The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

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 a period not to exceed 5 minutes each.

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

TOM BURNETT, JR.

Mr. WELLSTONE. Mr. President, I rise to pay tribute to an American hero, Tom Burnett, Jr., who was a beloved husband and father and adored son and a very able business leader. He was a person who would not and did not sit quietly as terrorists carried out their plan last year on September 11.

Along with my colleague, Senator DAYTON, and with our colleague JIM RAMSTAD on the House side, we introduced legislation to designate a U.S. Postal Service facility in Bloomington, MN, as the Thomas E. Burnett, Jr. Post Office Building.

This legislation today is passing the House, and my expectation is that by the end of the day this will also pass the Senate. I don't know that there would ever be any Senator would disagree with this.

Tom Burnett, Jr. grew up in Bloomington, MN, and he was aboard flight 93 on September 11 of last year. America owes Tom Burnett a deep debt of gratitude for his bravery on that day. It is possible that Members of the Congress, including myself, could very well owe him our own lives. We will never know for sure.

Tom is believed by investigators to have been among those passengers who kept the hijackers from crashing flight 93 into a national landmark, most likely the White House or the Capitol. That, of course, would have likely resulted in many more deaths than already occurred on that day, and instead, as we all know, flight 93 crashed into a Pennsylvania field. After listening to a tape from the flight's black box, law enforcement officials have described a desperate struggle aboard the plane.

As FBI Director Mueller said after being briefed on the contents of the tape:

> We believe that those passengers were absolute heroes, and their actions during this flight were heroic.

Tom Burnett, Jr. was 38 years old when he died. A 1986 graduate of Carlson School of Management at the University of Minnesota and a member of the Apha Cappa Psi Fraternity, he had shown selfless leadership before. When he was quarterback of Thomas Jefferson High School in Bloomington, Tom's inspired play led his team to a conference championship game in 1990. He was a successful business leader as chief operating officer for a medical device manufacturer in California.

We will never forget his ultimate sacrifice and the ultimate sacrifice of many other heroes as well on September 11. Our thoughts and prayers today are with Tom's family: His wife Deena, and their daughters, Madison, Halley, and Anna-Clair, three little daughters; his parents, Thomas, Sr. and Beverly—I had a chance to talk to Bev just the other day—and his sisters, Martha O'Brien and Mary Margaret Burnett.

Bloomington will be very proud to have this post office named for Tom Burnett, Jr. We are all very proud of this son of Minnesota.

Again, I thank Congressman RAMSTAD for his leadership in the House. I know this bill is going to pass the House today, and my expectation is that it will pass the Senate as well.

I thank again Senator LIEBERMAN for his help in expediting this and making this happen. I know for a fact this is really very important to Tom's family and to all of Minnesota.

CONFIRMATION OF TERRENCE F. McVERRY

Mr. SPECTER. Mr. President, I seek recognition today to express my strong approval of the Senate's confirmation of Mr. Terrence F. McVerry who President Bush nominated for the United States District Court for the Western District of Pennsylvania. The American Bar Association has rated Mr. McVerry ''unanimously well-qualified'' to sit on the bench.

Mr. McVerry received his B.A. degree from Duquesne University in 1962 and his J.D. from Duquesne University School of Law in 1968. After finishing law school, Mr. McVerry started his legal career in the Allegheny County District Attorney's Office. He prosecuted hundreds of bench and jury trials with a concentration on major felonies and homicides. After serving in the District Attorney's Office, he and two colleagues formed their own private practice. He went on to serve as a partner in several other prestigious Pittsburgh firms.

Mr. McVerry has also served as a member of Pennsylvania House of Representatives and as a member of the Pennsylvania Commission on Sentencing. He served his country by joining the United States Army Reserve and the Pennsylvania Air National Guard. Former Pennsylvania Governor Tom Ridge nominated him to fill a judicial vacancy on the Court of Common Pleas to Allegheny County.

Currently, he serves as a Soldier for Allegheny County, Pennsylvania, where he is the chief legal officer and director of a governmental law department comprised of 36 attorneys. In this capacity, he is responsible for the representation of all branches and departments of a county government that has approximately 7,000 employees and responsible for nearly 1.3 million inhabitants.

Pennsylvania is fortunate to have an extremely well-qualified nominee like Mr. McVerry. This success is due to the bipartisan nominating commission which Senator SANTORUM and I have established. This commission reviews all federal judicial candidates and recommends individuals to Senator SANTORUM and myself. We then recommend these individuals to the President.

I thank my colleagues for their confirmation of Mr. Terrence McVerry to sit on the United States District Court for the Western District of Pennsylvania.

H.R. 3009, THE ANDEAN TRADE PREFERENCE EXPANSION ACT

Mr. SARBANES. Mr. President, I rise to urge my colleagues to join me in opposition to the motion before us, on passage of the conference report on H.R. 3009, the Andean Trade Preference Expansion Act. During the Senate's consideration of this act, the bill's managers stripped H.R. 3009 of the language approved by the House and offered a substitute amendment comprising three measures reported by the Finance Committee. The first, H.R. 3009, is indeed the Andean Trade Preference Expansion Act. But the amendment added as well two other major trade-related bills. The second measure, H.R. 3005, would grant the President fast-track authority for certain proposed trade negotiations, and also, retroactively, for other negotiations already underway. And the third, S. 1209, would reauthorize the Trade Adjustment Assistance and NAFTA Transitional Adjustment Assistance programs. H.R. 3009 thereby became a legislative vehicle for linking together three independent measures, all trade-related to be sure but each with its own focus and provisions.

Let me say first that I am troubled by this procedural maneuvering. The three measures, each with far-reaching and very different ramifications, were considered independently of one another in committee. In my view they should have been considered separately on the floor of the Senate; each should have been amended and voted up or down on its own merits. Linked together, each measure became a hostage to the other two, a procedure which in my view ill served the American people.

I am particularly concerned by the linking of trade promotion authority with trade adjustment assistance. TAA addresses specific problems which Congress has defined. In contrast, trade promotion authority is very broad, potentially reaching into areas we cannot even identify. In fact the term is a euphemism. What we have before us is the procedure known more precisely and accurately as ''fast-track,'' a procedure that radically redefines and limits the authority granted to Congress in article II, section 8 of the Constitution ''to regulate commerce with foreign nations.''

It is easily forgotten that ''fast-track'' is a relatively new innovation

whose long-term consequences are as yet little understood. It dates back only to the Trade Act of 1974, and it lapsed in 1994. It differs fundamentally from the ''Proclamation Authority'' that Congress granted the President in the Reciprocal Trade Act of 1934, which gave the Executive power to set tariffs within limits and periods of time set by the Congress. Proclamation Authority did not grant to the President authority to negotiate trade agreements requiring changes in U.S. law, let alone limit the discretion of Congress to approve or reject such changes. In contrast, fast track authority does both. It greatly expands the latitude of the Executive to negotiate an agreement, while sharply restricting the latitude of the Congress to consider any implementing legislation that results from the negotiation. Fast track guarantees that the executive branch can write legislation implementing a trade agreement and have that legislation voted on, up or down, 90 days after it is submitted, with only 20 hours of debate and no opportunity for amendment. While vast change in U.S. law may be at stake, under fast-track procedures Congress becomes little more than a rubber stamp.

In no other area of U.S. international negotiation and agreement are arguments for fast track made. All major U.S. tax, arms control, territorial, defense and other treaties are still accomplished through established constitutional procedures, fully respecting the role of the Congress.

Proponents of fast track often argue that in the area of trade, however, the Executive will find it difficult if not impossible to negotiate agreements. This is certainly not the case. Fast-track procedures are relevant only to trade agreements that require Congress to make changes in existing U.S. law in order for the agreements to be implemented. Most trade agreements do not require legislative changes and are thus not subject to fast track consideration. Of the hundreds of agreements entered into between 1974–1994, when fast-track authority was in effect, only five have required fast track procedures: the GATT Tokyo Round of 1979, the United States-Israel Free Trade Agreement of 1985, the Canada-United States Free Trade Agreement of 1988; the North American Free Trade Agreement, NAFTA, of 1993, and the GATT Uruguay Round of 1994. In 1994, after just twenty years, fast track lapsed, and in 1997 the Congress declined to extend it. Yet since 1994 hundreds of trade agreements have been successfully negotiated and implemented.

For example, in 2000 the office of the Trade Representative identified the following agreements, negotiated without fast track, as having ''truly historic importance'': The Information Technology, IT, Agreement, under which 40 countries eliminated import duties and other charges on IT products representing more than 90 percent of the telecommunications market; the Financial Services Agreement, which has helped U.S. service suppliers expand commercial operations and find new market opportunities around the world; the Basic Telecommunications Agreement, which opened up 95 percent of the world telecommunications market to competition; and the Bilateral agreement on China's WTO accession, which opened the largest economy in the world to American products and services.

I could cite many other examples. During this period the Executive negotiated and then obtained Congressional approval of normalization of our trade relations with China, a new Caribbean Basin initiative bill, and the Africa Growth and Opportunity Act. Without any fast-track authority the previous administration negotiated major bilateral trade agreements with Jordan and Vietnam. The ground-breaking United States-Jordan agreement was submitted to and approved by Congress in January of last year. And although negotiated by the previous administration, the United States-Vietnam agreement was actually submitted to Congress by the current administration. It was approved in June of last year.

Furthermore, in the absence of fast-track authority the current administration has found it possible and prudent to carry forward the negotiations for bilateral free trade agreements with Chile and Singapore which were initiated by its predecessor. The case of Chile is particularly instructive. In 1994 Chile declined an invitation to join NAFTA, citing the Administration's failure to obtain fast track authority. Six years later, however, Chile reconsidered its position and in 2000 entered into negotiations on a United States-Chile bilateral agreement. Negotiations since then have continued more or less on a monthly basis, and in a report dated April 1, 2002 and titled ''Chile: Political and Economic Conditions and U.S. Relations'', the Congressional Research Service concluded that ''Chile's trade policies and practices indicate that it is willing and able to conclude and live up to a broad bilateral FTA with the U.S., suggesting that this could be a comparatively easy trade agreement for the U.S. to conclude.''

In 1997, I opposed the previous administration's request. It was my view then, as it is my view now, that the arguments for fast track have been vastly overstated—they simply ignore our continuing success in concluding agreements that open foreign markets to U.S. exporters and benefit U.S. consumers. Chile and Singapore offer a case in point. The absence of fast track has not prevented negotiations with either, yet this legislation would apply the procedure retroactively. It is not clear why this should be necessary.

Additionally, I want to remind my colleagues that in December of last year our colleagues in the House of Representatives approved H.R. 3005 by a single vote, 215–214. Writing in the Washington Post, David Broder called this a ''shaky victory on trade.'' He observed about that ''longtime supporters of liberal trade'' voted against fast track because ''trade agreements now go far beyond tariff reduction and involve tradeoffs on intellectual property rights, environmental standards, basic labor laws and other issues''—issues too important, in Broder's words, ''to delegate sweeping authority to any administration to negotiate them away.'' These are the concerns, he wrote, of ''people who are by no means protectionists.''

Indeed, these are the concerns of the American people, and it is for this reason that trade agreements affecting vital areas of social and economic policy should not be hurried through Congress using an expedited and restrictive procedure.

Finally, not only do I disapprove of this measure as passed by the Senate, but I am deeply troubled by two very significant changes made to the legislation in conference. Whereas the Senate bill provided that employees whose factories move overseas would automatically qualify for health insurance, job training, and unemployment benefits, under the compromise, only workers whose companies relocate to countries that have a preferential trade agreement with the U.S. would be covered. Other workers would have to undergo a qualifying procedure through which the USTR must determine that the move was linked to trade. Additionally, during the Senate's consideration of the trade bill, Senators DAYTON and CRAIG offered an amendment to the fast-track bill to allow Congress to consider provisions within trade agreements that weaken U.S. trade remedy laws. The amendment had the support of 61 Senators and was adopted by voice vote. Following passage of the trade bill, I joined many of my colleagues in urging the conferees to preserve the Dayton-Craig language. Under the compromise reached, however, this language was removed from the bill and replaced by non-binding language allowing members to simply express their objections to a particular trade provision. And as my colleagues are aware, over the weekend, our colleagues in the House approved the package that emerged from the conference by a margin of 215–212, a margin greater than that of last year's House vote by only two. It seems clear that the compromise before us is not a consensus on trade and I would urge my colleagues to oppose the conference report to H.R. 3009.

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 in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current