

THIRD ANNIVERSARY OF THE
MURDER OF UKRAINIAN
GEORGIY GONGADZE

Mr. LEVIN. Mr. President, the nation of Ukraine recently celebrated the 12th anniversary of its independence from the former Soviet Union. This milestone, gained after decades under Soviet repression, is a notable achievement that bears witness to humanity's inextinguishable and universal desire for liberty and freedom. Twelve years after its independence, much has been achieved, yet much work remains to be done before Ukraine is able to fulfill its considerable promise and fully join the Euro-Atlantic community of nations that find unity through their commitment to democracy and a steadfast adherence to the rule of law.

Yesterday also marked the third anniversary of the disappearance and murder of Ukrainian journalist Georgiy Gongadze. This anniversary casts a pall over Ukrainian society and underscores the problems it faces as it seeks to reform its domestic political situation. The editor of an internet newspaper, *Ukrainska Pravda* Ukrainian Truth—Gongadze reported widely on corruption within highest circles of Ukrainian society. He was an outspoken critic of corruption, and his decision to create an internet news journal was done in part to avoid some of the censorship and intimidation imposed upon journalists in Ukraine who routinely have their papers seized, presses damaged, and lives threatened by government officials.

However, Gongadze's actions did not escape official notice. Nothing done by members of the fourth estate is going unnoticed in a nation that Reporters Without Frontiers ranked 112th in its rating of worldwide media freedom. After Gongadze's disappearance, tapes secretly recorded by Mykola Melnychenko, a former bodyguard for President Leonid Kuchma, documented plans by President Kuchma and other government officials to dispose of Gongadze by a variety of means including "selling him to the Chechens."

Since his disappearance 3 years ago, little headway has been made into the investigation of his murder. Ukrainian officials have hindered efforts by the FBI to examine evidence, court documents have been forged and a witness in the case recently died while in police custody. Delays into this investigation and the lack of transparency with which it has been conducted undermine the reputation of Ukraine and hinders its relationship with the United States, the European Union, and NATO.

Much has been made of Ukraine's contribution to Operation Iraq Freedom. Currently, a brigade of Ukrainian soldiers are on the ground in Iraq, and this contribution is greatly appreciated. Yet such assistance, coupled with military reform, should not be seen as a quid pro quo for a lack of reform on Ukraine's domestic front. Unification with the Euro-Atlantic com-

munity is not merely a geopolitical or bureaucratic decision. Ukraine must continue efforts to develop and implement a responsive and transparent rule-based system of law before it is fully able to from the West.

The conduct of the October 2004 Presidential elections in Ukraine will be watched closely by the international community. Free and fair elections, regardless of their final outcome, will be an important step toward Ukraine's rapprochement with the community of nations. This election will be vital not for its outcome, but for the process by which it is conducted. It is my hope that the October 2004 elections will aid Ukraine's transformation from a nation where fear undermines public discourse into a nation where all facets of society can freely engage in the marketplace of ideas without fear of re-creation. Only in such a society will we be able to learn the truth surrounding the disappearance and murder of Georgiy Gongadze. His family and the Ukrainian people deserve no less.

TRIBUTE TO MARVIN "SONNY"
ELIOT

Mr. LEVIN. Mr. President, today I have the honor of recognizing a great American and Michigander, Marvin "Sonny" Eliot. Sonny was born and raised in my hometown of Detroit. He is well known as a popular TV and radio weatherman, with a career spanning 57 years. However, equally as impressive as his broadcasting career is his aviation and military career.

Sonny had always wanted to fly planes. While in high school, he commuted across town to take a special aviation course at another school. Sonny did so well on the final exam that he was awarded flying lessons, which led to his pilot's license in 1940. After high school, Sonny attended Wayne State University. Before finishing a degree program, he decided to enlist in the U.S. Army Air Corps.

Following his training in the Air Corps, Sonny was shipped to Wendling, England, where he flew B-24's as part of the 392nd Heavy Bomber Group. During World War II, Sonny was shot down over Gotha, Germany on his 16th mission. Subsequently, he was captured by the Nazis and spent 16 months as a Prisoner of War in Germany, 14 of which were in the prison camp Stalag Luft I. Due to his valor and loyalty in the service, Sonny earned the Distinguished Flying Cross, Air Medal, and Purple Heart. In addition, he received the Presidential Unit Citation with all the members of the 392nd Heavy Bomber Group for carrying out one of the most vital air strikes of the aerial attacks of the war.

After returning from Europe in 1945, Sonny continued his studies at Wayne State University where he earned a B.A. in English and an M.A. in Mass Communication and began his career in broadcasting. He has spent almost six decades on Detroit's airwaves with

WWJ Radio and Channels 2 and 4 television, best known as a personable and humorous weatherman. In fact, his witty weather reports have been named the nation's best by the National Association of TV Program Executives.

Nevertheless, his interest in aviation never faded. While at Channel 4 TV and WWJ, Sonny won numerous news media awards for promotion and public awareness of aviation. In addition, he continues to fly and has accumulated more than 7,500 hours. Sonny holds the rank of colonel in the U.S. Air Force Reserve and was named the Air Force liaison for the 1st Congressional District. In October 2001, as a result of his lifelong commitment to aviation, he was enshrined into the Michigan Aviation Hall of Fame.

Currently, Sonny can be heard on WWJ-AM 950 with his easy-to-understand weathercasts. I am pleased to join my colleagues in the Senate in saluting Marvin "Sonny" Eliot's lifetime full of contributions to his country and the state of Michigan. I wish him continued success in the future.

NEGOTIATION OF A U.S.-CENTRAL
AMERICAN FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise today to address the ongoing negotiations for a United States-Central America Free Trade Agreement—also known as the "CAFTA."

These negotiations present a couple of unique challenges.

First, most of the CAFTA countries are less developed, both economically and politically, than Mexico, Chile, or any of our other FTA partners. This presents challenges to the abilities of the Central American countries—both to negotiate a comprehensive set of commitments and to implement them effectively.

Second, these negotiations are on an accelerated schedule. They started in January 2003 and are set to conclude by the end of this year. The limited trade negotiating capacities of the CAFTA countries makes this an ambitious goal.

Third, several of the CAFTA countries played a less than constructive role at the WTO Cancun Ministerial. Their participation in the G-21 and the role of that group in precipitating the meeting's collapse raises serious questions about their commitment to trade liberalization.

I support comprehensive free trade agreements that create sound market access rules and meaningful commercial opportunities for American farmers, workers, and businesses. And I support, in principle, the goal of reaching such an agreement with the five CAFTA countries.

But we need to be realistic. A CAFTA agreement will be politically difficult here—much more so than the recently passed free trade agreements with Singapore and Chile. The issues it raises will be challenging on both sides of the aisle.

Next year's vote on CAFTA will also set the stage for the many free trade agreements that are lining up to pass through Congress: Morocco, Australia, the Dominican Republic, South Africa, Bahrain. The list just keeps growing.

To keep our trade agenda moving forward, we need a CAFTA that can pass with a large majority. If CAFTA sours the Congress on FTAs we are in for real trouble.

With only 4 months left in the negotiations, time is running short. But there is still time enough to push the CAFTA negotiations in the right direction. We can do that by addressing three principal concerns:

First, there needs to be a clear acknowledgment by our negotiators that CAFTA presents different challenges than other agreements. These countries have different political, legal, and social structures, and different economies, than any of our existing FTA partners.

We cannot simply table the Singapore and Chile texts and say we are done. Not for market access or agriculture. Not for services and intellectual property. Not for environment or labor. One size does not fit all.

Second, we need to make sure that this agreement is comprehensive. Taken together, the CAFTA countries are about our 18th largest trading partner. They account for one percent of U.S. trade. So the commercial benefits from this agreement will be modest at best.

Absent significant commercial gains, the only way to "sell" the CAFTA to our farmers, workers, and businesses, is as a strong model for future agreements.

We hear from Costa Rica that they don't want a telecom chapter in the agreement. This is a bad precedent.

Similarly, we can't allow ourselves to go too far down the path of "non-reciprocal" market access provisions for developing countries, just to get an agreement done.

Given their reluctance to tackle hard issues in the FTA negotiations and the recent actions of some of the CAFTA countries in Cancun, I am frankly skeptical about where the CAFTA negotiations are headed. If we, and the CAFTA countries, are not prepared to conclude a comprehensive agreement, we need to ask ourselves if this agreement is worth negotiating at all.

Third, we need to do more to address legitimate concerns about environment and labor.

Any number of objective sources have pointed out deficiencies in the environmental and labor laws of the various CAFTA countries.

And there is widespread agreement including among the CAFTA governments themselves—that these countries lack the capacity to effectively enforce their own environmental and labor laws.

Yet that is just what the text tabled by USTR would require them to do. Even as the evidence mounts, our nego-

tiators stick stubbornly to their determination not to go beyond the Chile and Singapore texts.

That won't work. For CAFTA, we need a different approach.

To date, our domestic politics on environment and labor have been polarized. The CAFTA countries see that and they use it as an excuse not to engage constructively.

I want to help break this deadlock. I want to get us all talking about constructive ways to address environment and labor.

A workable approach to environment and labor in the CAFTA will do two things. It will help the CAFTA countries overcome their capacity limitations. And it will give assurance that meaningful improvements in environmental and labor standards and enforcement in those countries are occurring.

In the next weeks, I plan to release a detailed proposal for addressing environmental issues in the CAFTA. I will give just a short preview today.

My proposal combines improvements to the Chile and Singapore environment chapter text with enhancements to the trade capacity building and environmental cooperation programs.

In the text, I propose changes that will help build an open and responsive system of environmental regulation in the CAFTA countries. For example, the citizen petition process used in the NAFTA side agreement has helped empower environmental NGOs in Mexico, with positive effects. I think that should be a model for the CAFTA.

On trade capacity building, I think we can make this process work better to achieve long-term environmental and sustainable development goals. On the U.S. side, that means creating a mechanism that assures funding for capacity building over the long term.

For the CAFTA countries, it means completing the ongoing regional process of setting environmental priorities, and establishing a monitoring system to assure that capacity building is leading to progress toward those goals.

I look forward to sharing my detailed proposal in the near future.

It does not serve America's trade interests to negotiate imperfect trade agreements simply to put another notch on our belt.

I hear people say all the time that America has fallen behind other countries in negotiating FTAs and needs to "catch up." But this is not a numbers game. We must always remember that it is the quality, not the quantity, of our free trade agreements that matters.

I hope that I will be able to work with the administration to pass a good agreement with Central America. It is an important region, and this could be a significant agreement.

But the Trade Act—and specifically the provisions on labor and environment—must be adhered to. Submitting the same labor and environment text for all agreements—regardless of the

situation in that country—is not, in my view, consistent with the Trade Act.

If we end up with an agreement that ignores Members' concerns on labor and the environment, I will work hard against it.

I hope it does not come to that. I hope that we can work together on an agreement that makes sense and moves the ball forward. And I stand ready to do that.

COLLAPSE OF THE WTO MINISTERIAL

Mr. BAUCUS. Mr. President, I rise today to talk about next steps for our trade agenda after last week's collapse of the World Trade Organization Ministerial in Cancun.

Certainly, the WTO is not dead. In fact, this kind of setback is fairly common in its history. Sooner or later the negotiators pick up the pieces and get back to work. We must and we will continue to try to get the Doha round negotiations back on track. And eventually, I think we will succeed.

But it probably won't happen soon.

In the meantime, we need to learn from last week's events and adjust our national trade strategy accordingly. In my view, there are two important lessons to be learned.

First, we can't count on a sweeping WTO agreement to be an engine of economic growth for our country any time soon. The President has made the stimulative effect of a strong WTO agreement a centerpiece of his plan for economic recovery and long-term growth. If we want to stimulate the economy through trade—and I certainly support that goal—then we need a new plan.

Second, the administration needs to rethink its strategy for picking FTA partners. I have heard many times that we need FTA partners who will be allies in the WTO and help the United States move that process forward. Instead, many of the same countries who are negotiating FTAs with us joined the G-21 and helped deadlock the ministerial.

So where do we go next?

To begin, I don't think we should overreact. Punishing trading partners with whom we have differences of opinion is not likely to be productive in the long term.

That doesn't mean they get a free pass. To the contrary, the onus is very much on Costa Rica, South Africa, Guatemala, and the others to take significant, constructive steps right now to show that they take their FTA negotiations seriously and are committed to comprehensive agreements with the United States. Where they have been holding back in FTA talks, they need to start putting more on the table. And if they don't, they should realize we have other countries to look to.

At the same time, we need to think hard about how to use trade agreements to create economic alternatives to the WTO. American workers, farmers, and businesses have just suffered a