

How the United States engages in trade negotiations and its practices are crucial not only for our future, but for our democratic process. How our nation conducts itself is scrutinized world-wide, in essence, we must set the right example. Events at the recent World Trade Organization negotiations in Doha, Qatar have made this fact even more apparent. The WTO is seeking to adopt a worldwide "Investor-State Clause" in the next round of discussions. This clause was written into Chapter 11 of the North American Free Trade Agreement (NAFTA) for the purpose of protecting businesses from expropriation by foreign governments. What it has been used for, however, is completely different from its originally stated purpose.

Cases such as *Methanex v. United States* and its progeny are dispositive of harmful effect of the unbridled power of ill thought out provisions of trade legislation. Methane, the producer of MTBE an additive used to make gasoline burn cleaner, was leaking from a storage tank and into the water supply in California. Governor Davis acted promptly, and after further testing banned MTBE. Methanex, a Canadian Corporation, brought an action against California/United States in July 1999, not in our courts, but pursuant to NAFTA's Chapter 11 foreign investor clause. According to William Greider's October 15th article in *The Nation*, "under this provision a foreign investor can sue a national government if their company's property assets, including the intangible property of expected profits, are damaged by laws or regulations of virtually any kind." Greider further reveals that Methanex, through its Washington D.C. powerhouse law firm, used tribunal established through NAFTA, where the proceeding are secret (unless the parties agree to public disclosure).

Greider goes on, "As nervous Members of Congress inquire into what they unwittingly created back in 1993, critics explain the implications: 'Multinational investors can randomly second-guess the legitimacy of environmental laws or any other public-welfare or economic regulation, including agency decisions, and even jury verdicts. . . . the open ended test is whether the regulation illegitimately injured a company's investments and can be construed as tantamount to expropriation, though no assets were physically taken.'"

This Chapter 11 case and many others like it are now pending and/or being heard before these arbitral panels. Methanex is seeking 970 million dollars. This is an outrage and an assault on our legal system. To add insult to injury, the drafter of the provision, now in private practice, readily admits that it was an intended consequence of NAFTA, rather an unintended consequence as most people believed it to be.

All cases finalized thus far have been either judged in favor of the business interest or settled out of court. The end result is a direct subversion of the right of people to protect from polluters the air they breathe, the water they drink, and the food they eat. In effect, this clause allows the democratic processes we hold so dear to be subverted.

Mr. Speaker, we must seek out ways to make trade compatible with conservation of the environment and by adhering to core labor and environmental standards that are both incorporated into the body of a trade agreement and enforceable.

#### A TRIBUTE TO MR. CAREY RAMIREZ

#### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2001*

Mrs. LOWEY. Mr. Speaker, I rise in tribute to Carey Ramirez, one of the many true heroes who emerged from the devastation of September 11th.

Mr. Ramirez, a 25-year-old hospice nurse employed by the Hospice of New York and working out of the Margaret Tietz Center for Nursing Care Inpatient Hospice Unit, was on a bus, traveling to his NYU Nursing Education program at the time of the attack on the World Trade Center.

Seeing the smoke and flame, Mr. Ramirez urgently requested the bus driver to stop to allow him to investigate the situation. He was dressed in his nursing whites and carrying a stethoscope, and was anxious—like so many health care and rescue personnel—to help people in Lower Manhattan.

Mr. Ramirez, without hesitation or thought of his own well-being, found himself at the South Tower, identified himself to authorities and proceeded to look for individuals to assist. He was at 4 World Trade Center when the South Tower collapsed. With his own life in danger, he found and rescued two women, one of whom was blind.

Carey's heroic effort was captured by CNN and *People* magazine, and was also featured in U2's music video "Walk On". He was seen assisting both women—his arm locked with the arm of the blind woman, the other woman clinging to his backpack. All were covered with ash.

There were many such heroes on that terrible day. But what has impressed me about this young man is his continued unassuming demeanor and belief that he is not a hero—just a New Yorker who put other New Yorkers' well-being ahead of his own.

In my judgement, Carey Ramirez is a hero and I am pleased and honored to recognize him today.

#### TAKE THE FIELD REBUILDS HIGH SCHOOL ATHLETIC FIELDS IN NYC

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2001*

Mr. TOWNS. Mr. Speaker, on November 8 the House adopted the VA, HUD and Independent Agencies Appropriation Conference Report. This bill included an allocation of \$500,000 for Take the Field, a tremendously worthwhile and effective program aimed at rebuilding the outdoor athletic fields of all New York City's public high schools.

I would like to thank the distinguished Chairman of the Appropriations Committee, Mr. YOUNG, my distinguished colleague from Wisconsin, Mr. OBEY, my distinguished colleague from New York, Mr. WALSH, the Chairman of the Veterans Affairs, HUD and Independent Agencies Subcommittee, and also the Ranking Minority Member, from West Virginia, Mr. MOLLOHAN, for their efforts in making this allocation possible.

I would also like to commend three extraordinary business and community leaders, Preston Robert Tisch, Richard Kahan and Tony Kiser, who founded this public/private partnership and have worked selflessly and relentlessly to promote its success. Thanks to their efforts, Take the Field is already off to a promising start. Seven outdoor athletic facilities—at least one in each borough—have already been rebuilt.

Take the Field is committed to rebuilding 52 of 60 outdoor facilities over a four-year period. The average cost of each field reconstruction project is \$2 million, bringing the total cost just over \$100 million. The \$500,000 allocation that this bill provides will actually provide \$2 million for Take the Field, thanks to the City of New York, which has provided this tremendous undertaking with a three to one challenge grant.

In the next few years, Take the Field can reverse more than a quarter of a century of neglect and deterioration of our public school athletic fields and provide students with access to a broad range of athletic activities that can improve their health, motivate their desire for academic excellence and keep them away from drugs and violence. The allocation contained in this bill will help accomplish this.

#### TRIBUTE TO SERGEANT DOUGLAS BAUM

#### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2001*

Mr. HUNTER. Mr. Speaker, today, as our Nation's armed forces make America proud by fighting the war on terrorism, I wanted to recognize the parents of a young man who gave his life for our country during the war in Vietnam. Clayton and Eleanor Baum live in my district, in La Mesa, California. Their son, Sergeant Douglas Baum, was killed on November 18, 1967, in the central highlands of South Vietnam, Dak To.

Sgt. Baum was 20 years old and, according to author Edward F. Murray, founder and president of the Medal of Honor Historical Society, was one of the most popular members of the Army's 173rd Airborne Brigade, Alpha Company 503. As a soldier, Sgt. Baum had earned the Army Commendation Medal, the Bronze Star, the Silver Star and the Purple Heart. Sgt. Baum was due for rotation and had begun to send his belongings to his parents when he was killed defending the lives of those in his squad.

After Sgt. Baum's death, members of the 173rd Airborne contacted Clayton and Eleanor to let them know how much Douglas meant to them, praising his bravery and leadership. People like Sgt. Darrell Cline, who has stayed in contact with the Baums and arranged for them to attend several of the national events for the 173rd, and Tom Means, a member of Sgt. Baum's squad who searched 25 years to meet Clayton and Eleanor just to tell them how much he thought of their son.

Those who attacked us on September 11th have severely underestimated the resolve of today's forces who carry on the legacy of soldiers like Sgt. Douglas Baum. America's military follows a proud tradition of service and dedication. Like those that came before them

they fight to defend our country and they sacrifice to preserve our freedom. Clayton and Eleanor, words cannot express the gratefulness we have for Douglas' sacrifice. On behalf of a grateful country and community we say thank you, his service has helped make America strong.

FROM INFAMY TO A BETTER  
WORLD, REVISITING PEARL HARBOR

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2001*

Ms. SCHAKOWSKY. Mr. Speaker, I rise in remembrance and observance of Pearl Harbor Day, a terrible day in our country's history. On this day, 60 years ago, the greatest generation was called into action. They answered this call, and changed the world forever.

On the morning of Sunday, December 7, 1941, the Japanese fleet crossed the Pacific Ocean. They attacked and crippled the US Pacific Fleet. The attackers bombed our docked ships, and a nearby military airfield. Eight American battleships and 13 other naval vessels were sunk or badly damaged, almost 200 American aircraft were destroyed and approximately 3,000 naval and military personnel were killed or wounded. The attack marked the entrance of the United States into the war.

The Axis Powers marched across Europe toward world domination. The tripartite represented one of the darkest and most evil forces the world has ever known. Nazi Germany had begun the systematic extermination of Jewish men, women and children. The Axis Powers moved to conquer, rule, and destroy to gain the world, under a flag of greed and hate.

American forces joined freedom-loving nations already fighting. Our soldiers fought valiantly from the shores of Normandy to the Battle of Midway. They fought not to show U.S. might, nor to win possessions. The American soldiers fought to preserve and protect the right of people to live freely.

In the years following the defeat of the Axis Powers, the world would change shape. Borders would open, stimulating a wave of freedom strong enough to tear down walls and break barriers. People from different corners of the earth would be connected like never before. America would build a strong relationship with Japan and its other, and unite much of the world to destroy the vice of communism.

Today, Americans look upon the events of December 7, 1941 in a new light. In retrospect, we understand the distant stare that beset our father's, mother's, grandfather's, and grandmother's eyes as they told stories of where they were, and what they were doing on that day 60 years ago. It is with new ears that we hear the trembling voices that described the terror and uncertainty that jolted the country when an enemy attacked us on our ground. It is with gratitude and the utmost respect that we remember those who fought, and those who were lost for the love of our nation.

We move forward more vigilant, more aware, and more determined. As we pay tribute to those we lost at Pearl Harbor, we stand with a new pride in America. Our hopes and

prayers go out to those who are deployed, even now, to carry the torch in the fight for freedom. At the dawning of a new day of uncertainty, we can look to the American values of freedom, justice, and equality to lead us to peace and security. We remember the bravery of our soldiers that suffered so, to make our world better.

WELCOMING OF THE CAPITOL  
HOLIDAY TREE

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2001*

Mr. DINGELL. Mr. Speaker, I rise this afternoon to share with my colleagues the remarkable story of the 2001 Capitol holiday tree. The holiday tree is a sixty-seven year old, 74-foot white spruce, that was cut on the Ottawa National Forest in the Western Upper Peninsula, in the great state of Michigan. Tonight at 5:00 p.m., the Speaker will throw a switch and illuminate this magnificent tree for the world to see.

It is with a great sense of pride that I inform my colleagues that this is the fifth time that the state of Michigan has provided the Capitol holiday tree. This year's tree is aptly named the "Tree of Hope," and will be displayed on the lawn of the U.S. Capitol until early January.

Before arriving in Washington, D.C., the tree traveled throughout Michigan and stopped in 10 communities, including beautiful Monroe, in my congressional District.

The tree will be decorated with 6,000 handcrafted ornaments provided by Michigan residents. And I would draw my colleagues' particular attention to the beautiful ornament provided by Monroe County Community College, a fine institution of higher learning in Michigan's 16th District. The ornament was designed by Jerry Morse, the graphic arts designer at the college, and constructed by Matt and Pam Hart of Temperance. I ask my colleagues to join me in recognizing this fine craftsmanship.

The Tree of Hope is a beautiful symbol of Michigan's vision of peace and optimism for the new millennium. The people of Michigan have provided their unique wishes and dreams of a better tomorrow with the 6,000 handcrafted ornaments that will adorn the tree. It is a fitting message of peace for the holiday season.

I ask my colleagues to join me in recognizing the Capitol holiday tree from the great state of Michigan, and the magnificent ornament from Monroe.

BIPARTISAN TRADE PROMOTION  
AUTHORITY ACT OF 2001

SPEECH OF

**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 6, 2001*

Mr. UDALL of New Mexico. Mr. Speaker, I believe that international trade is very important to improving our nation's economy and would gladly vote for a bill encouraging Fair Trade around the globe. I have been proud to

cast pro-trade votes in this House before; however, I cannot support the Thomas bill, and I urge my colleagues to vote no. If given the chance, I would like to have an up or down vote on the Rangel substitute, but the Majority has produced an unfair, undemocratic rule, with little meaningful debate allowed.

I support trade agreements that provide important safeguards to protect the rights of American working families as well as the rights of our trading partners' workers. I also support trade agreements that protect the global environment. I cannot, however, support this Fast Track authority because it will weaken our ability to exercise our Constitutional duty to provide oversight of the executive branch. I believe that any special authority granted to the President should be conditioned upon certain basic requirements that the United States only enter into agreements that are mindful of the need to protect the workers in all countries participating in the agreement as well as the global environment. These safeguards must be in the core text of the bill, not promised in future negotiations.

I believe, though, that our debate today is about more than H.R. 3005. The Majority Party has failed to provide for our nation's immediate needs. Our country has many pressing, economic needs that remain unmet by the Leadership of this House. We must act now to raise the living standards of workers—both here at home, and abroad. The time to act is long overdue.

The Majority Party has done nothing to address many of those needs. It has done nothing to help the thousands of unemployed Americans who have lost their jobs in the Bush recession. It has done nothing to help workers with their emergency health care needs. It has done nothing to pass an economic stimulus that really helps working families.

I urge my colleagues to vote no on the Thomas bill, and I urge the Majority to give us a fair vote on a fair trade bill—the Rangel substitute.

AMENDING INTERNAL REVENUE  
CODE TO SIMPLIFY REPORTING

SPEECH OF

**HON. DONALD A. MANZULLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 4, 2001*

Mr. MANZULLO. Mr. Speaker, of the many Federal regulations with which colleges and universities are required to comply, one of the most onerous is that associated with the HOPE scholarship and lifetime learning tax credit. Originally enacted as part of the Taxpayer Relief Act of 1997, the tax credits were intended to give parents back more of their hard-earned money, up to \$1,500 for the first 2 years of college, so that they could better afford to send their children to school.

While we were successful in providing, this tax relief for students and families, we discovered an unintended consequence: an unfunded mandate burdening, colleges, trade schools, community colleges, and universities in the form of a reporting requirement administered by the IRS.

I became aware of this regulatory issue during the fall of 1997. I was discussing several