright State University near Dayton, and was selected by the California Angels in the first round of the draft in 1993. In fact, he was the third pick overall, and was named the American League's Rookie Pitcher of the Year in 1994 by the Sporting News.

Much to the delight of Anderson's loyal fans, he was traded to the Indians in February 1996, and has proven himself to be one of the Tribe's most reliable pitchers, and is a part of a formidable bullpen that is admired throughout the league. Every young boy who grows up near Cleveland and spends his days playing catch with his dad dreams of one day playing for his hometown team. Brian Anderson not only achieved that dream, he surpassed it this year when he pitched in front of his hometown in the World Series. Each time he stepped on the mound, he displayed the guts, brawn, and tenacity that are the hallmarks of Indians' baseball, and showed the world that he is a force to be reckoned with.

Brian Anderson didn't bow to the pressure of the playoffs or the World Series. Instead, he showed remarkable composure, and didn't seem the least bit fazed by the magnitude of the task that was before him. Two performances in particular stand out—when he pitched 3.2 innings of game 3 of the World Series and gave up just two hits, and when he and Jaret Wright combined for a 6-hitter in game 4.

Brian Anderson and the Tribe had 49 years of cruel history placed squarely on their shoulders this season, as the Tribe has not won the