

Finance Committee held hearings, conducted several weeks of informal drafting, and held four mock markup sessions. The informal conference alone included 3 days of Member-level meetings and took close to 2 months to complete.

The informal process for NAFTA lasted a full year. It included five hearings in the Finance Committee as well as hearings in five other committees. The Finance Committee staff worked with the administration for months on legislative drafting. The Finance Committee's markup involved 3 sessions over 2 weeks, followed by a conference.

The informal process for the Uruguay Round Agreements Act took about 9 months.

The Singapore and Chile FTAs took less time. That makes sense. The agreements required many fewer changes to U.S. law than those that came before.

After walking through the draft bills in detail with the administration, with Committee staff, and with legislative counsel, Members were satisfied. They chose not to offer any amendments at the mock markups. No conference was necessary.

Affording sufficient time to the process pays off. After the President formally submits an implementing bill, the fast-track procedures allow Congress up to 90 days to complete action. That is 90 days on which Congress is in session not calendar days.

But nowhere near that much time has ever been used. The formal process took 56 calendar days for the U.S.-Canada Agreement—including the August recess. NAFTA, Singapore, and Chile took a mere 16 days each.

What lesson can we learn from all this experience? Process matters.

Congress needs to be engaged throughout the negotiations. The trade committees need to play an active role in drafting implementing legislation. Committee members need to have enough time to give meaningful consideration to amendments and to resolve any differences between the Houses before the Government completes an implementing bill. When that happens, the formal fast-track process goes quite smoothly.

What does this mean for the future? First, we should not get overconfident. Just because the process works smoothly and quickly for some agreements, like Singapore and Chile, doesn't mean we can start skipping steps. In fact, with a vote on whether to extend the President's trade promotion authority for an additional 2 years possible next summer, now is no time to get sloppy.

More complex agreements may be ahead. CAFTA involves six countries and could raise controversial new issues. Any agreements that come out of the WTO Doha Round or the FTAA talks could require extensive new implementing legislation. In sum, we would be foolish to assume the process of developing implementing bills will

always be as easy in future as our recent experience with Singapore and Chile.

Second, timing should always be Member-driven. Members should have the time that they need to review the relevant materials and participate in the informal process. We should never cut that time short just to meet artificial deadlines.

When we shortchange the process, we shortchange the Constitution. When we start cutting corners on process, we begin to abdicate Congress's constitutional role in making trade law.

A good agreement is no excuse for bad process. A good agreement is no excuse for Congress to surrender its Constitutional role. The ends do not justify the means.

Let us work together to advance the process of free trade. Let us ensure a fair process for reaching our trade agreements, and thereby make future trade agreements easier to achieve. And by advancing those agreements, let us work together to earn those benefits of free trade of greater economic growth and higher standards of living for generations of Americans yet to come.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On November 20, 1995, a young transsexual woman named Chanelle Pickett was beaten severely and then strangled to death after leaving a gay bar in downtown Boston.

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 is 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.

Mrs. FEINSTEIN. Mr. President, I offer into the RECORD my statement of support of S. 2548, private relief legislation to provide lawful permanent residence status to Shigeru Yamada, a 22-year-old Japanese national who lives in Chula Vista, CA.

I have decided to offer private relief legislation on his behalf because I believe that Shigeru Yamada represents a model American citizen for whom removal from this country would represent an unfair hardship. Without this legislation, Mr. Yamada will be forced to return to a country in which he lacks any linguistic, cultural or family ties.

Mr. Yamada legally entered the United States with his mother and two sisters in 1992 at the young age of 10.

The family was fleeing from Mr. Yamada's alcoholic father, who had been physically abusive to his mother, the children and even his own parents. Since then, he has had no contact with his father and is unsure if he is even alive. Tragically, Mr. Yamada experienced further hardship when his mother was killed in a car crash in 1995. Orphaned at the age of 13, Mr. Yamada spent time living with his aunt before moving to Chula Vista to live with a close friend of his late mother.

The death of his mother marked more than a personal tragedy for Shigeru Yamada; it also served to impede the process for him to legalize his status here. At the time of her death, Mr. Yamada's family was living legally in the United States. His mother had acquired a student visa for herself and her children qualified as her dependents. Her death revoked his legal status in the United States. Tragically, Mr. Yamada's mother was engaged to an American citizen at the time of her death. Had she survived, her son would likely have become an American citizen through this marriage.

Mr. Yamada has exhausted his options under our current immigration system of the United States. Throughout high school, he contacted attorneys in the hopes of becoming a citizen. Unfortunately, time has run out and, for Mr. Yamada, the only option available to him today is private relief legislation.

For several reasons, it would be tragic for Mr. Yamada to be removed from the United States and sent to Japan.

First, since arriving in the United States, Mr. Yamada has lived as a model American. He graduated with honors from Eastlake High School in 2000, where he excelled in both academics and athletics. Academically, Mr. Yamada earned a number of awards including being named an "Outstanding English Student" his freshman year, an All-American Scholar, and earning the United States National Minority Leadership Award. His teacher and coach, Mr. John Innumerable, describes him as being "responsible, hard working, organized, honest, caring and very dependable." His role as the vice president of the Associated Student Body his senior year is an indication of Mr. Yamada's high level of leadership, as well as, his popularity and trustworthiness among his peers. As an athlete, Mr. Yamada was named the "Most Inspirational Player of the Year" in junior varsity baseball and football, as well as, varsity football. His football coach, Mr. Jose Mendoza, expressed his admiration by saying that he has "seen in Shigeru Yamada the responsibility, dedication and loyalty that the average American holds to be virtuous."

Second, Mr. Yamada has distinguished himself as a local volunteer. As a member of the Eastlake High School Link Crew, Mr. Yamada helped freshmen find their way around campus, offered tutoring and mentoring services, and set an example of how to be a successful member of the student body.

Since graduating from high school, he has volunteered his time as the coach of the Eastlake High School girl's softball team. The head coach, Mr. Charles Sorge, describes him as an individual full of "integrity" who understands that as a coach it is important to work as a "team player." His level of commitment to the team was further illustrated to Mr. Sorge when he discovered, halfway through the season, that Mr. Yamada's commute to and from practice was 2 hours long each way. It takes an individual with character to volunteer his time to coach and never bring up the issue of how long his commute takes him each day. Mr. Sorge hopes that, once Mr. Yamada legalizes his status, he can be formally hired to continue coaching the team.

Third, sending Mr. Yamada back to Japan would be an immense hardship for him and his family. Mr. Yamada does not speak Japanese. He is unaware of the nation's current cultural trends. And, he has no immediate family members that he knows of in Japan. Currently, both of his sisters are in the process of gaining American citizenship. His older sister has married a United States citizen and his younger sister is being adopted by a maternal aunt. Since all of his family lives in California, sending Mr. Yamada back to Japan would serve to split his family apart and separate him from everyone and everything that he knows. His sister contends that her younger brother would be "lost" if he had to return to live in Japan on his own. It is unlikely that he would be able to find any gainful employment in Japan due to his inability to speak or read Japanese.

As a member of the Chula Vista community, Mr. Yamada has distinguished himself as an honorable individual. His teacher, Mr. Robert Hughes, describes him as being an "upstanding 'All-American' young man". Until being picked up during a routine check of his immigration status on a city bus, he had never been arrested or convicted of any crime. Mr. Yamada is not, and has never been, a burden on the State. He has never received any Federal or State assistance.

Currently, Mr. Yamada is a sophomore at Southwestern Community College, where he is working on finishing his general education so that he can go on to earn his BA in criminal justice from San Diego State University. Mr. Yamada's commitment to his education is admirable. He could have easily taken a different path but, through his own individual fortitude, he has dedicated himself to his studies so that he can live a better life. In the future, Mr. Yamada is interested in pursuing a career in criminal law enforcement by serving as a police officer or an FBI agent.

With his hard work and giving attitude, Shigeru Yamada represents the ideal American citizen. Although born in Japan, he is truly American in every other sense. I ask you to help right a wrong and grant Mr. Yamada perma-

nent status so that he can continue towards his bright future.

I ask unanimous consent three letters of recommendation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EASTLAKE HIGH SCHOOL,
Chula Vista, CA, May 21, 2004.

Hon. DIANNE FEINSTEIN,
U.S. Senator.

I am writing to bring to your attention the need to support a fine young man, Shigeru Yamada. I am a teacher and coach at Eastlake High School; I have known Shigeru for 8 years, both as a student and as a volunteer coach during the last 5 years. What has singularly impressed me about this young man is that he has created himself and never complained about his life's struggles. His mother died when he was young. He got little support from his aunt—materially, emotionally, spiritually. Yet all the while you would not have known that. He set goals for himself academically and athletically; modeled himself on good ideals of community service and service to his school. He was vice-president of the Associated Student Body at Eastlake High and would have pursued an academic future at UCLA were it not for his citizenship status. Instead, he did what he could do and has gone to community college in an effort to pursue his college degree.

All the while, he volunteered his time during these past 5 years to help coach our school's softball team (as well as other sports on campus). It was only recently that I had discovered that it would take him 2 hours with bus transfers just to get to softball practice.

I provide this information to you as a testimonial to the character of this young man. Exceptional in attitude and determination. We need this kind of spirit and resolve in America. We do not want to export it somewhere else. Please help.

Respectfully,

CHARLES R. SORGE, EdD,
English Teacher and Head Softball Coach.

EDMINSTER LEARNING CENTER,
EASTLAKE HIGH SCHOOL,
Chula Vista, CA, April 23, 2001.

To Mr. BOB FILNER:

I'm honored to write this letter for Shigeru Yamada. I have known Shigeru since 1997. A very energetic, bright young man whose personal charge and get after it attitude toward accomplishing his goals, have no equal. A person who personifies the notion of a "hard charger."

As an Instructional aide and Varsity Football coach I have earned great admiration toward Shigeru's work ethic. While in high school, Shigeru received academic honors as an All-American Scholar ('99), United States National Minority Leadership Award ('99 & '00), the National Honor Roll ('00), Golden State Awards, and Who's Who Among High School Students ('98-'00). His commitment toward his duties goes with out question. He managed to be a member of the Associative Student Body. Here he received a Presidential Award ('00), ASB Leadership Award ('00), and Eastlake High School ASB Life Membership Award ('00).

Through his many academic accomplishments Shigeru managed to dedicate himself to many extra curricular activities, such as Football, Baseball, and Wrestling. Other activities included, the Boys Choir (The "E" Males), AVID (Advancement via Individual Determination), and Link Crew (assisting incoming freshmen).

Through my personal experiences as a squad leader in the United States Army (Infantry) and Department Head at Home Depot. I have seen in Shigeru Yamada the responsibility, dedication and loyalty that the average American holds to be virtuous.

So with great appreciation please endorse a Bill, so that Shigeru Yamada can stay in the United States and become a patriotic citizen.

Sincerely,

JOSE MENDOZA,
Instructional Aide.

EASTLAKE HIGH SCHOOL,
Chula Vista, CA.

To Whom It May Concern:

I would like to write this letter of recommendation on behalf of Shigeru Yamada for his outstanding contributions to Eastlake High School and the Eastlake Community. I have been closely tied to Shigeru for approximately 2 years as teacher, coach, and as a friend. Throughout his years at Eastlake High School, Shigeru has participated successfully in many extra-curricular activities and has earned the respect and admiration from staff members, fellow students and the surrounding community. Shigeru has developed into an outstanding performer in Eastlake's football, wrestling and baseball programs. He is strongly admired for his sportsmanship, work ethic and most of all his natural ability as a team leader. For his efforts, Shigeru was recognized for athletic and academic achievements by being selected to the 1998-99 San Diego Union Tribune All-Academic Wrestling Team. Although Shigeru spends much of his time with competitive sports, he always finds time to help other students in need. Shigeru is an active participant with the Eastlake Link Crew. This organization was established to assist our ninth graders with finding their way around campus, learning school traditions, tutoring, mentoring, monitoring academic progress and setting examples of how to be a successful member of our campus environment. Academically, Shigeru excels in the mathematics and is presently taking Honors Pre-Calculus while carrying a 3.8 overall Grade Point Average. In addition, Shigeru is an active member in the AVID (Advancement Via Individual Achievement) program. This program helps our students develop academic skills that are beneficial for them when they attend college. Shigeru is also a member of the Associated Student Body. The ASB is the backbone of our campus. This outstanding group of students work endless hours organizing pep assemblies and lunchtime activities, sells concessions at all extra-curricular events and assist in all campus elections and dances as well as providing support services for faculty and staff members. In several conversations, I have discovered that Shigeru has a strong interest in the field of Physical Therapy with an emphasis in Sports Medicine. I strongly believe that Shigeru is capable of reaching his goals because he is highly motivated, conscientious and extremely competent.

It is very easy to praise Shigeru for his personal achievements, but I think his personality is what makes him a great human being. Shigeru is responsible, hard working, organized, honest, caring and very dependable. On a daily basis, Shigeru volunteers his time selling concessions during nutrition break and lunch hour for the ASB food services. This job holds Shigeru accountable for large sums of money, an accurate account of inventories and timely service. Very few students have been trusted with this major responsibility. Another word that describes Shigeru is resiliency. Within the past couple of years Shigeru lost both of his parents in a tragic automobile accident. Consequently,

this sad episode has left a permanent impression on Shigeru. Fortunately, Shigeru has overcome this tragedy and has maintained a standard for other young people to follow. Shigeru has proven to me that life is too important to waste and to enjoy every moment by being an active member of society, not just a spectator.

Sincerely,

JOHN INUMERABLE.

TRIBUTE TO PHISH

Mr. LEAHY. Mr. President, on August 15 in Coventry, VT, a beloved chapter in American music history will come to a close as the jam band Phish holds its final concert for legions of devoted "phans" and "Phish-heads." We in Vermont are well known for our superb maple syrup, our wonderful ice cream, our award-winning cheese and our beautiful scenery, but after 21 remarkable years, the jam band Phish has certainly become one of our most famous exports.

The four musicians of Phish—Trey Anastasio, Mike Gordon, Page O'Connell, and Jon Fishman—met and started playing together as undergraduates at the University of Vermont in the early 1980s. The band quickly moved beyond its humble beginnings in a dormitory basement to playing a small nightclub in Burlington called Nectar's. While they toured for 5 years before releasing any commercial albums, the buzz around the band spread as their striking melodies and lively jam sessions endeared them to a growing legion of fans.

Phish released its first commercial album, *Junta*, in 1989. Since then, the band has put out more than 35 studio and live albums that have sold millions of copies. They have more than 200 original songs, and many of the songs die-hards love most were never recorded in the studio.

But the magic of Phish is not as much in its studio recordings as it is in its live performances. In an era when slick marketing techniques often overshadow the musical accomplishments of the artists themselves, this talented band from Vermont has provided a refreshing contrast by promoting free spiritedness and individuality in their music.

The band has always been unconcerned about releasing catchy singles and making millions of dollars from record sales. Instead they play long jams—oftentimes with songs lasting 30 minutes or longer—and tour year-round. Bucking a trend in the industry, they even encouraged people to tape their shows for free and trade them on the Internet. For the members of Phish, it really is all about their music and their fans.

Every night on stage is a new and different showcase for the talents of the versatile and endlessly creative band members. Whether they are playing electric guitars, keyboards, drums, or vacuum cleaners, Phish's improvisational talent has never disappointed. Many fans—often referred

to as "Phish-heads"—follow the band from concert to concert living off veggie burritos, grilled cheese sandwiches and the charity of others.

Through it all, Phish has always considered Vermont home. In a tribute to their Burlington roots, the band's first album produced with a major record company was titled *A Picture of Nectar*. And the band's share of proceeds from sales of the popular "Phish Food" Ben and Jerry's ice cream flavor goes directly toward environmental projects in Vermont's Lake Champlain Watershed. Now, as they prepare for their final show in Vermont, it is appropriate that they finish where they started.

Though Phish has sold millions of albums and become a huge success, in spirit they remain a group that is unpretentious and unfailingly loyal to their fans. Their admirable generosity has fostered a sense of community among those who follow the group. The band's break-up is a source of sadness to all of us who know and love them.

I congratulate Trey Anastasio, Mike Gordon, Jon Fishman and Page O'Connell on their remarkable success. I am grateful for all they have done for Vermont, for American music, and for their fans. Most importantly, we sincerely appreciate their authenticity, their enthusiasm and their generosity.

While no one wants to see Phish stop playing after this summer, we can all take some solace that their music will live on, in these words from their song, "Down With Disease."

Waiting for the time when I can finally say
That this has all been wonderful, but now
I'm on my way.

But when I think it's time to leave it all behind,

I try to find a way, but there's nothing I can
say to make it stop.

ADDITIONAL STATEMENTS

LAUREN AMBER COOK

Mr. BUNNING. Mr. President, I pay tribute and congratulate Lauren Amber Cook of Princeton, KY on being awarded the William R. Sprague Scholarship from the Kentucky Farm Bureau Education Foundation. This academic scholarship will provide Lauren with \$4,000 toward her education.

Lauren has proven to be a very able and competent student by winning this prestigious award. She will represent the graduates of Caldwell County High School very well when she enrolls at Vanderbilt University in the autumn. There she plans to study chemical engineering with a focus on agriculture.

The citizens of Caldwell County should be proud to have a young woman like Lauren Amber Cook in their community. Her example of dedication and hard work should be an inspiration to the entire Commonwealth.

She has my most sincere appreciation for this work, and I look forward to her continued service to Kentucky.

COMMUNITY DEVELOPMENT HOMEOWNERSHIP TAX CREDIT ACT

• Mr. SANTORUM. Mr. President, President Bush officially declared the month of June as "National Homeownership Month," and with this annual tradition, America's attention was again drawn to the importance of homeownership and the stability it can bring to families and neighborhoods. It is often homeownership that financially anchors American families and civically anchors our communities. But I believe our focus on homeownership also returns our attention to the basic ideals of the American Dream. Ensuring access to homeownership, and through it access to the American Dream, is among the most significant ways we can empower our citizens to achieve the happy, productive and stable lifestyle everyone desires.

Having a house of one's own that provides security and comfort to one's family and that gives families an active, vested interest in the quality of life their community provides is central to our collective ideas about freedom and self-determination. As a nation, we know that homeownership helps the emotional and intellectual growth and development of children. We know that homeowners show greater interest and more frequent participation in civic organizations and neighborhood issues. We know that when people own homes, they are more likely to accumulate wealth and assets and to prepare themselves financially for such things as their children's education and retirement.

In America today, homeownership is at a record high. Unfortunately, however, there remains a significant gap between minority and non-minority populations, leaving homeownership an elusive financial prospect for many. The homeownership rate for the nation's African American and Hispanic households lags more than 25 percentage points below White households.

In Congress, we have the responsibility of ensuring that the dream of homeownership is possible for more of our citizens. Last year, Senator JOHN KERRY and I drafted and sponsored S. 875, the "Community Development Homeownership Tax Credit Act," a bill that enjoys strong bipartisan support in the Senate. This legislation would give developers and investors an incentive to participate in the rehabilitation and construction of homes for low- and moderate-income buyers. This measure is aimed at reaching President Bush's goal of increasing American minority homeownership by 5.5 million families, thus making 5.5 million new dreams come true.

Owning a home is an integral part of attaining the security, continuity, and comfort of living the American Dream. I will continue to advocate policies that help make this dream become a reality for our Nation's families. I ask my colleagues to join me in supporting homeownership by cosponsoring S. 875. •