

definition of an investor is purposefully vague as it encompasses any individual involved or considering participation in a business venture. If CAFTA is ratified, any investing individual or corporation will have the vested right to challenge a nation's national or local policy, regulation, or law which they perceive as an impediment to their business dealings, and can call for it to be voided before a supranational dispute panel. This ability to circumscribe constitutionally enacted national legislation and regulation, or seek monetary compensation for their enforcement, gives rise to a new class of parties who essentially will be above the rule of local law. Like the North American Free Trade Agreement (NAFTA) ratified by Mexico, the U.S. and Canada and put into effect in 1994, this accord would provide private parties a protection that today is not in conformity with existing U.S. law. In addition, CAFTA does not clearly and reciprocally address a nation's legitimate course of action when a corporation is thought to have participated in unlawful behavior within its boundaries.

To enforce its bylaws, CAFTA will create an unaccountable supranational body bestowed with the authority to redress any so-called infringement on a foreign corporation's or investor's economic interests. Not only is the burden of proof in these cases placed upon the respective government, the plaintiffs face little consequence if they submit a frivolous complaint. Past experience with NAFTA suggests that environmental regulations will be the object of most of the infringement suits that will be filed because, despite Central America being the second most biodiverse region in the world, sustainable development is not a central tenet of CAFTA. In fact, the mere threat of legal action, and the accompanying litigation costs, should discourage the region's economically-strapped nations from aggressively enforcing environmental regulations.

The optimistic contention made by the Office of the U.S. Trade Representative in an August 2003 Interim Environmental Review, that "CAFTA may have positive environmental consequences in Central America," is disputed by Dr. Angel Maria Ibarra, president of the Salvadoran Ecological Unit (UNES). She notes that "a simple reading of the text and its relationship to other chapters reveals its essentially cosmetic nature. CAFTA is a custom-made agreement for transnational corporations." This is a thesis that U.S.-based private environmental organizations, such as the Center for International Environmental Law and the Sierra Club, have consistently reaffirmed.

In negotiations with the Central American countries, Washington pushed for and succeeded in institutionalizing a mechanism that suborns the very tenets of a country's sovereignty. There is no doubt that CAFTA will hinder the ability of the region's citizens to propose, discuss, and implement the rules of conduct which they may consider to be desirable and appropriate. The pact, therefore, challenges the very essence of using legislative action as a legitimate vehicle to achieve economic and social redress. Interestingly, whereas Washington refuses to participate in many supranational bodies, like the International Criminal Court and the Kyoto Protocol, citing their need to protect national interests, such fears are hypocritically brushed aside when lucrative private business transactions involving the state are at stake and the

possibility of unfavorable rulings against enterprises are most likely to be minimal.

#### HANDCUFFING THE STATE

The restrictions which CAFTA imposes on Central American governments will extend well beyond the capacity, or lack thereof, of states to bind companies to comply with domestic laws. In simplest terms, CAFTA will prohibit states from determining and implementing economic and social policies which their branches of government believe are most suitable to their developmental needs, thus forcing them to adhere to a "one size fits all" liberalizing recipe that does not account for the unique particularities of a given country. Under this system, the agreement's provisions substitute for an objective cost-benefit analysis of the beneficial or negative impacts a particular policy, regulation, or law would have on society. If, for example, Costa Rican authorities decide that they wish to encourage an emerging and possibly lucrative sector of the economy through tariffs and incentives, as Ireland and the much-lauded Asian Tigers most successfully did with their information technology and manufacturing industries, respectively, CAFTA provisions could be used to prohibit them from doing so.

In addition, the eventual elimination of all tariffs will expose essential domestic industries to potentially devastating competition from multinational corporations that enjoy a tremendous advantage based on their economies of scale or, as is the case with white corn, Washington-subsidized production. Even government procurement, a mechanism that the U.S. government itself utilizes in certain instances to offset market inequities, will not be exempt from CAFTA's strict regulations. According to Chapter Ten of the pact's text, foreign actors must be guaranteed the same treatment, in both the public and private sphere, as a nation's citizens. This begs the question of who the Central American negotiators were in fact representing when they agreed to these stipulations, because they demonstrably will not benefit the majority of their own citizens. In the long term, the region's severely underdeveloped economies can be expected to fall prey to the natural forces of the market and will undoubtedly incur heavy domestic job attrition, the displacement of thousands of small and medium scale farmers and a more skewed distribution of wealth to the benefit of the nation's privileged capital-holding minority. Salvador Arias, a Salvadoran legislator with the Faribundo Marti Liberation Front (FMLN), told La Nación USA, a Washington D.C. area daily, that his country alone would likely lose upwards of 54,000 agricultural jobs during the first year of CAFTA's implementation.

#### NO NEW LABOR PROTECTIONS

CAFTA's proponents assure critics that the agreement will encourage a marked improvement in labor rights for Central American workers. The chapter in CAFTA that addresses this issue, however, seems much more concerned with ensuring a level playing field for U.S.-based corporations than protecting the region's workers. The real aim of the agreement's provisions appears to be the ability to retain the excessively low costs of production that grossly unsatisfactory working conditions help maintain without appearing to do so. In this respect, even though Article 16.2 states that Central American governments must "strive to ensure" compliance with their domestic labor laws and guarantee not to "en-

courage trade or investment by weakening or reducing the protections" these laws provide, this, and other passages like it, fall far short of constituting a sturdy defense of labor rights and make the chapter's overall lackadaisical tone one of the agreement's most grievous deficiencies.

In a March press release, Human Rights Watch (HRW) strongly criticized the agreement's glaring reliance on current Central American domestic legislation that, until now, has been ineffective in curbing labor rights abuses. In addition, that organization maintains that real change will not come about unless CAFTA adopts strong "procedural guarantees for [their] enforcement." Without clearer mechanisms that redress worker abuse (which ideally would be equal to those that CAFTA would provide to investors) only blind optimists foresee anything more than a marginal improvement of the currently often corrosive, if not deplorable and inhumane, labor rights situation in Central America. In fact, the question of whether CAFTA, in its current format, will improve the overall standard of living of the region's inhabitants is highly debatable at best.

#### REDEDICATION CEREMONY FOR RUTGERS-NEWARK'S HILL HALL, HONORING AND COMMEMORATING BESSIE NELMS HILL

#### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PAYNE. Mr. Speaker, I invite my colleagues here in the House of Representatives to join me as I rise to acknowledge the rededication ceremony of Rutgers-Newark's Hill Hall. Originally dedicated in 1972, Hill Hall was named in honor of Bessie Nelms Hill.

Bessie Nelms Hill had an accomplished and distinguished career as an educator and community leader. She was also the first African-American to serve on the Rutgers Board of Governors. Her dedicated service spanned a six year period from 1965-1971. Ms. Hill's appointment to the Board followed an illustrious career as an English teacher, Department Chair and Guidance Counselor in Trenton, New Jersey for 40 years. She has been credited with inspiring and helping thousands of students including former New York City Mayor, David Dinkins.

Bessie Hill worked tirelessly as an activist helping to promote equality and preserving the rights of African-Americans throughout New Jersey and the nation as a whole. She once served as state secretary for the National Association for the Advancement of Colored People (NAACP). Ms. Hill was also one of the founders of the Montgomery Branch YWCA and the Carver Center YWCA both in Trenton.

The tradition of excellence continues in the Nelms Hill family as, Ms. Anzella K. Nelms, a niece, is the deputy superintendent of the Newark Public Schools. Her tireless efforts to promote education on the elementary level are to be commended as well.

Mr. Speaker, I know that my colleagues agree that the rededication of Hill Hall ceremony which will include the unveiling of Bessie Nelms Hill's portrait will inspire the current generation of Rutgers-Newark's students. It

will also serve to keep her memory alive for generations to come. I am pleased that Rutgers-Newark chose to remember Bessie Nelms Hill with this ceremony on October 20, 2004.

PAYING TRIBUTE TO BILL DORN

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 19, 2004*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Bill Dorn from Sterling, Colorado. Bill has been serving his country overseas for over ten years, and I would like to join my colleagues here today in recognizing his tremendous efforts before this body of Congress and this Nation.

Bill returned to Sterling after serving in the Navy in 1963, and soon thereafter began a construction business with his brothers. In 1974, he started his own business and was recognized for his architectural plans of two hotels with the Golden Crown award given by the Best Western Company to 35 of 2500 entrants every year. In 1989, Bill moved to Wiesbaden, Germany and began working for the US Army with the Community's Morale, Welfare, and Recreation Fund.

Bill has been widely recognized for his contributions to the Wiesbaden community by the Chief of US Veterans Affairs, the US Military Chief of Staff, the US Army Team of Excellence, the US Army Corps of Engineers, and the US Great Escape Community Club. In addition, the Army Corps of Excellence and the US Army Europe (USAREUR) have recognized The Wiesbaden community for four consecutive years. Each year, Bill's contributions were specifically mentioned in the organizations reports.

Mr. Speaker, it is a privilege to recognize Bill Dorn for his exceptional service to the US Army personnel serving in Germany. He has been widely recognized for his unwavering ability to get the job done, and the excellence with which he performs his duties. It is with great pleasure that I recognize him today before this body of Congress and this Nation. Thank you, Bill, for your hard work and good luck with all of your future endeavors.

PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 19, 2004*

Mrs. MCCARTHY of New York. Mr. Speaker, on November 18, 2004, I missed rollcall vote No. 535 due to surgery. Rollcall vote 535 was on the Stenholm motion to commit with instructions to S. 2986. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment providing that the provisions of the bill shall not apply after April 15, 2005.

Had I been present I would have voted "yes" on rollcall vote 535.

H.R. 2440

**HON. RICHARD W. POMBO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 19, 2004*

Mr. POMBO. Mr. Speaker, I request that my extension of remarks for H.R. 2440, the Indian Health Care Improvement Act Amendments of 2004, be submitted for the RECORD.

As the 108th Congress draws to a close, we can be proud of the steps we have taken toward helping the millions of Native Americans and Alaska Natives living across the country. From continuing to tackle the problems surrounding the Indian Trust Fund lawsuit, Cobell v. Norton, to passage of probate reform for Native American families, the House Resources Committee was able to work in a bipartisan fashion to address these and other important issues.

One of the issues most fundamental to improving the lives of those in Indian country is the health of their people, both young and old. Embodied in H.R. 2440, the Indian Health Care Improvement Act Amendments of 2003, is the essence of truly modernizing an outdated system that no longer properly embraces medical advances that have improved health care delivery and quality over the past decades. Since the last time Congress addressed tribal health care on this scale, more than half of the tribes in the United States have exercised their rights under the Indian Self-Determination and Education Assistance Act to assume responsibility in carrying out health programs on their own behalf.

Through the valuable input of the National Steering Committee and others throughout Indian country, the Resources Committee was able to report H.R. 2440 from the Committee with strong bipartisan support. While the House will unfortunately not have time to act on this legislation during this Congressional session, the importance of moving this issue forward remains.

Regrettably, when H.R. 2440 was reported, the Committee report omitted a section that was of importance to my colleague, Congressman J.D. Hayworth. For that reason, I would like to note that I agree with the need to address the role that naturopathic medicine plays in the lives of Native Americans and Alaska Natives. In particular, the report should have noted that in reference to the Loan Repayment Program defined in section 110 of the bill, the definition of health professions as defined in Section 3 includes naturopathic medicine, as there is nothing in H.R. 2440, or reflected in our interactions with the Indian Health Service, that would exclude naturopathic medicine from participation in the program.

IN MEMORY AND TRIBUTE TO THE  
LATE WILLIAM M. BURKE

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 19, 2004*

Mr. RANGEL. Mr. Speaker, I rise to honor the life of the late William M. Burke, who passed away recently after a brief illness. Mr. Burke was the founder of the Washington

Center for Internships and Academic Seminars in 1975, and he served as the President until his passing.

Mr. Burke's tireless work in developing the ever-widening circle of influence of the Washington Center has empowered thousands of young people to discover the leadership qualities that they already have and to nurture those talents through experiential education both here and abroad. Bill Burke believed that young people should embrace the values of self-respect, courage, ethics, teamwork, and leadership. These were some of the values that Bill himself demonstrated in his own life.

Mr. Burke sought to educate the leaders of tomorrow by exposing them to the leaders of today. Members of every branch of government, foreign dignitaries, corporate CEOs, academic leaders, and over 33,000 alumni have forged partnerships with the Washington Center over the years. The alumni of the Center have reached some of the highest levels in the public and private sectors.

Bill Burke addressed divisive shortcomings in equal access to the Washington Center by leading the development of the Internship Initiative for Students with Disabilities, the Native American Program, the Diversity in Congress Program, the Minority Leaders Fellowship Program, the Women as Leaders Program, and the NAFTA Internship Program, as well as a growing international program. I have been a supporter of the Cordova Congressional Internship Program, which brings 20 Puerto Rican students into congressional offices to live and learn about life in the United States.

Bill Burke has embodied the most honorable models as a mentor, teacher, father, and husband. We extend our condolences to his wife Sheila, and to his two children Barry and Reavey, and to his colleagues and friends, in whose lives will now exist a vacuum once filled by a great man. And to all people who have felt the extent of Mr. Burke's passion for empowering the young people of this nation to achieve great things, continue to embody the values that Mr. Burke endeavored to instill in you. Mr. Speaker, let us as a Body recognize the legacy of Bill Burke, and honor his memory here today.

TIME TO OVERHAUL THE  
DRIVERS' LICENSE

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 19, 2004*

Mr. TOWNS. Mr. Speaker, As you know there is considerable concern that the state drivers' licenses no longer can be said to meet standards of reliability we have come to expect from documents upon which we must rely to authenticate the identity of an individual. The ease with which such documents may be counterfeited, or even procured through lawful channels, by those not entitled to them gives me pause.

Recently I read a thoughtful and provocative Op-ed in the Nov./Dec. issue of Digital Transactions by Mr. Joel Lisker. Mr. Lisker, a former FBI supervisor, federal prosecutor & senior Senate Counsel, who led MasterCard International's Global Security and Risk Management department for 16 years, takes a close look at the current troubling state of such licenses and the need to upgrade them to a reliable, proven state-of-the-art platform.