

support necessary once leaders decide to let independent institutions operate.

Fourth, regional and international organizations should be strengthened and encouraged to support reformers and build a consensus on democratic reform. The Organization of American States can play a central role in promoting press freedom, and the U.S. should encourage the Inter-American Development Bank to support educational reform and small enterprise.

Conclusion. Latin America has come a long way in a short time, much to the benefit of the United States. The President's trip put an important focus on the region, and the challenge now is to sustain the attention of U.S. policymakers. With strong support for reform from the United States, the region can consolidate the gains we have so long sought and help create a more stable, democratic and prosperous Latin America.

TRIBUTE TO RONALD BROOKS WATERS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. McINTYRE. Mr. Speaker, I am honored to pay tribute today to Mr. Ronald Brooks Waters of Lexington, SC, who displayed extraordinary courage and self-sacrificing assistance in the capture of two accused murderers in Cumberland County, NC.

On September 23, 1997, Cumberland County Sheriff's Deputy David Walter Hathcock and Highway Patrol Trooper Lloyd Edward Lowry were slain while attempting to apprehend two individuals who were operating a stolen vehicle. Mr. Waters was traveling north on Interstate 95 and witnessed the brutal shootings. He repeatedly put his own life in danger in order to relay valuable information to law enforcement personnel which led to the capture of these two armed and dangerous individuals. On two occasions, the suspects attempted to shoot him at point blank range. Had the weapon not jammed, Mr. Waters would surely have been wounded. Yet, through all of this, Mr. Waters displayed great courage as he continued to provide information that led to the capture of the suspects.

Mr. Waters is to be commended for his heroic actions, and I urge my colleagues to join me in recognizing and honoring this outstanding citizen who went above and beyond the call of duty with his self-sacrificing assistance to the Cumberland County law enforcement personnel.

FAST TRACK AUTHORITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 1997

Mr. WAXMAN. Mr. Speaker, I appreciate this opportunity to share with my colleagues the reasons I am unable to support H.R. 2621, the Reciprocal Trade Agreement Authorities Act of 1997.

I support the principle of granting fast track authority to President Clinton to negotiate new trade agreements. Since our markets are the most open in the world, we have the most to

gain by international agreements that pry open markets in countries with protectionist policies. In addition, we are uniquely positioned to forge relationships with our neighbors in this hemisphere that can help raise their standards of living and provide a significantly larger consumer base for our goods and services. Finally, since Mexico and Canada now enjoy special trade status with the United States under the North American Free Trade Agreement [NAFTA], it would seem illogical to deny a similar arrangement to other countries in the region.

Unfortunately, however, the debate on trade policy no longer encompasses simple unfair dumping and tariff barriers. Trade negotiations now have a direct impact on our country's ability to maintain strong health and environmental standards because these standards can be challenged as trade barriers.

The fast track language under H.R. 2621 is more regressive than that held by previous administrations and further restricts the authority of the President to negotiate trade agreements that include domestic and global environmental objectives. In addition, the language on food safety standards could reduce levels of risk to an international lowest common denominator. Third, the language would entitle companies to collect compensation if unjustified nontariff barriers restrict their activities. Since many environmental and health regulations have been interpreted as nontariff barriers to trade, governments could be required to compensate companies when public health and welfare regulations hinder capital flows. And finally, my longstanding concern that the broad rulemaking authority of international trade bodies is not instituted in a transparent, democratic manner has not been adequately addressed.

DIRECTLY RELATED TO TRADE LANGUAGE WOULD THREATEN ENVIRONMENTAL SAFEGUARDS

Since the fast track procedure was established in 1974, Presidents have been granted broad discretion to negotiate and include in fast tracked bills any terms the President has judged necessary or appropriate. Unfortunately, H.R. 2621 severely constrains President Clinton's ability to negotiate environmental, health, and labor provisions in trade agreements and leaves open to challenge many of the environmental and health protections we already have in place.

Under section 102(a)(2) of H.R. 2621, labor and environmental measures are considered overall trade objectives only if they are directly related to trade and decrease market opportunities for U.S. exports or distort U.S. trade. Under this legislation, funding for border clean-up projects, worker safety objectives, infrastructure and right-to-know requirements, enforcement of multilateral environmental agreements, and human rights standards would not be part of a trade agreement.

Further, even if the President wanted to negotiate an environmental provision, section 103(b)(3)(b) would prohibit its inclusion in the fast track implementing legislation unless it were necessary for the operation or implementation of the U.S. rights or obligations under such trade agreements.

In addition, the 1988 fast track language included "reducing or eliminating barriers, taking into account domestic objectives such as legitimate health and safety * * *" as a goal for trade in services and foreign investments. H.R. 2621, however, would "reduce or elimi-

nate barriers to international trade in services including regulatory and other barriers that deny national treatment and unreasonably restrict the establishment and operation of service suppliers." (Section 102.2)

H.R. 2621 simply fails to protect our Nation's ability to maintain strong environmental and health standards. Although section 102(b)(7)(B) seeks "to ensure that foreign governments do not derogate from or waive existing domestic environmental, health, safety or labor measures * * * as an encouragement to gain competitive advantage," it contains no enforcement language and provides no incentives for trading partners to establish minimum levels of environmental, health, or safety protections. It also fails to address the competitive advantage that countries without environmental or labor laws would enjoy. Finally, the section contains an escape clause stating that the designation "is not intended to address changes to a country's laws that are non-discriminatory and consistent with sound macroeconomic development." Consequently, a country could waive its environmental, health and safety laws to attract investment if such an action is considered sound macroeconomic policy.

POTENTIAL FOR LOWEST COMMON DENOMINATOR HEALTH AND SAFETY STANDARDS

H.R. 2621 could potentially invalidate U.S. safety standards and expose Americans to levels of risk set by an international lowest common denominator. This is especially troubling given our experience with NAFTA even though U.S. Trade Representative Kantor assured Congress in 1993 that "each government may establish those levels of protection for human, animal or plant life or health that the government considers to be appropriate."

In addition, the World Trade Organization's [WTO] ruling that rejected the European Union's [EU] ban on hormone-fed beef clearly contradicts that position. Under its ruling, the WTO determined that the EU had not provided a sufficient assessment of the hormone's risk. The EU was forced to accept international standards of risk as defined by the Codex Alimentarius Commission and denied its right to make its own societal determinations of public safety even though it presented credible scientific studies in support of its position.

This case sets a dangerous precedent for other sanitary and phytosanitary judgments on food safety, biotechnology, and food irradiation decisions. It is particularly threatening to U.S. food safety since some Codex standards permit residues of pesticides that have been banned in the U.S. and allows residues of others at much higher levels than the U.S. allows. Codex standards allow higher levels of residue than the U.S. on pesticides like DDT, heptachlor, aldrin, diazinon, lindane, permethrin, and benomyl.

H.R. 2621's provisions would exacerbate this problem by restricting Congress's ability to impose precautionary bans on unsafe products. U.S. domestic legislation has often relied on such precautionary measures to protect the public health and safety. For example, certain medical devices are not allowed on the market until they can be proven safe. H.R. 2621 would shift the burden of proof to consumers and health officials to first prove that devices are not safe before they could be restricted from the market.

Of additional concern is that NAFTA's implementing legislation rewrote poultry and meat