

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

hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 29, 2000 in Mahwah, NJ. A man attacked two gay men after leaving an apartment complex party. The assailant confronted the two partygoers in the apartment parking lot, made obscene remarks about their sexual orientation, and then punched and kicked them. One of the victims had to be treated at a local hospital.

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 and changing current law, we can change hearts and minds as well.

#### THE ELEVENTH OF SEPTEMBER

Mr. KERRY. Mr. President, over the last year, Roger J. Robicheau, of Holbrook, MA, has taken the time to share with me many of his poems that were inspired by the events of September 11 and our country's efforts to heal the wounds of that day. His eloquence has captured the heroes who sacrificed so much for so many, has lifted my spirits throughout the year and has offered insightful perspective on that tragic day. I ask that his latest poem, "The Eleventh of September," be printed in the RECORD so that my colleagues and my fellow Americans can share in his thoughts and prayers for our country.

#### THE ELEVENTH OF SEPTEMBER

We mourn their loss this day this year  
Those now with God, no danger near  
So many loved ones left do stand  
Confronting loss throughout our land  
My heart goes out to those who do  
No one can fathom what they view  
I firmly pray for peace of mind  
Dear God please help each one to find  
And to our soldiers now at war  
God guide above, at sea, on shore  
They are the best, I have no doubt  
Our country's pride, complete, devout  
The finest force you'll ever see  
All freedom grown through liberty  
One final thought comes clear to me  
For what must live in infamy  
Absolutely—We'll Remember  
The Eleventh—of September

#### IN MEMORIAM: CAPTAIN CHARLES BURLINGAME, III

Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate the memory of one of my constituents, Captain Charles F. Burlingame, III, who lost his life on September 11, 2001. Captain Burlingame was 51 years old when the flight he was piloting, American Airlines Flight 77, was overtaken and hijacked by terrorists. As we all know, that plane crashed into the Pentagon, killing everyone on board.

Charles Burlingame was known as "Chic" his entire life by family and friends. He was born in St. Paul, MN, and grew up in Anaheim, CA. Chic was an Eagle Scout and played trumpet in his high school marching band. After graduating from Anaheim High School in 1967, President Lyndon Johnson appointed him to the United States Naval Academy in Annapolis, MD.

He continued developing his musical talents and played bugle in the Naval Academy Drum and Bugle Corps. After graduating from the Naval Academy in 1971, he attended Naval air training at Pensacola, FL and then enrolled at the advanced tactical school at Meridian, MS, and Corpus Christi, TX. He flew F-4 Phantom jets as a carrier-based pilot aboard the U.S.S. *Saratoga*.

In 1979 Captain Burlingame was honorably discharged from active duty and became a member of the Naval Reserves. During the Gulf War he served at the Pentagon under the Assistant Secretary of Defense and was awarded the Defense Superior Service Medal. Later, as a pilot for American Airlines he flew domestic and international flights.

At his eulogy, Navy Vice-Admiral Timothy Keating described Captain Burlingame as "a gifted aviator who could make jets talk." Senator George Allen of Virginia eulogized him as a man who "gave his last breath in a struggle against terrorism. He was a true American patriot who paid the ultimate sacrifice as one of our Nation's first warriors to perish in the war on terrorism." Perhaps Chic Burlingame's attitude toward life is best summed up by a statement he wrote in a classmate's high school yearbook when Chic was about to graduate, "Remember, desire and hard work equal victory!" Chic believed that one person really can make a difference.

Captain Burlingame is survived by his wife, Sheri G. Harris Burlingame, his daughter, Wendy D. Pattavina, his grandson, Jack Pattavina, step-sons John Harris and Chad Harris, brothers Mark M. Burlingame and Bradley M. Burlingame and sister Debra A. Burlingame.

None of us is untouched by the terror of September 11th, and many Californians were part of each tragic moment of that tragic day. Some were trapped in the World Trade Center towers. Some were at work in the Pentagon. And the fates of some were sealed as they boarded planes bound for San Francisco or Los Angeles.

I offer today this tribute to one of 51 Californians who perished on that awful morning. I want to assure the family of Charles Burlingame, and the families of all the victims, that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten.

#### LAUREN GRANDCOLAS: IN MEMORIAM

Mrs. BOXER. Mr. President, I would like to take this opportunity to share

with the Senate the memory of one of my constituents, Lauren Grandcolas, of San Rafael, CA, who lost her life on September 11, 2001. Mrs. Grandcolas was a 38-year-old advertising sales consultant when the flight she was on, United Airlines Flight 93, was hijacked by terrorists. As we all know, that plane crashed in a Pennsylvania field, killing everyone on board.

Mrs. Grandcolas was born in Bloomington, IN and attended the University of Texas at Austin, where she met her husband, Jack Grandcolas. After graduation, she worked as a Marketing Director for a law firm and then for Price, Waterhouse, Coopers. At the time of her tragic death, Mrs. Grandcolas was working as an advertising sales consultant at Good Housekeeping Magazine and was researching and writing a non-fiction book to help women boost their self-esteem.

Lauren had enthusiasm and passion for life, loved the outdoors and was devoted to physical fitness. She hiked, jogged, kayaked, and enjoyed in-line skating around her neighborhood. Her energy was boundless and she took classes in cooking, gardening, scuba diving and wine appreciation. Lauren was also active with United Way, March of Dimes, Project Open Hand, Juvenile Diabetes Foundation, Breast Cancer Awareness and Glide Memorial.

Her husband Jack recalls she had a heart the size of Texas. Knowing her flight had been hijacked, Lauren left her husband a message on their home answering machine and then loaned her cell phone to another passenger to call loved ones.

The joy Lauren felt pursuing new interests and developing new skills was being interwoven in the book she was writing for women. Jack recalls, "She made a point to do things that were good for her, and she thought she could extend what she'd learned to help other adult women gain confidence. Her sister and I will fulfill her dream by completing the book."

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I offer today this tribute to one of the 51 Californians who perished on that awful morning. I want to assure the family of Lauren Grandcolas, and the families of all the victims, that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten.

#### YEAR OF THE BLUES RESOLUTION

Mrs. LINCOLN. Mr. President, as you may know, I introduced legislation (S. Res. 316) on August 1, 2002, designating the year beginning February 1, 2003, as the "Year of the Blues" and requesting that the President issue a proclamation calling on the people of the United