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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we claim Your promise through Jeremiah, "Call on me and I will show you great and mighty things which you do not know."—Jeremiah 33:3. We press on with confidence to the challenges ahead today. Irrespective of perplexities, You are with us. The bigger the problems, the more of Your power we will receive. The more complex the issues, the more wisdom You will offer. Equal to the strain will be the strength that You grant us.

So, we humble ourselves and confess our need for Your divine inspiration. Our experience, education, and expertise are insufficient to grasp the full potential of Your vision for America and the world. We need Your x-ray discernment into potential blessings wrapped up in what we often call problems. Endow us with wisdom to see clearly the solutions we could not discover without Your help. Give us courage to seek and follow Your guidance. Set our hearts on fire with greater patriotism for our country and a deeper dedication to be courageous problem-solvers for Your glory and for Your grace. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania.

SCHEDULE

Mr. SANTORUM. Mr. President, today the Senate will be in a period of morning business until 10 a.m. Following morning business, there will be 60 minutes for closing remarks on two amendments: the Byrd amendment regarding safeguards and division 6 of the Smith amendment regarding organ harvesting.

After all time is used or yielded back, there will be two back-to-back votes at 11 a.m. Senators should be aware that there are amendments currently pending to the PNTR bill and further amendments are expected to be offered during today's session. Therefore, votes are expected throughout the day.

I thank my colleagues for their attention.

Mr. REID. Mr. President, at this time I ask the Chair to call regular order.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with time equally divided between the Senator from Wyoming, Mr. THOMAS, and the Senator from Illinois, Mr. DURBIN.

UNANIMOUS-CONSENT REQUEST—S. 2497

Mr. SANTORUM. Mr. President, on behalf of the majority leader, I have

been asked to make a unanimous-consent request.

I ask unanimous consent that immediately following the passage of H.R. 4444, the Commerce Committee be discharged from further consideration of S. 2497 and the Senate proceed to its immediate consideration under the following terms: Two hours on the bill to be equally divided in the usual form; that there be up to one relevant amendment in order for each leader, that they be offered in the first degree, limited to 30 minutes equally divided and not subject to any second-degree amendments; and that no motions to commit or recommit be in order.

I further ask unanimous consent that following conclusion or use of debate time in the disposition of the above described amendments, the bill be advanced to third reading and a vote occur on final passage of the bill, as amended, if amended, all without any intervening action or debate.

The bill has to do with the entertainment industry and the entertainment industry marketing their videos and CDs to those people—children—who are proscribed, really, from buying them or attending those kinds of movies. These are R-rated movies. Children under 17 are not permitted in these without an adult. Yet we have a report just issued, I think earlier this week, that says the movie industry targets the very people who are not supposed to be viewing these kinds of materials or listening to these kinds of materials.

So this is a unanimous-consent request to move this out of the Commerce Committee and to deal with this issue on the floor promptly. This is an important issue that has been a bipartisan issue in the past. I hope my unanimous-consent request will be approved by the Democrats.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDENT pro tempore. The Senator from Nevada.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. REID. Mr. President, we, also, in the minority, are very interested in this subject. We think the Vice President and nominee has, along with others, set a good tone as to how we should look at what is going on with media. However, as we speak, at this very minute there are hearings on this subject going on in the Commerce Committee. The ranking member, Senator HOLLINGS, has not had an opportunity to review this unanimous-consent request. We believe if there is going to be legislation brought before the Senate, it should be in the regular order; that is, there should be an opportunity to amend the legislation if in fact that is necessary. We know there are a number of Senators who wish to offer amendments.

This unanimous-consent request that we have allows one amendment, and on that one amendment Senators can speak for 30 minutes. So when we have so much to do in this body—we have 11 appropriations bills we have not completed. I am going to discuss, in a little bit, some more things on education. We have a Patient's Bill of Rights we need to do, a prescription bill we need to do, minimum wage—I think it is awfully late in the game, when we have 15 days in the session left, to start talking about media violence. This is an issue that has been outstanding for many months. We have members of the minority who have spoken out on this time after time.

Based on that, and for other reasons, we object.

The PRESIDENT pro tempore. Objection is heard.

The Senator from Pennsylvania.

Mr. SANTORUM. The reason we are trying to move expeditiously here is the FTC has come out with a record that shows the egregious nature of the conduct of Hollywood with respect to the marketing to young people of material that is inappropriate for them, that they have said they would not so market. It is very similar to the charges we have heard about tobacco companies, that are not supposed to sell to minors, marketing to minors. Here we have the identical situation.

The other side has not been reticent about bringing tobacco legislation to the floor to stop the marketing to minors at the drop of a hat. Yet when it comes to protecting Hollywood, we have a roadblock. We have an opportunity here to reform the system, to do something substantive about an issue that is undercutting the moral fabric of our country, that is poisoning the minds of our children, and we have a roadblock because we have more important issues to discuss. According to the other side, there are other issues more important than these issues. I don't think there are very many issues that are more important than a deliberate attempt to market inappropriate material to young minds. That, to me, is about as high a priority as we can get.

There may be some other things the other side believes are more important

than that, but bringing this bill to the floor and having this debated is a very important issue. As the Senator from Nevada mentioned, their own Vice Presidential candidate believes this is a very high profile issue.

Let's deal with it. Let's not talk about it; let's not politic about it; let's not pander about it; let's do something about it. Here we have, again, an opportunity for us to do something substantive, to create reform, to move the agenda forward, and we have a roadblock; we have an objection: It is just not the right time; it is just not the right way; it is just not the exact thing we would like to do.

Let's move forward. Let's start moving on reform. We hear complaints that nothing gets done around here. Every time we start to put something forward to try to move a reform, the answer is no. We are going to continue to try. This is not the last time we are going to try to get unanimous consent on this matter. This is an important matter that we need to bring up and we need to deal with before this session ends.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, we do not apologize for the work we have done on tobacco. We, of course, have led the Nation into focusing on the evils of tobacco and what it has done to hurt not only the youth but the adult communities throughout America. We do not apologize for that. This has been led by the minority, and we are proud of that.

THE SENATE AGENDA

Mr. REID. Mr. President, we also recognize that there are issues that need to be discussed as to what is going on with the media. That is why this legislation is important. The problem is there are other matters dealing with children we have totally ignored this year. For example, we have spent, this year, 6 days of debate on the ESEA.

As I have said, we do not apologize for the work we have done on tobacco. What has happened has been revolutionary as a result of the minority speaking out against the problems of tobacco. We do not apologize for that. Of course, we have called attention to it.

We have also called attention to the fact that we believe our children need more attention. On February 3 of this year, the majority said education will be a "high priority" in this Congress.

I regret to say instead of making education a central issue, and even a high priority, we have had only 6 days of debate on education this entire year on the Senate floor. There is not a more important issue that we can talk about on the Senate floor, bar none, than educating our children. Having 6 days of debate on the Elementary and Secondary Education Act in this Congress over a 2-year period does not indicate to me this is a "high priority."

We have about 15 days left in this Congress. We still have 11 appropriations bills to do. We have a minimum wage bill to complete. We have the Patients' Bill of Rights bill to complete. We have prescription drug benefits to address. We have issues dealing with gun safety, bankruptcy reform—the list of things we have not done is unending.

I believe to bring up, as was done by the majority today, this issue dealing with media, when right now Senator MCCAIN and others are listening to testimony of Senator JOE LIEBERMAN as to what he believes should be done in this regard. We know this is an artificial effort by the majority to focus on this issue. There is no intention to bring this up for debate. That is why the unanimous consent request given was so restricted that they would allow one amendment for 30 minutes. I think it is obvious this was only an effort to bring up an issue and talk about what they cannot get done.

Remember, the majority controls what goes on here on the floor. It is very obvious to me one thing the majority does not want to go on is a debate about education.

The Elementary and Secondary Education Act is an act that was part of President Johnson's war on poverty. It has been a successful program. Title I, the largest program in the Elementary and Secondary Education Act, was intended to help educational challenges facing high-poverty communities by targeting extra resources to school districts and schools with the highest concentrations of poverty. What it has done for children who could not read is remarkable. We have a lot more to do because Title I, which relates to teaching kids who have fallen behind how to read, has been so underfunded. Where it has been funded, it has done remarkably well.

We want this program to continue. In 1994, the Democratic-led Congress and the Clinton-Gore administration worked together to enact far-reaching reauthorization of Title I. We want to continue this, set high standards, and close the achievement gap. We want to do something about class size reduction. We want to hire more teachers. There are all kinds of studies that show if teachers have fewer children to teach, the kids do better, but we do not need studies to prove that.

Common sense dictates if a teacher has fewer children to teach, she is going to do a better job of teaching those children. That is what this legislation is about: Simple common sense; that is, if you have fewer children to teach, the kids are going to do better. We want to do that. We want to have class size reduction.

It is very clear one of the reasons we have such a high dropout rate is because of the fact children are in classes that are so big and schools that are so big.

I did an open school forum in Las Vegas during the August recess. Las

Vegas is the sixth largest school district in America with 230,000 children. It was interesting. The new superintendent of schools, Carlos Garcia, who came from Fresno, said that if a child is not reading up to standard in the third grade, that kid is a good candidate for being a high school dropout. We need to make sure the children in third grade can read. That is what this is all about. That is why we need to reauthorize the Elementary and Secondary Education Act. That is why we need to have fewer kids for each teacher to teach. That is what we are trying to do. That is why Senator MURRAY has worked so hard on her Class Size Reduction Act.

Unfortunately, our friends on the other side of the aisle reject our class size reduction program by failing to provide a separate dedicated funding stream. What we have done as a result of the intervention of the Clinton-Gore administration is force at year end in the omnibus bill more money for teachers. As a result of that, we have hired almost 30,000 new teachers so far under this program, directly benefiting over 1.5 million children. It has been proven, if you have smaller class sizes, these kids outperform students in larger classes. It helps teachers, and it helps the students. I repeat, our friends on the other side of the aisle reject this.

I want to talk about something very important to me, and that is high school dropouts. I mentioned briefly that if a kid cannot read in third grade, he or she is a good candidate to be a high school dropout.

Three thousand children drop out of school every day, 500,000 a year. We would be so much better off if we could do something to keep 500 of those children in school every day, or 200 of those children. We would only have 2,800 dropping out of school every day.

We have worked on this. Senator BINGAMAN and I have a dropout prevention bill which supports local school development and programs for the prevention of dropouts. We successfully included \$10 million in funding for dropout prevention in the Labor-HHS appropriations bill. We hope that stays in conference. The conference has not been held, of course, as has conferences for most appropriations bills not been held. I hope money will stay in there. It is a few dollars. We need a lot more money. If we are going to have an attack on keeping kids in school, if we are going to have lower dropouts, we need to have in the Department of Education a dropout czar, somebody in charge of making sure there are programs throughout America to keep kids in school.

We need to focus on education. We are not going to in this Congress. That is gone. We need to work on school modernization, support for disadvantaged children, afterschool opportunities. It is clear—and Senator BOXER has worked very hard on afterschool programs—that if we can keep kids occu-

pied after school, they are simply not going to get involved in things they should not do. This has been proven and shown to be accurate. We need more money in afterschool programs. Senator BINGAMAN has worked hard on school accountability. We support funding accountability provisions for failing schools; for example, putting a qualified teacher in every classroom within 4 years of this legislation.

The record should be replete with the fact that this year this Congress has spent 6 days of debate on the Elementary and Secondary Education Act. That is pathetic. We are concerned about children. We should be able to debate the issue. We offered that this bill be handled in the regular course of business. Request after request has been rejected. That is too bad.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Oregon is recognized for 9 minutes.

Mr. SMITH of Oregon. Mr. President, I was not intending to speak on education, but I want to respond to my friend from Nevada. I am a junior Member of this body, but the perception of what has gone on here with respect to education is utterly different than my observation.

My observation is that this side of the aisle is anxious to talk about education, not just to throw more resources at the status quo, not to put up roadblocks to real reform but to truly find out ways to make Washington less of a burden upon local education.

I have yet to go into a school district in Oregon and ask, "Where are your problems?" and they don't tell me it usually has to do with some Federal mandate. The truth is, what we are trying to do is empower local folks who understand about educating children and to lower the burden of Washington.

This idea of 100,000 teachers is great, but everyone should understand that is about sloganeering; that is about TV ads. That has nothing to do with educating kids. The truth is, we need an awful lot more than 100,000 teachers; We need 1 million teachers; but we ought to trust people locally to be able to make that judgment whether to build a school or to hire a teacher. We should not tie their hands. That is what has gone on, and the record should reflect that as well. This Republican is prepared to vote for a lot more resources, but he thinks we owe it to the parents of this country to give them reform as well.

Mr. President, I came here in morning business to try to interject myself into the debate on PNTR.

Mr. REID. Would my friend yield for a simple question?

Mr. SMITH of Oregon. I yield to my friend from Nevada.

Mr. REID. I have the greatest respect for the Senator from Oregon, but I would just a question. I think what the Senator says is right. I think we need reform. But doesn't he think we should have the ability to debate it on the

Senate floor? How are we going to get it otherwise?

Mr. SMITH of Oregon. I say to the Senator, I do think we should debate it longer than we have. I grant you that. What I have observed, as a junior Member, however, is that every time we go to focus on amendments, we can't get time agreements. We can't get agreements on some reasonable amount of time. Look, I have already taken all the gun votes. I will take them. I am for background checks. I am for things that will protect kids in the classroom. But I do not know why I should be asked to vote on them two and three and four times.

How many times do you need a vote to run a political ad against me? The truth is, I have taken the votes. Let's get on to debating education. We have done the gun debate.

Mr. REID. I just briefly say to my friend, we have stated publicly on the Elementary and Secondary Education Act we would have as few as eight amendments, with an hour time limit on each one of them, equally divided. And we haven't been able to get that agreement. That seems fair to me.

Mr. SMITH of Oregon. It seems fair to me, I say to the Senator. I will certainly encourage my leadership to accede to that. What I am afraid of is the comment I read in USA Today, where Senator DASCHLE said: We are not interested in getting anything done. We are interested in obstructing this place and creating a train wreck because we think that is good politics. That really concerns me.

I have to tell you, I am always optimistic, but I am discouraged by the windup scene I am seeing develop here. We owe the American people something better than this. I think we need to get on to some reforms. I, for one, am committed to a generous and bipartisan effort in that regard.

CHINA NORMAL TRADE RELATIONS

Mr. SMITH of Oregon. Mr. President, I rise today in strong support of H.R. 4444, a bill establishing permanent normal trade relations with the People's Republic of China.

I strongly believe that permanent normal trade relations will have a substantial and long-term political, economic, and national security benefit for our country. I have long maintained that as China becomes a member of the global community, its government and its people will benefit from these changes and the United States will benefit from better relations and, eventually, I believe, from a more liberal and less oppressive government.

Much of China's recent past has been marked by progression and regression, starts and fits toward economic liberalization that impact all levels of society, only to be matched by periods of oppression, when the government feels

that things are getting out from underneath its thumb. This one-step-forward, two-steps-back pace shows how truly feared the market place is in a Communist country. And I believe that if you are a true Communist, you do fear the marketplace. For it is that marketplace—the private sector—that will eventually prove to be the downfall of the Communist system in any country.

Like many of my colleagues, I am genuinely and deeply concerned about human rights abroad. For that reason, I traveled to China last year to investigate the human rights situation and to determine the state of religious freedom in that country. WTO membership and normal trade relations with China will eventually improve the human rights situation and, I believe, religious freedom in that country. The past few decades' gradual opening of trade, investment, and cultural exchanges with China have led to positive steps in the area of human rights and religious tolerance. That is not to say that all is well. There is much work to be done in the area of human rights, but on balance a "carrot and a stick" approach is better than the stick alone.

Globalization is part of "the carrot." It is globalization—the economic integration of their economy—that will introduce the Chinese people to new ideas and information. I believe that as a free market economy, we have a moral and ethical obligation to other nations to help them move toward free markets and into the global economy. Our own history shows the results of not pressing for this integration. During the late 19th century and also following World War I, our negligence in integrating both Japan and Germany had horrible results that reverberated through much of the 20th century. We must not make the same type of mistake with China.

The economic benefits to the United States of H.R. 4444 are great. Our markets to a great degree are already open to Chinese goods; this legislation will open their markets to our goods. This is good for America. And it is good for the people of my home State of Oregon. In the first year following China's membership in the global economy—economists predict trade will double with the United States. China is the sixth-largest market in the world for American agricultural products—and following WTO membership, that trade will account for one-third of the growth in exports over the next 10 years. In addition, according to the World Bank, China will spend an estimated \$750 billion in new infrastructure over the next decade.

This is wonderful for the United States, but let me take a moment and tell you what it will do for Oregon. My State is the Nation's largest producer of solid wood products and an important agricultural exporter. China's accession to the WTO and normal trade relations will benefit:

Wheat.—Oregon is a large wheat-growing State and China's grain poli-

cies will become more market-oriented. In addition, the 1999 U.S.-China bilateral trade agreement resulted in more exports of Northwest grain.

Vegetables.—Oregon is a major producer of beans, corn, and onions. Under the new agreements, tariffs on vegetables will drop by up to 60 percent.

Fruit.—Oregon grows berries, pears, cherries, and plums. China will reduce tariffs by up to 75 percent for fresh and processed deciduous fruit; and tariffs on apples, pears, and cherries will fall from 30 percent to 10 percent.

Solid wood.—China is the world's third-largest wood importer and after WTO accession, it will substantially reduce its remaining tariffs on valued-added wood products within the next 4 years.

Much has been said on the floor of the Senate in these past few weeks regarding normal trade relations with China. I have to confess that I do not think the arguments against this legislation stand on their own merit. Most of what I have heard in opposition to NTR has reflected the desire to punish China, the need to sanction China or the need to block China.

Those opposing this legislation have formed their arguments around the conclusion that NTR is really just a great plum for China and benefits only China. Nothing could be farther from the truth. As I previously stated our markets are already open to the Chinese—we already buy Chinese goods. This legislation will open up their market and it is a vast pool of consumers, to our goods. It benefits the United States economy. This debate is about advancing American values halfway around the world. Ninety-nine years ago Teddy Roosevelt, speaking at a state fair, said: "There is a homely adage which runs 'Speak softly and carry a big stick; you will go far.'" At that time, the big stick meant America's warships and a show of American might abroad. Now the stick means America's economic might and American values. Free and fair trade is the weapon—the economic weapon of the 21st century.

It is free and fair global trade that will strengthen the forces of economic and political reform in China. It is free and fair global trade that will bring greater prosperity to both the United States and the Chinese people. It is free and fair global trade that will bolster human rights and improve religious freedom in that country. America can advance its values and help China integrate into the world economy with the help of this important legislation. I call on my colleagues to send a clean PNTR bill to the President and ask for his swift signature.

AMENDMENT NO. 4132

Mr. President, I rise to oppose the Thompson amendment which would add a sanctions mechanism and annual review regarding Chinese proliferation of nuclear and other weapons. I would like to take a moment and go over the problems with this legislation. While

the issue of weapons proliferation is a serious one, most of the elements of the Thompson legislation are already covered by current law. As many of my colleagues have noted, there are already numerous laws regarding nuclear proliferation, some of these laws include:

No. 1, the Export-Import Bank Act; No. 2, the Arms Control and Disarmament Act; No. 3, the Arms Export Control Act; No. 4, the International Emergency Economic Powers Act. This list goes on and on. Further, I have never been a great fan of unilateral actions. Multilateral programs agreements are by far the best and most effective approach.

The problem with unilateral sanctions is that they, at the end of the day, are rarely effective in achieving foreign policy goals. The history of our foreign policy is littered with a trail of ineffectual unilateral sanctions. The really harmful impact of this set of unilateral sanctions will fall on American exporters. Many of these sanctions will, at the end of the day, have the effect of blocking our export sales, by blocking U.S. credits or preventing financing. These actions will not have an effect on the underlying problem—they will only replace all sanctioned American products with foreign products. And we are not talking about military sales in many cases. The scope of this legislation is exceedingly broad and includes civilian transfers that do not actually contribute to proliferation problems.

The Thompson amendment will also tie the hands of future administrations. It will not allow any flexibility for a future President to make a decision based on contemporary issues involving the state of the Sino-American relationship at that time. And finally, as we all know, the politics of the situation dictate a clean PNTR bill. Simply put, this legislation will effectively kill this bill. If we are to pass PNTR during this Congress it is imperative we have a bill that will not require another vote in the House.

Mr. President, as I have shown up on the floor and have listened to the debate on PNTR. I have seen many people, Republican and Democrat, proposing amendments to this bill that have great appeal to me. They have great appeal to me because they advance noble principles. They advance American ideals. They advance the best of what we want to spread around the world. Economic freedom, human rights, improved labor conditions, improved environmental conditions, all of these things I support. But I fear the real motive behind some of these is to scuttle this trade agreement. I oppose that.

I also point out, as many others have, when it comes to these security issues, slavery issues, and whatnot, we already have these laws on the books to protect this country. We should not accede in this environment, in this debate, on a vote this important to scuttle this

trade agreement because to do so would shortchange the American people and certainly the people of my State.

I conclude with this story from my own life. The story is a lesson that has, frankly, governed much of my thinking with respect to trade and military security and foreign relations since I have been an adult.

I was a student at Brigham Young University, taking a class in military history. It was at the end of the Vietnam war. My professor was a retired Air Force general. There was great turmoil on the campuses of the United States. He made a comment that struck me and caught my attention. This professor's name was Phillip Flammer.

He said: We made a mistake to bomb the North Vietnamese with military armaments. That caught my attention—in a conservative place like this university, that a statement such as that would be made.

I thought: That is interesting.

He said: We should have bombed them, but we should have bombed them with Sears catalogs.

I thought: Hmm, there is a lesson I will remember.

His point was, if we want to tear down the walls of communism, we do it with our trade. We do it with our commerce. We do it with our culture. We do it with our communications to the world.

We have seen in Communist country after Communist country that when they are exposed to the miracles of the marketplace, what happens is a middle class develops. When a middle class develops, people begin to demand, with economic liberty, that they have political liberty as well.

So if you are interested in improving human rights, improving the environment, improving access for Americans to their markets, then this vote on PNTR is perhaps the most important vote that we will cast in this Congress, or perhaps any other for the economic future of our country.

If you care about spreading American values, resist these amendments, resist voting no to PNTR because you will do more to spread American values, American democracy, and advance American security by supporting this agreement than you can ever do by trying to amend it, to kill it, or by trying to vote in opposition to it when we come to a final vote.

I do not, for a moment, question the motives of anyone who is against this. Again, I admire the ideals advanced. But I simply question this method, this bill, at this time, to scuttle this most important agreement.

So I urge my colleagues to vote for PNTR and vote against the Thompson amendment—well-motivated but misguided at this time, given the laws we already have.

America needs this. We should not cede the Chinese market to the European nations. We should be there our-

selves. They are already here. We have yet to go there.

I urge an "aye" vote on the agreement and a "no" vote on the Thompson amendment.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the time of 10 o'clock has arrived and morning business is closed.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I request the use of leader time at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE CONSIDERATIONS

Mr. REID. Mr. President, I want to say, before my friend leaves the floor, how much respect I have for the Senator from Oregon and the great example he sets for everyone in the bipartisan consideration of legislation.

I do want to say, though, before my friend leaves, that one of the pleasures of my service in the Senate is that I have been able to work with Senator DASCHLE. We served in the House together. We have served in the Senate together. He is the leader. I am the assistant leader.

There are very few meetings he attends that I am not there. For example, we had a meeting yesterday with the bipartisan leadership of both Houses. At that meeting with the President of the United States, Senator DASCHLE was very clear in saying he wanted to get things done this year. He gave a list of things he thought we could accomplish.

We are so close to being able to do something on the Patients' Bill of Rights, which the Senator from Oregon has voted, I believe, the right way on many occasions.

Senator DASCHLE in that meeting said that he wanted to get things done. He gave a list of things that should be done. Senator DASCHLE, in private meetings and in public meetings, has said the most important thing we can do is complete legislation that is already before the Senate, including the 11 appropriation bills that have not been completed.

I don't know what appears in U.S. News and World Report or whatever publication my friend from Oregon mentioned. The fact is, Senator DASCHLE has continually said publicly and privately the most important thing that we can do is enact legislation for the American people.

I think the record should be very clear that there is no intent on behalf of the minority to prevent anything from going forward. We want to move legislation. First of all, let's do the appropriations bills, and if we have time left over, do the other items, which I

believe we will do, as indicated in a meeting with the President yesterday. Let's do them.

I express my appreciation to the Senator from West Virginia for his patience.

Mr. President, I ask unanimous consent that the time before the scheduled votes be extended for whatever time I have used under leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of New Hampshire) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting.

Byrd amendment No. 4131, to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products.

Thompson amendment No. 4132, to provide for the application of certain measures to covered countries in response to the contribution to the design, production, development, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles.

Hollings amendment No. 4134, to direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10-K reports.

Hollings amendment No. 4135, to authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit.

Hollings amendment No. 4136, to authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit.

Hollings amendment No. 4137, to condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour for closing remarks on the Byrd amendment No. 4131 and division 6 of the Smith amendment No. 4129, with 15 minutes each under the control of the Senator from Delaware, Mr. ROTH; the Senator from New York, Mr. MOYNIHAN; the Senator from West Virginia, Mr. BYRD; and the Senator from New Hampshire, Mr. SMITH.

AMENDMENT NO. 4131

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will speak briefly on my amendment. Then I will yield back the remainder of my time. I want to get to a markup of an appropriations bill by the Subcommittee on VA, HUD and Independent Agencies, of which I am a member.

In simple language, my amendment adds surety for American firms and American workers who are caught up in the confusing process of seeking relief from a surge of unfair imports. The process of getting the U.S. Government to agree with a firm's firsthand judgement that a flood of unfairly dumped imports is undercutting a U.S. manufacturer is complex and time consuming. Language in the House-passed bill is an improvement, but it leaves a serious loophole. The House language provides deadlines for the government and the President to agree or disagree that relief is needed, but if the President fails to meet his deadline for a decision, nothing happens. No relief can be forthcoming until the President acts. And the President might be under other pressures, from the State Department, for instance, warning that an affirmative Presidential decision might upset some other, unrelated negotiation. The State Department is not charged with worrying about the fate of individual U.S. firms. The State Department is not charged with worrying about the fate of steel companies, for example.

But for a firm hanging on by its fingernails, unable to pay its bills or secure needed financing, and for workers unsure when their lay-offs might end and their bills get paid, this uncertainty can be catastrophic. So the Byrd amendment says that if the President fails to act by the appointed deadline, the decision of the ITC will be implemented as though the President had agreed. So firms and workers will know on what date certain they will get their answer. The steel companies will know when they will get their answer. Coal miners will know, because they are affected by steel imports as well. That is what my amendment does. And for those affected firms, and those workers, that is pretty important. They need to know, and their bankers and creditors need to know. They need

to be able to plan, and no other concerns should come before them, in my opinion. I've seen too many families suffering when the plant shuts down, too many towns hollowing out and falling into disrepair when people just give up. We need to give our citizens, our firms, an efficient and sure process to seek relief and to get relief when it is warranted.

This is our chance. This is our chance to strike a blow for the steel industry, which is a very important industry in the State represented by the current Presiding Officer. It is a very important industry in my State, exceedingly important. Now is the time to strike a blow for freedom, for the freedom of those men and women who work in these industries, freedom to know when relief is coming. They should not have to wait until a President seeks his own convenient moment. They should know the date. And when that date comes, it should happen. Let's make it happen by my amendment.

I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield myself such time as I may use.

Mr. President, I rise in opposition to Senator BYRD's amendment regarding safeguards.

I do so even though I share my colleague's concern regarding the President's utter disregard for statutory deadlines in our trade remedy laws. The President's failure to issue timely decisions in recent section 201 cases was simply unacceptable. Also unacceptable is the President's failure to meet the deadline set for modifying the retaliation list in the bananas dispute at the WTO. This pattern of utter disregard for statutory deadlines simply must stop.

With that said, I must still oppose this amendment for both substantive and procedural reasons.

With regard to substance, it is vitally important for the Finance Committee to be given the opportunity to consider this proposal before it is adopted into law. As I noted yesterday, there are serious flaws in this amendment that could make it unworkable in certain circumstances. It would be reckless to adopt such a significant change to our trade laws without adequate review, particularly given the flaws that are already apparent in what my good friend has proposed.

I am also concerned that we are isolating the Chinese for differential treatment through this proposal. The agreement may not be inconsistent with the U.S.-China bilateral agreement, but it does create a procedure

that differs sharply from our other trade remedy programs.

I must also oppose the amendment because of the potential impact that this amendment will have on the passage of PNTR. In my view, a vote for any amendment, including this one, is a vote to kill PNTR.

Mr. President, such a result would be devastating for our workers and farmers. That is why I urge my colleagues to vote against my good friend's amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA PNTR

Mr. THOMAS. Mr. President, I asked for morning business because I am not sure where we are focused, but I want to continue to talk about PNTR, a topic that I hope we are able to conclude shortly.

Certainly one of the most important issues we have before us is the issue and the way I come to the conclusion. We all talk about the problems that exist. Obviously, there are problems that exist. I serve as chairman of the Subcommittee on East Asian and Pacific Affairs that has dealt over a number of years with the issue of China. I don't think there is a soul here who wouldn't wish things were different there with respect to human rights, some of the issues with respect to proliferation, some of the issues with respect to freedom, and market system changes. I don't think that is the issue. The issue is how we best bring about that change. That is really what it is all about.

Do we do it through threats to the PRC? Do we do it with sanctions? I think people have learned quite a bit in seeking to deal with Cuba with sanctions. It has had very little impact and very little effect. I happened to be in Beijing where we were having the great debate over some of the things that were controversial. They canceled a large order with Boeing. What did they do? They bought Airbuses from France. Sanctions don't work.

I happen to come from a State where we are very interested in agriculture. So we need to do that.

Someone suggested during the course of the discussion over the last couple of days that this bill, if it passed, to grant permanent trade relations would be, in a word, "rewarding" China. I don't agree with that. The fact is, we would

be rewarding ourselves with regard to trade. The opening has already been given to China. We are the ones to whom they have agreed, if this happens, to lower tariffs on a number of our things that go there. It really doesn't change the situation much with regard to China. It gives us a better opportunity to do that.

We also argue about how we implement these changes. Are we more likely to bring about changes if we are part of a multilateral group such as the WTO or are we more likely to do it with the unilateral kinds of things for ourselves? I happen to believe we would be better off to have an organizational structure such as the WTO to go through to talk about some of the things we think are not being done properly. Does that mean we don't continue to monitor things such as human rights, that we don't continue to monitor things such as weapons proliferation? Of course not. The question really is, Do we go ahead with this bill as it is and at the same time go ahead and monitor the other things as well?

I am opposed to the Thompson amendment, which is an amendment to the bill to establish normal trade relations.

First of all, as I mentioned, I am chairman of the subcommittee that has jurisdiction over some of these issues. Neither the Foreign Relations Committee nor the Banking Committee has been afforded the opportunity to consider and debate this issue before it was brought to the floor. That is not the customary way to deal with issues that are as far reaching as this one. To bring it to the floor without going through the committees and giving the committees of jurisdiction the opportunity to consider it—the Banking Committee, as you know, which has jurisdiction over a portion of these kinds of arrangements, is very upset about this process.

We, of course, argue that under the time constraints it is most difficult. The House passed a bill to open normal trading relations. By the way, the Senate has done it every year for normal trading relationships. This is really a departure from what has been done. But certainly, if we amend it at this time in this session, we will have a difficult time getting it completed.

My first problem is jurisdictional, of course. It was introduced by Senator THOMPSON. We had plenty of time and could have done it in May. It could have gone through those committees. But it didn't go to either committee. Certainly the kinds of changes that would be made there would apply. We ought to have that kind of process and not limit the process entirely. The House, of course, has passed this bill by a large majority, and we need to move forward with it.

Aside from the jurisdictional concerns, I have a fairly large number of substitute concerns regarding issues of proliferation, and particularly the problem of transfers to Pakistan. I

don't believe this amendment will do anything to change the situation. Instead, it would turn us to the discredited, failed strategy of mandatory unilateral sanctions and annual votes on the status of China trade.

We have already talked a great deal, of course, about the passage of an amendment and the impact it would have on the relationship. I want to stress again that trying to work with China on some of those things does not make us oblivious to the things on which we disagree with them. Surely, human rights we are going to continue to champion.

Again, we have to consider how to best have an influence on bringing about change—change that has not occurred as completely as I would like. I can tell you from my experience that there is change. The more visibility the people of China have to the outside world—the fact of market systems, the fact that personal freedoms provide a much better way of life, it is becoming more and more evident. For years, of course, they have not had any opportunity to see what is going on in the world. For example, things have changed substantially in China. Now they see it. It is important to encourage changes that need to take place.

Of course, with respect to another statute that does something about proliferation, we already have numerous statutes available to the President. There is a long list, including the Export-Import Bank Act, the Arms Control Disarmament Act, the Arms Export Control Act, and the International Emergency Economic Powers Act. It goes on and on. They provide the very authority that is being talked about in some of these amendments. They are in place.

Someone said it gives the President the opportunity to decide and be flexible about it. Then the author—in this case, the Senator from Tennessee—assures Members that this also has a waiver and it gives the President the opportunity to change. We have very little reason to have more legislation in this area.

Finally, I vote against this amendment for the same reason I voted against all the amendments that preceded it. I am, along with the distinguished Senator from Delaware, Mr. ROTH, chairman of the Finance Committee, and many others, opposed to adding amendments that will, indeed, have the effect of delaying or killing the PNTR bill. Most any amendments would have that effect. I believe most of the Members of this body also believe that because each of the amendments that have been offered have not survived and have lost by a rather substantial vote. I hope we continue to do that.

It is pretty unrealistic while we are trying to complete the work of this Congress to think we can spend another week going back and forth in conference with the House and get this done.

I know there are justifiable differences of view. That is what this system is all about. We ought to talk about those. It is my view we have talked about them and there ought to be an end game so we can move on. We keep talking about the things we have to do, including 11 appropriations bills out of 13 that have not yet been passed. Several have not even been marked up. We have less than 3 weeks, 14 days, to work on these. We know very well that the President is going to create some obstacles to the completion of our work so he can have more leverage to get the kinds of spending he wants and put the pressure on the majority party in the Congress.

All these things are real and realistic and not unusual. I think we need to understand where we are. I think we need to take a look at the job we do have to do so the American people can continue to be served by those programs that are in the appropriations, that we continue to strengthen education, so we can do something about fairness and tax relief, so that we can move forward in moving some of this money to lower the debt. We ought to continue to work in seeking to get some of the pay back for strengthening Medicare so some of those reductions that have been made can be replaced so we have services in the country. I have particular interest in that as cochairman of the rural caucus for health care. Some of the small hospitals and small clinics need it to happen. We need to move forward and not spend 2 weeks on a repetitious review of the same issues. There comes a time we should move forward.

Therefore, I strongly urge we do move forward and that we do not amend the bill before the Senate. Conclude it and send it to a satisfactory signing at the White House and move forward on the issues facing the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

AMENDMENT NO. 4129

Mr. SMITH of New Hampshire. Mr. President, very shortly there will be a vote on one of the divisions in my amendment to the PNTR legislation. This is a particular odious practice that occurs now in China called organ harvesting. It is hard to imagine that any nation in the world today would conduct activities as odious as this, but it does happen.

As we know from the debate that has been occurring on the permanent normal trade relations with China, most of the predictions are it is going to pass, perhaps overwhelmingly. I personally oppose the legislation. But if we are going to pass it, I believe we have an obligation to at least call to the attention of the rest of the world, and frankly to our own people here in America, the barbaric practices that are occurring in this country to which we are about to give permanent normal trade status.

Permanent is a pretty strong word. Permanent means permanent. Under the permanent normal trade relations bill, there is a process for monitoring the activities. There is a commission that is set up. My amendment is very simple. It says:

The Commission shall monitor the actions of the government of the People's Republic of China with respect to its practice of harvesting and transplanting organs for profit from prisoners that it executes.

So all my colleagues know, this amendment simply says the commission shall monitor these activities in China as best they can and report to the American people what they find. I believe very strongly it is wrong for us as a nation to look the other way and say it is OK to make money, to trade with China, sell our agricultural products, and ignore these types of human rights violations.

In the debate yesterday I discussed this briefly. We heard a lot about not delaying the bill. The House has sent us over a bill—which, by the way they amended, they added some things to the monitoring—and they sent it back to the Senate. Now many of my colleagues who are supporting PNTR are saying: Let's not delay this. If we agree to these amendments, the Smith amendment or the Thompson amendment or the Wellstone amendment or any other amendment that has been offered, we are going to delay the process. Maybe it is a good idea to call attention to the fact they are harvesting organs obtained unwillingly by executing prisoners, but we don't want to mess up the whole debate here. We do not want to mess up an agreement we have with the House.

We go to conference on hundreds of bills year after year. We are going to go to conference on 13 appropriations bills. It is what you do. That is why we have a House and a Senate. It is what the Founding Fathers wanted us to do. So if it takes a few days or a few hours—most likely a few minutes—to conference an amendment such as the one we are about to vote on, which I am about to speak on in a moment—if it takes a few minutes to have the House agree to it, so what. What is the big deal?

This is very disturbing. Yet my colleagues are saying to other colleagues: Don't vote for the Smith amendment, the Wellstone amendment, the Helms amendment, the Thompson amendment, or any other amendment because

it is going to require us to have to conference with the House, and therefore it might slow the bill down.

If we are giving permanent status to China, what is a few more minutes? If we pass it, the House passes it, we amend it here, send it over to the House this morning or this afternoon, by dinnertime the House agrees to it, puts it on the President's desk, he has breakfast tomorrow morning—has a glass of juice, coffee, whatever, a muffin—and then signs the bill. What is lost?

When we do that, we could get some of these amendments. This monitoring language we should have in this bill. To do otherwise, with all due respect to my colleagues, is simply to say: I am going to look the other way while organ harvesting takes place in China. We don't want to rock the boat. We don't want to offend the Chinese. We don't want to make anybody unhappy. We don't want to offend the House because they didn't put it in, so therefore we are not going to conference this. We don't want to rock the boat.

That is wrong. To put it bluntly, that is wrong.

Let me speak briefly about the content of my amendment. Organ harvesting, there was an expose done on this in 1997 by ABC News. This is not BOB SMITH talking. This is one of the three major networks that televised a documentary on the practice of organ harvesting in Communist China. In that documentary, in 1997, it depicted prisoners—these are not necessarily murderers. These are just prisoners. Some of them just put in there, actually charged with nothing—so-called crimes against the state. But it showed prisoners who were videotaped, lined up against a wall and executed with a bullet directly to the head. This, unlike a lethal injection, preserves the organs for harvesting.

The documentary also claimed the prisoners were executed on a routine basis. This was not an exception. Their organs were sold to people who were willing to pay up to \$30,000 for a kidney, for example.

Human rights organizations have estimated that at that time, the time the documentary aired, more than 10,000 kidneys alone—just kidneys, not to mention any other organs—10,000 kidneys alone from Chinese prisoners had been sold, potentially bringing in tens of millions of dollars to—guess where the money goes—the Chinese military. Does this sound like Huxley's "Brave New World" or what—executing prisoners to get their organs to get the money to the Chinese military.

The Chinese Government, as it does with most human rights abuses, denies this practice takes place. But it is important to keep in mind that China does not have a rule of law.

Prisoners are subject to arbitrary arrest and arbitrary punishment without due process. People of religious faith, environmental activists, human rights activists, opponents of coercive abor-

tion, student demonstrators, and anyone who appears to be questioning or challenging the Government of China is subject to harassment, intimidation, arrest, incarceration, including in the infamous laogai, or slave labor camps, and, in certain cases, execution.

When Tiananmen Square occurred in 1989, peaceful student protesters, including the sons and daughters of the Communist Party's elite, were mowed down, run over by PLA tanks. There are far fewer dissidents in China than there were 11 years ago after that experience.

Even the Falun Gong, which practices breathing and meditation exercises, has been subject to brutal repression by Chinese authorities, and many of these worshipers have disappeared in the Chinese gulags, and some have died in police custody—great candidates for organ harvesting.

ABC's report also found that Chinese nationals living on student visas were marketing these organs to Americans and other foreigners who had the funds to make a \$5,000 deposit and who then traveled to China to the People's Liberation Army hospital where they received a kidney transplant.

These kidneys are tissue typed and the prisoners are also tissue typed in order to achieve an ideal match. Think about that. Prisoners are executed, some of them for doing nothing more than protesting against the Government of China. They are sent to prison and executed so that people can pay up to \$30,000 for one of their kidneys or some other organ, and the money goes to the Chinese military.

I ask my colleagues, with all due respect—and I respect the rights of Members to exercise their own views and votes; of course, it goes without saying, but I ask you: Is it unreasonable to ask my colleagues to put this in the monitoring provisions of PNTR so that we can monitor these activities and report to the world what is happening? Is that so bad? If it delays this bill a few hours, if we have to conference it with the House—it is permanent—is that so bad?

We might save a few lives. The more the world knows about this, and the more world public pressure comes to the Chinese, we might save some lives. For the sake of a little time before we pass this bill that has been debated now for several days—it has been talked about for a year or two—is it so bad for my colleagues to vote to allow a commission to study and report on this? I ask them, is it really that big a deal for us to try to save people whose basic human right, the right to life, is being denied for the sake of organ donors? To make it worse, in some cases Americans are buying those kidneys, hearts, livers, and other organs.

U.S. law prohibits this activity. It is unlawful in the United States for "any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce."

Congresswoman Linda Smith, before she left office, introduced a resolution 3 years ago which deplored this practice and called upon the administration to bar from entry to the United States any Chinese official directly involved in the practice of organ harvesting. It urged the prosecution of individuals engaged in marketing and facilitating these transplants under U.S. law.

There is no one in the House or Senate who would not recognize the name of Harry Wu, the renowned human rights activist and Chinese dissident who was arrested in China, detained, and finally released. Thanks to the work of Laogai Research Foundation, we are aware of ongoing Chinese engagement in organ harvesting of executed prisoners.

It is unreasonable, it is unfair for us to add this provision that will expose this to the world and say, once and for all, that it is wrong and that we are not going to allow ourselves to be dragged into saying that, for the sake of profit, for the sake of selling wheat, corn, rice, and other agricultural products, for the sake of greed and profit, we are going to ignore this? How can we do that in good conscience?

The sad part, frankly—the American people may not understand this—about what is happening in the Senate is that people are saying: Don't vote for the Smith amendment because that is going to slow the process down; don't vote for it.

It is not going to slow the process down enough to matter, and this is important. It is a commission. It is a study. That is all it is, and that is all we are asking.

Mr. President, I ask unanimous consent to print an article on incidents regarding organ harvesting in the RECORD.

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

[From the International Herald Tribune, June 15, 2000]

AN EXECUTION FOR A KIDNEY—CHINA
SUPPLIES CONVICTS' ORGANS TO MALAYSIANS
(By Thomas Fuller)

MALACCA, MALAYSIA.—The night before their execution, 18 convicts were shown on a Chinese television program, their crimes announced to the public. Wilson Yeo saw the broadcast from his hospital bed in China and knew that one of the men scheduled to die would provide him with the kidney he so badly needed.

Mr. Yeo, 40, a Malaysian who manages the local branch of a lottery company here, says he never learned the name of the prisoner whose kidney is now implanted on his right side. He knows only what the surgeon told him: The executed man was 19 years old and sentenced to die for drug trafficking. "I knew that I would be getting a young kidney," Mr. Yeo says now, one year after his successful transplant. "That was very important for me." Over the past few years at least a dozen residents of this small Malaysian city have traveled to a provincial hospital in Chongqing, China, where they paid for what they could not get in Malaysia: functioning kidneys to prolong their lives. They went to China, a place most of them

barely knew, with at least \$10,000 in cash. They encountered a medical culture where kidneys were given to those with money and a doctor could stop treatment if a patient didn't pay up. Surgeons advised them to wait until a major holiday, when authorities traditionally execute the most prisoners.

China's preferred method of capital punishment, a bullet to the back of the head, is conducive to transplants because it does not contaminate the prisoners' organs with poisonous chemicals, as lethal injections do, or directly affect the circulatory system, as would a bullet through the heart.

More than 1,000 Malaysians have had kidney transplants in China, according to an estimate by Dr. S.Y. Tan, one of Malaysia's leading kidney specialists. Many patients go after giving up hope of finding an organ donor in Malaysia, where the average waiting period for a transplant is 16 years. Interviews with patients who underwent the operation in China reveal how the market for Chinese kidneys have blossomed here—to the point where patients from Malacca negotiated a special price with Chinese doctors.

In 1998, two doctors from the Third Affiliated Hospital, a military-run complex in Chongqing, came to Malacca and spoke at the local chapter of the Lions Club about their procedures. Kidney patients worked out a deal with the doctors: Residents of Malacca would be charged \$10,000 for the procedure instead of the \$12,000 paid by other foreigners. It goes without saying that the kidney transplants these doctors perform are highly controversial. The Transplantation Society, a leading international medical forum based in Montreal, has banned the use of organs from convicted criminals. Human rights groups call the practice barbaric. But patients here who have undergone the operation in China say they were too desperate at the time to consider the ethical consequences. Today they are simply happy to be alive. The trip to Chongqing offered them an escape from the dialysis machines, blood transfusions, dizziness and frequent bouts of vomiting. And why, they ask, should healthy organs be put to waste if they can save lives?

"Ethics are only a game for those people who are not sick," says Tan Dau Chin, a paramedic who has spent his career working with dialysis patients in Malacca. "Let me put it this way: What if this happened to you?" Simon Leong, 35, a Malaccan who underwent a successful operation two years ago in Chongqing, says the principle of buying an organ is "wrong." "But I was thinking, I have two sons. Who's going to provide for them?" Corrine Yong, 54, who returned from Chongqing two months ago after a successful operation, was told that if she did not receive a transplant she would probably not live much longer. "I didn't have a choice," she says of her decision to go to China. For kidney patients in Malaysia the chances of obtaining a transplant from a local donor are slim. Despite an extremely high death rate on Malaysian roads—in a country of 22 million people, an average of 16 people are killed every day in traffic accidents—the organ donation system is woefully undeveloped.

Kidneys were transplanted from just eight donors last year. Thousands of people are on the official waiting list. Dr. Tan, the Malaysian kidney specialist, says the small number of donors in Malaysia is partly due to religious and cultural taboos. Malaysian Muslim families in particular are reluctant to allow organs to be removed before burial, although this is not the case in some other Muslim countries, such as Saudi Arabia, which has a relatively high number of donors.

Organ donation has always been an uncomfortable issue. The terminology is euphemistic and macabre: Doctors speak of "har-

vesting" organs from patients who are brain-dead, but whose hearts are still beating. And when the issue of executed prisoners come into play, transplants become politically explosive. "It is well known that the death penalty is often meted out in China for things that most people in Western countries would not regard as capital crimes," said Roy Calne, a professor of surgery at both Cambridge University and the National University of Singapore. Using organs from executed prisoners is not only ethically wrong, he says, but discourages potential donors to step forward in China: "If the perception of the public in China is that there's no shortage of organs you're not likely to get any enthusiasm for a donation program."

It is impossible to know exactly how many Asians travel to China for organ transplants. But data informally collected from doctors in at least three countries suggest the numbers are in the hundreds every year. Also impossible to confirm is whether all patients in China receive organs from executed prisoners and not other donors. But patients interviewed for this article say doctors in China make no secret of where the organ comes from. The day before convicts are executed—usually in batches—a group of patients in the hospital are told to expect the operation the next day.

Melvin Teh, 40, a Malacca businessman who received a kidney transplant from a hospital in Guangzhou two years ago, says doctors did not offer the names of the prisoners. "They just tell you it was a convict," he said. "They don't tell you what he did."

Mrs. Young says doctors told her that the donors were all "young men" who had committed "serious, violent" crimes. Chinese officials have admitted that organs are occasionally taken from convicts, but deny that the practice is widespread. "It is rare in China to use the bodies of executed convicts or organs from an executed convict," an official from the Health Ministry was quoted as saying in the China Daily in 1998. "If it is done, it is put under stringent state control and must go through standard procedures." That view does not jibe with the stories that patients from Malacca tell, where kidneys are essentially handed out to the highest bidders, often foreigners.

Mr. Leong, the Chongqing patient, and his wife, Karen Soh, who accompanied him to China, say money was paramount for the surgeons involved in the operation. They recounted how another Malaysian kidney transplant patient who suffered complications while in Chongqing had run out of cash. "They stopped the medication for one day," Mrs. Soh said, referring to the anti-rejection drugs. The patient was already very sick and eventually died of infection upon her return to Malaysia, according to Mrs. Soh. Patients say they are advised by friends who have already undergone a transplant to bring the surgeons gifts. Mrs. Young brought a pewter teapot and picture frame. Mrs. Soh and her husband brought a bottle of Martell cognac, a carton of 555 brand cigarettes and a bottle of perfume for the chief surgeon's wife. "They call it 'starting off on the right foot,'" Mrs. Soh said.

After the operation was complete, the couple gave two of the doctors "red packets" filled with cash: 3,000 yuan (\$360) for the chief surgeon, and 2,000 yuan for his assistant. Other patients also "tipped," although the amounts varied. It might be tempting to see the market for Chinese organs as part of the more general links that overseas Chinese have with the mainland. Many of the patients are indeed, ethnically Chinese and come from countries—Malaysia, Taiwan, Thailand—with either links to the mainland or large ethnic Chinese populations. Yet if the experience of Malaysian patients is any

indication, the tip to China provides a severe culture shock. Patients recalled unsanitary conditions, and for those who did not speak Mandarin the experience was harrowing.

Mr. Leong, who speaks little Mandarin, was helped by his wife who wrote out a list of phrases for her husband to memorize. The list included: "I'm feeling pain!" "I'm thirsty." "Can you turn me over?" Mr. Leong would simply say the number that corresponded to his complaint and the nurse would check the list. But more difficult than communicating is paying for the transplant. For the Leongs it involved pooling savings from family members and appealing for funds through Chinese-language newspapers. The cost of an operation amounts to several years' salary for many Malaysians. Yet despite financial problems and culture shock, all four patients interviewed for this article said they had no regrets.

Mr. Yeo enjoys a life of relative normalcy, maintaining a regular work schedule and jogging almost every day. He says he was so weak before his transplant that he had trouble crossing the street and climbing stairs. Four-hour sessions three times a week on dialysis machines were "living hell." Does it disturb him that an executed man's kidney is in his abdomen? "I pray for the guy and say, 'Hopefully your after life is better,'" Mr. Yeo said. And has he ever wondered whether the prisoner might have been innocent? Mr. Yeo pauses and stares straight ahead. "I haven't gone through that part—the moral part," he said. "I don't know. I can't question it too much. I have to live."

WANG CHENGYONG: BROKERING CHINESE ORGANS FOR AMERICAN PATIENTS

In February of 1998, an acquaintance informed Harry Wu of a man named Wang Chengyong who was attempting to arrange kidney transplants for U.S. patients in the People's Republic of China. Wu videotaped conversations with Wang, a former prosecutor from Hainan Province in China, who was attempting to sell kidneys from executed prisoners in China to potential recipients in the U.S. Wu turned over the video material to the FBI, who conducted their own sting operation and arrested Wang.

Mr. Wu participated in several taped conversations with Wang Chengyong discussing the possibility of organ procurement involving executed Chinese prisoners. In these conversations, Harry Wu posed as a doctor from Aruba whose patients were waiting for kidney transplants. Their conversations revealed the entire process by which organs of executed prisoners from China's Laogai are harvested and used in transplant operations. [All quotes and information in reference to conversations of Harry Wu and Wang Chengyong can be found in the transcripts from case files of The United States of America vs. Cheng Yong Wang, United States District Court, Southern District of New York, government exhibit 1T.] This evidence confirms the testimonies and reports from many human rights organizations that have reported on this practice in years past.

A PROSECUTOR'S VIEW OF THE ORGANS TRADE

In conversations negotiating potential organ deals, Mr. Wang revealed many details regarding his own role as a prosecutor within the process of conviction and execution of Chinese prisoners, and how officials at all levels within this process collaborate to harvest the organs of the prisoners they execute. He stated that it could be arranged for a doctor to come into the detention center to perform blood tests on prisoners prior to their execution, matching their blood with potential donors and ensuring that they were in good health. These would be the same doctors who would administer a shot of anti-co-

agulants directly before a prisoner was shot to ease the process of organ retrieval.

Mr. Wang informed Mr. Wu that he should prepare his patients for travel to China around the time of a national holiday. "Executing criminals during the holidays can frighten criminals and maintain social safety," Wang explained. "Back in China, there will definitely be executions before May 1st (Chinese National Labor Day), there is no question about that. I have done that for a long time . . . In China, every year their death-row prisoners total like over 40% of the whole world's. Execution by shooting happens a lot. Every year, right before the four festivities take place, a group of people will surely get killed, one hundred percent. It has been going on like this for decades." When patients arrive in China, there would be no problem to arrange a spot in a hospital where the operation would be performed. The Public Security Bureau informs the hospital of execution dates, allowing doctors to predict the time of an operation. Such prediction is completely unheard of in other hospitals where organs come from donors who must first sign their consent for donation and then die of natural causes before their organs can be removed.

Organs are harvested at the sight of execution. Mr. Wang referred directly to Chinese regulations that forbid vehicles that are market as ambulances from entering execution grounds. [On October 9, 1984, a joint regulation was signed entitled The Provisional Regulations of the Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health, and Ministry of Civil Affairs on the Use of Dead Bodies or Organs from Condemned Criminals. The document stipulates that "Vehicles from medical institutions may be allowed to enter into the execution ground to remove organs, but vehicles displaying the logo of medical institutions are not be be used."] Instead, the marked vehicles wait directly outside the execution area and within minutes after the shot is fired, they are permitted inside to retrieve organs from the executed prisoners. Mr. Wang describes the process as follows: "Regarding the coordination by the hospital, that is, we must tell them about the situation ahead of time. . . . When the time comes, the hospital's vehicle will follow the execution vehicle, from behind. However, the hospital vehicle can't enter within the warning security line, they can only park outside of the line. But once the gun shot is heard . . . the medical vehicle will come in, arriving on the site. And if there's anything that can be done on the scene, do that or just bring it back to the hospital." Mr. Wang affirmed that due to this efficient process of retrieval and transport, the organ is only out of the body for a few short hours, preserving its quality. In the US where organs must be retrieved from whatever location a donor happens to die, doctors are often forced to preserve organs outside the body for longer periods of time.

THE ISSUE OF CONSENT

In his conversations with Harry Wu, Wang Chengyong also mentions the issue of consent. According to Wang, consent must only be asked of the accused's family members. If the family gives consent, authorities are free to do what they will with the body after execution. If they refuse their consent, they will be bribed and coerced until they give in. If a criminal has no family, as Wang states the job is easier still because then consent is of no issue whatsoever. When asked about consent of the prisoner, Wang responds, ". . . in China this thing is different from the United States, regarding this issue of dead people's organs . . . Death penalty prisoners who are

being executed . . . have lost all their political rights." In reference to family consent, Wang states, "as long as one gets the family's consent, and if there is no family, once he is executed, we'll just directly take the corpses away . . . It is not necessary to tell them about taking their organs."

Due to the phenomenon of migrant labor entering cities all over China, many prisoners have no family in the province where they were arrested. Wang Chengyong estimated that in the prisons of Hainan (one of China's booming "special economic zones") where he had served as a prosecutor, that about one quarter of prisoners had no family in the province. Regarding these migrants, Wang says, "say you are a wandering criminal . . . And once you wandered to Hainan, you got arrested and you'll be killed over there. Before you are killed, your family members will be notified . . . But the family members may not necessarily come to collect the cadaver, he may not have any family members at all."

COLLABORATION IN THE ORGAN HARVESTING PROCESS

In China today, this blatant violation of international standards of medical ethics and human rights law is manipulated to create a moneymaking enterprise for all parties involved. As a former prosecutor, Wang Chengyong also benefited from his role in the process, and spoke of how everyone receives their own payoff in collaboration for organ retrieval. Wang named these separate parties as follows: "these are the several aspects, the Public Security Bureau, the procuratorate, the court, the judicial organization, plus hospitals and the families. Let us say, there ought to be these six aspects." In negotiations with Mr. Wu, Wang mentions each of these parties and calculates a large amount of money that he will take from any individual coming from the U.S. to China seeking a transplant operation. As all these governmental units collaborate to make this process possible, this amounts not to black market oriented scandal, but an effort that is sanctioned, coordinated and carried out by the Chinese government.

Many of Wang Chengyong's most chilling statements involve the vastness of China's system of removal of organs from executed prisoners for use in transplant operations. According to many of Wang's statements, this procedure is highly common in China and well known among all participating levels. He even brags about the execution procedures in Hainan Province that are especially conducive to kidney harvesting. He says, "In Hainan, they shoot at the heart, from the back. And they have court doctors to confirm . . . where the bullet enters. Once shot, the bullet will just go through the heart . . . the heart and the kidney, they are far from each other. The shots will not be off target, lest damaging the kidney." He also quickly and easily estimates that there will be at least 200 executions in Hainan Province every year and that he personally can gain access to kidneys and other body parts from at least fifty of these 200. He tells Mr. Wu, "Chinese hospitals do not lack for cadavers . . . in China there are too many executions by shooting. The medical schools can just get them any time they want . . . China is not lacking in corpses." Later he once again emphasizes this point, "China has no lack of this . . . China lacks other things. China has lots of people, lots of death-row prisoners."

As Wang Chengyong attempted to profit from the harvesting of organs from this seemingly limitless supply of death-row prisoners, he mentions the possibility of procurement of kidneys, corneas and other body parts. He is an integral part of a system that perpetuates this practice all over China to

the profit of Chinese governmental officials and adding one more gruesome example to the list of human rights violations that occur in the Chinese Laogai system.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to vote for the Smith amendment on organ harvesting. Do not listen to the talk on the floor that we need to stay together on PNTR and not have any amendments which might slow down the process. I urge my colleagues to vote yes not only on the Smith amendment but other amendments that are offered by colleagues that will expose some of the basic human rights violations that have occurred in China and are still occurring in China. It is wrong to look the other way and to sanction it while we provide aid, food, and trade to this nation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I rise in opposition to this proposal offered by my distinguished colleague from New Hampshire. I must do so because its passage will endanger H.R. 4444, not because of the sentiments expressed in the proposal.

As the State Department Human Rights Report of 1999 states, in recent years there have been credible reports that organs from executed prisoners in China were removed, sold, and transplanted. Chinese officials have even confirmed that executed prisoners are among the source of organs for transplant. Of course, they maintain that they get the consent of prisoners or their relatives before organs are removed.

Needless to say, China's organ harvesting practices are as gruesome as they are indefensible. But ending trade with China is unlikely to force the Chinese to change their behavior in this area. Indeed, by opening China to trade and to global standards of economic behavior we may well prod China to abandon its practices regarding organ harvesting.

Let us remember as well that H.R. 4444 establishes a congressional-executive commission on China which I believe holds promise for pressuring China to curb its human rights abuses, including the grotesque practice of harvesting organs.

Therefore, Mr. President, I must urge my colleagues to vote against this proposal.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Smith amendment would require the Congressional-Executive Commission on the People's Republic of China to monitor the actions of the Government of the People's Republic of China with respect to the harvesting of organs from executed prisoners. I believe the allegations that Chinese officials harvest organs from executed prisoners are extremely serious. However, the Congressional Executive Commission already has jurisdiction to look at this practice because it is a human rights violation and the Commission has jurisdiction to monitor and report on human rights violations in the PRC. This very serious allegation should not be singled out among all the human rights abuses of the Chinese government when it is already covered as part of what the Commission can monitor and report on.

VOTE ON AMENDMENT NO. 4131

Mr. ROTH. Mr. President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Byrd amendment No. 4131. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.—

The result was announced—yeas 33, nays 62, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—33

Abraham	Helms	Santorum
Ashcroft	Hollings	Sarbanes
Bayh	Hutchinson	Sessions
Bunning	Hutchison	Shelby
Byrd	Inhofe	Smith (NH)
Campbell	Kennedy	Snowe
Collins	Kohl	Specter
DeWine	Leahy	Thompson
Edwards	Levin	Thurmond
Feingold	Mikulski	Torricelli
Gregg	Rockefeller	Wellstone

NAYS—62

Allard	Dodd	Kerry
Baucus	Domenici	Kyl
Bennett	Dorgan	Landrieu
Biden	Durbin	Lautenberg
Bingaman	Enzi	Lincoln
Bond	Feinstein	Lott
Boxer	Fitzgerald	Lugar
Breaux	Frist	Mack
Brownback	Graham	McConnell
Bryan	Gramm	Miller
Burns	Grassley	Moynihan
Chafee, L.	Hagel	Murkowski
Cleland	Harkin	Murray
Cochran	Hatch	Nickles
Conrad	Inouye	Reed
Craig	Johnson	Reid
Crapo	Kerrey	Robb
Daschle		Roberts

Roth	Stevens	Warner
Schumer	Thomas	Wyden
Smith (OR)	Voinovich	

NOT VOTING—5

Akaka	Jeffords	McCain
Gorton	Lieberman	

The amendment was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4129, DIVISION VI

Mr. ROTH. Mr. President, I ask for the yeas and nays on the Smith amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4129, division VI. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 29, nays 66, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—29

Abraham	Gregg	Mikulski
Ashcroft	Hatch	Santorum
Bunning	Helms	Sarbanes
Burns	Hollings	Sessions
Byrd	Hutchinson	Smith (NH)
Collins	Inhofe	Snowe
Craig	Kennedy	Specter
DeWine	Kohl	Thompson
Dorgan	Kyl	Torricelli
Feingold	Leahy	

NAYS—66

Allard	Enzi	McConnell
Baucus	Feinstein	Miller
Bayh	Fitzgerald	Moynihan
Bennett	Frist	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grassley	Reed
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hutchison	Rockefeller
Bryan	Inouye	Roth
Campbell	Johnson	Schumer
Chafee, L.	Kerrey	Shelby
Cleland	Kerry	Smith (OR)
Cochran	Landrieu	Stevens
Conrad	Lautenberg	Thomas
Crapo	Levin	Thurmond
Daschle	Lincoln	Voinovich
Dodd	Lott	Warner
Domenici	Lugar	Wellstone
Durbin	Mack	Wyden
Edwards		

NOT VOTING—5

Akaka	Jeffords	McCain
Gorton	Lieberman	

The amendment (No. 4129), division VI, was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware, Mr. ROTH.

Mr. ROTH. Mr. President, I ask unanimous consent that I be recognized at 1:45 p.m. today to call for the regular order with respect to the Thompson amendment No. 4132.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. With this agreement in place, all Senators should know that a motion to table the Thompson amendment will occur at approximately 1:45 p.m. Therefore, the next vote will occur at approximately 1:45 p.m. today.

I now ask unanimous consent that time prior to votes relative to these amendments be limited to 1 hour equally divided per amendment, with no second-degree amendments in order prior to these votes. The amendments are as follows: Helms No. 4123, Helms No. 4126, and Helms No. 4128. I further ask consent that Senator HELMS be recognized at 2:30 p.m. today to begin debate on amendment No. 4128 regarding forced abortions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 4132

Mr. THOMPSON. Mr. President, we have had a good debate over the last 2 or 3 days on the amendment Senator TORRICELLI and I have set forth. We have had a good discussion about the continued reports we have that the Chinese, Russians, and North Koreans continue to litter this world with weapons of mass destruction. And it endangers our country.

Bipartisan groups all across the board, just over the last 2 years, continue to remind us of this threat that is growing—it is not diminishing; it is growing. These same people tell us that the key suppliers are these three countries.

As late as 1996, we were reminded, once again, that the People's Republic of China was the worst proliferator of weapons of mass destruction in the entire world. We have had a good discussion on that. We have had a discussion about the fact that the leaders of the PRC have told us they are going to continue to do that, whether we like it or not, as long as we talk about protecting ourselves with a missile defense system and as long as we continue to befriend Taiwan.

We have sent three delegations of distinguished Americans and leaders, the Secretary of Defense, the Secretary of State, high-level people, to try to get them to relent and stand down from activities that endanger us, our children, and our grandchildren and make this world a more dangerous place. The

leadership of the Chinese Government give us basically the back of their hand. They make no pretense that they are not going to act any differently in the future.

So the issue presented to us is: Are we, the United States of America, the most powerful country in the world, going to do anything about it? That is the issue before us today.

We have set forth an amendment which basically tracks a lot of legislation that is already on the books in terms of cutting off military-related items and dual-use items to these governments if they are caught in this activity. But what we add is a more extensive reporting requirement so we have a better understanding and a more detailed understanding than the reports we receive now give us.

Under our amendment, it makes it a little bit more difficult for a President to game the system. The President, of course, has been quoted as saying that when the law requires him to impose sanctions on a country that he does not want to impose on them, sometimes he has to fudge the facts, and the law makes him do that. That kind of attitude, when they are caught sending M-11 missiles to Pakistan and they are caught sending the ability to enrich uranium to go into nuclear materials—they are caught doing all that, with no sanctions imposed—all of that has resulted in a more dangerous world, not a new relationship built upon trust and friendship and a strategic partnership—a more dangerous world.

So this is a good debate. My friends who oppose this amendment say all that may be true, we may be facing a situation where these nations, including China, are conducting themselves in a way that is detrimental to our interests; they may be making the world a more dangerous place, and especially the United States. If these rogue nations have the ability to hit countries with their missiles, containing biological weapons that are indescribable in their effect, I doubt if it is going to be Switzerland they choose to threaten with this type weapon. We are on the front line. We have a right to be concerned.

Apparently we are concerned, because we are now in the midst of a debate on a national missile defense system because of this very threat. Yet as we consider this new trading relationship with China, some of us are refusing to consider the fact that China is one of the primary reasons we have this threat because they are supplying these rogue nations with this weaponry.

There is no need to go through the list again and again and again and again, the public list—not to mention the classified list that cannot be disclosed—of proliferation activities and the charts we have shown about the missile technology they are sending and the missile components they are sending—our CIA reports indicate the missile activity with regard to Paki-

stan is increasing. Practically on the eve of the vote for this new strategic relationship, this new partnership that is going to enrich us, they are blatantly increasing their activity. This is what we are facing.

It has been a good discussion. I disagree with my friends who think even though we have this facing us, we should put it aside for another day. We don't have a solution. We haven't done anything in the past. There is no reason to think we are going to do anything about it in the future. There is certainly no reason for the Chinese Government to think we are going to do anything about it in the future.

Wait for our friends and our allies to come together so we can have a multilateral approach. That sounds pretty good, but how long has it been since we have had a multilateral approach on anything? We don't have the ability in this country anymore to rally our allies as we once did, much less do something that might cost them some trade dollars.

We have a threat to this country. Clearly a multilateral approach would be preferable, but if we can't do that, as we obviously can't because we haven't, then we have to take action on our own.

So what do we do? Cut off agricultural products? Cut off trade across the board? Cut off automobiles and all that? No. If they are caught doing that, we cut off military equipment. We cut off dual-use items and others of that nature. We tell them their companies can't continue to use the New York Stock Exchange to raise billions of dollars when our Deutch Commission tells us that some of the worst proliferators, these companies that are doing this activity that are owned by the Chinese Government, are raising billions of dollars in our stock market. Does that make sense? Surely we have peace and prosperity now, but how long are we going to have it? How long can we be oblivious to what is going on around us?

We are having this debate. Reasonable people can disagree. Some say we should not get all this caught up in trade policy; We should keep our focus on trade; that trade is important; that we need to not complicate the trade issue. No one here has had a more consistent record than I in terms of free trade. I believe in it; whether it is NAFTA or fast track for President Clinton, I believe in it. Free trade can lead to open markets. Open markets can lead to more open societies. Eventually, in the long run, it can have a beneficial effect. I think it is going to be a much longer run in China than a lot of people think, but that is another story. I am for that.

This is different. This is not just a trade issue. In fact, it is not a trade issue at all. It should not be lumped in as a trade issue. I tried my best to get a separate vote on our amendment for 2 months. The supporters of PNTR apparently thought it would be easier to

defeat me if they forced me on to this PNTR bill. So that is where we are. So be it.

But this is a national security issue. Some would say this is one of those rare circumstances that we see every once in a while where we have legitimate free trade interests we want to promote and expand, even with those who are guilty of human rights violations, even with people with whom we strongly disagree, even with people who proliferate.

I intend to support PNTR. But what Senator TORRICELLI and I are saying is that along with that, not in opposition to that, or not as substitute for that, we must take into consideration the totality of our relationship with this country because they are doing things that are dangerous to this Nation. That is the primary obligation of this Nation. The preamble to our Constitution says the reason we even have a Government is to look after matters such as this.

It is a good debate. We have had a good back and forth for the most part. We steer off course a little bit every once in a while. Unfortunate statements are made on all sides, but that happens when issues are important. We spend enough time around here on things that are not important. It is kind of rejuvenating when we are actually talking about something that is. I can't think of anything more important than this.

But it has taken on a new dimension. This issue has taken on a new dimension now because what we have seen is unprecedented lobbying and pressure efforts to defeat the Thompson-Torricelli amendment. I hope we don't flatter ourselves with that assessment. Lobbying and pressure are fairly common around here. People have a right to express their opinions.

But on this issue—not on any of these other issues, apparently, but on this issue—it has brought out those who fear that in some way some trade might be affected. Never mind that we have taken agriculture and American businesses off the board; they are not involved in this at all. Never mind that it is not a general goods sanction or anything such as that that we are narrowly focused on here. They just believe that in some way it might irritate the Chinese and they might retaliate in some way. We can't afford to irritate them. What we need to do is continue down the road of giving them WTO, give them veto power on our national defense system, turn a blind eye to their theft of our nuclear weapons, turn a blind eye to the proliferation activities, go over to Taiwan, adopt the three noes the Chinese want us to do and put our allies in Taiwan in a nervous state. We need to continue down that road because it has gotten us so far, it has done so much for us, that is the way we need to continue.

I picked up the New York Times this morning and read in an article by Eric Schmitt the lead paragraph:

Corporate leaders and several of President Clinton's cabinet officers intensified pressure today on wavering Senators . . .

All you wavering Senators out there, I extend my condolences because apparently corporate leaders and the White House have stepped up the pressure. I don't know why. They have said all along they have the votes to beat Thompson-Torricelli. I don't know why all of the nervousness. I don't know why all of the intensity. The President now has sent out a letter that says, among his complaints, that our amendment is unfair. I assume unfair to the Chinese Government. That is such a remarkable statement, I don't think I even need to reply to it.

He also has a problem because he says they have joined the nonproliferation treaty. They have joined the Chemical Weapons Convention. The Chinese Government has joined the Biological Weapons Convention and the Comprehensive Nuclear Test-Ban Treaty. The only problem with that is they have routinely violated every treaty they have ever joined. And they won't join the ones that require safeguards so people go in and inspect these facilities. He complains that it applies a different standard for some countries. Well, yes, it does. Why is that? Because our intelligence agencies have identified certain countries as being key suppliers of weapons of mass destruction. Do we not have a right to identify them and single them out? Have they not earned that privilege?

I think the integrity of the Senate is at stake with this kind of pressure being brought to bear on a matter of national security by those who do not know anything about issues of national security.

Many of my colleagues here, of course, are experts in this area—some of them. But these folks who call themselves corporate leaders—and I don't think there are many of them, but they are very intense and are interested in trade, so more power to them—apparently now they have taken on additional portfolios. They have responded to a higher calling involving issues of war and peace. Now they advise us as to what we should or should not do with regard to these proliferation issues.

Why do I say that the integrity of the Senate is at stake, and that there are those out here who on this vote are trying to emasculate the process with the proposition that the House can act, and when they act and put in all of their favorite causes, justified as they are, including Radio Free Asia and things such as that, which they try to express a concern about and all that, and God bless them, that is fine; but it comes over to the Senate and we are supposed to rubberstamp whatever it is that is in that House bill.

Why is that? Even though this is such an overwhelmingly obvious boon to the United States, they are fearful that if we add our concerns about nuclear proliferation to that list of items,

if it goes back to the House, even though they won by a 40-vote margin, at the last minute people going into an election will switch their votes. They will look at our bill and say: My goodness, it has a proliferation aspect to it and we can't vote for that.

Ridiculous. It would not be 24 hours before the deed would be done. That battle has been fought and won. We are going to pass PNTR. The real question is, Are we going to relent to the pressure being applied?

Exhibit B is the same New York Times article:

Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

In case anybody thinks they misheard what I said, let me read that again:

Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

You know, it would be comical if it were not so serious. One of my great disappointments in this debate is that there have been some business leaders who have been drawn into this who really have no dogs in this fight because their businesses are not even affected, but they have been told they are affected. They put their blinders on and they justly argue the benefits of trade. But they resent it, when we have been elected by the entire population—people who are not corporate leaders—when we address in addition to that matters of national security.

That is very disappointing. It should not be that way. I don't think some of these people really represent who they pretend to represent. I don't know of anybody who has a better record of voting with the Chamber of Commerce position than myself, whether it be taxes or regulation or any of those matters. Some of my friends in the Chamber of Commerce in Tennessee are here. I haven't talked to them yet. But I will bet you that to a person they will say: Thompson, we elected you to look out for these things. We are for trade and we want trade, but if you think that in addition to that we need to send a signal about people who are making this a more dangerous world for our kids, you send that signal; we expect that of you. And if by some unforeseen circumstance we lose a dollar, so be it.

I think that is the way most people think. I think that is the way most businessmen and businesswomen think. I think that these little people who strut around up here making implied threats on campaign contributions and warning us of how we ought to vote for this, that, and the other, who don't know what they are talking about, need to be taken down a notch or two. I haven't been around here very long, but I have never seen anything such as that. He is warning of those who allow these folks to get tangled up in the politics of nuclear proliferation. That is

the small-mindedness we deal with here regarding this statement.

I feel sorry for the men and women out there in all the Chambers of Commerce around this country, to have this kind of representation in the New York Times and how people think that that represents their idea of the priorities that we have in this country. The lobby is intense. I assure you it is on one side.

You will not see the Halls littered with people out here saying "keep our country safe." There are no lobbyists being paid to do that. No one makes any money off of our amendment. There are no tanks bought; there is nothing sold. All of the lobby, all of the pressure, all of the threats are on one side. So why it would be that the opponents of our amendment who claim they have the votes don't want to even give us a vote is something that perhaps ought to be contemplated.

Could it be that people really don't want to go on record because they realize they are casting their fate to the good graces of the leadership of the Chinese Government—and they have a consistent pattern of this activity and we catch them from time to time? It is going to continue and we are going to continue to catch them. Could it be that some people don't want to have cast a vote against a modest attempt for a better reporting requirement, a more transparent process, giving Congress an opportunity, in unusual circumstances, to have their say?

Again, there are two issues here now, it seems to me. One is on the merits and another is the integrity of the Senate and how we are going to handle this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. GRAMM. Will the Senator yield for a unanimous consent request?

Mrs. FEINSTEIN. Yes.

Mr. GRAMM. Mr. President, I ask unanimous consent that when the Senator from California finishes, I be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object, if the Senator will amend the request that I be recognized following him, I will not object.

Mr. BIDEN. Reserving the right to object, I would like to follow the Senator from New Jersey, as well. I have been waiting.

Mr. MOYNIHAN. Mr. President, might the chairman present a request in writing as to the timing? I think we can get that up right quick.

Mr. ROTH. In the meantime, let the Senator from California proceed.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the Thompson amendment, and then I hope I can make a few comments on what I believe to be one of the most important pieces of legislation on which this Congress will be vot-

ing. Let me begin by saying this. If I believed this amendment would keep our country safe, I would vote for it. I do not believe that is the case. Rather, I believe the amendment is deeply flawed and it has major procedural and review problems. I want to point those out.

Let me say, first of all, to most of us, the draft of this amendment was available Monday night, a little more than a day ago. Yet it is a major, long-range piece of legislation that has major implications for national security, for peace, and stability in the Asia Pacific region. To pass it without careful analysis, without full hearings, and without careful judgment is something to which I am not willing to be a party. There have been no hearings on this or any draft of this legislation. The National Security Council and the State Department have not had the opportunity to provide a full analysis of this latest version of the amendment or assess its likely short- and long-term impact.

I am one of those who believes it would, in fact, doom giving China permanent normal trading status. I am simply not willing to do that. Most importantly, from what I have been able to perceive, I believe the legislation has serious flaws.

First, it focuses on three countries. It separates them from all the other countries. It applies a standard to them that exists for no one else. And I do not believe that is in the best interests of sound decisionmaking.

Second, the mandatory sanctions put in place by this amendment have hair triggers which are tripped by minimal evidence—indeed not necessarily even evidence. The raw intelligence data that provides the "credible information" trigger of this amendment requires followup, substantiation, and analysis before it is used to initiate action. It should be the starting point for processes that weigh options and consider appropriate action, not an end point that instantly triggers strong responses.

Let me give you one example: In 1993, the Yin He incident, where based on "credible information" the United States publicly accused China of shipping proscribed chemical precursors to Iran. The Chinese freighter in question was diverted and every single container searched, at great cost and inconvenience to all involved. There were no banned chemicals aboard. The Thompson amendment would have mandated sanctions.

Second, there is no way to target the sanctions which would be triggered by this amendment, and no effective Presidential waiver for national security interests. It is a blunt instrument more likely to hurt American interests than to change China's behavior.

Third, the amendment invites diplomatic and, yes, maybe even legal problems with other countries, including allies. The amendment as drafted could create a situation whereby sanctions

would be placed on corporations of allied countries that are not acting illegally.

Fourth, especially chilling is the way in which the amendment's wording could, in effect, blacklist any company tagged as a proliferating agent under this amendment's low standard of proof.

These are just a few of the examples of some of the problems with this amendment. Several of my colleagues have discussed other shortcomings at greater length.

Automatic sanctions set off by low thresholds of evidence offer little to entice allies to join us in implementing an effective sanctions regime, but they most certainly will damage U.S.-China relations. They most certainly will weaken our ability to engage the Chinese in any kind of worthwhile dialog or influence them to change their behavior.

I urge my colleagues to join me in opposition to this amendment.

Let me, if I might, say a few things about the bilateral agreement that really is the issue before us today. I reviewed it carefully, and I believe that in this agreement China has made significant market-opening concessions to the United States across virtually every economic sector.

For example, on agricultural products, tariffs will drop from an average of 31 percent to 14 percent by January of 2004. Industrial tariffs will fall from an average of 24.6 percent in 1997 to 9.4 percent by 2005.

China agrees to open up distribution services, such as repair and maintenance, warehousing, trucking, and air courier services.

Import tariffs on autos, now ranging between 80 percent and 100 percent, are broken down to 25 percent by 2006 with tariff reductions accelerated.

China will participate in the Information Technology Agreement and will eliminate tariffs on products such as computers, semiconductors, and related products by 2005.

It will open its telecommunications sector, including access to China's growing Internet services, and expand investment and other activities for financial services firms.

The agreement also preserves safeguards against dumping and other unfair trade practices. Specifically, the "special safeguard rule"—to prevent import surges into the United States—will remain in force for 12 years, and the "special anti-dumping methodology" will remain in effect for 15 years.

No matter how you look at it, this benefits the United States.

I think many people have confused this PNTR vote with a vote to approve China joining the World Trade Organization. It needs to be understood that China will likely join the WTO within the next year regardless of our action. The issue will, in fact, be decided by the WTO's working group and a two-thirds vote of the WTO membership as a whole.

Under WTO rules, only the countries that have “nondiscriminatory” trade practices—that is PNTR—are entitled to receive the benefit of WTO agreements. Without granting China permanent normal trading status, the United States effectively cuts itself out of China’s vast markets, while Britain, Japan, France, and all other WTO nations are allowed to trade with few barriers.

In my view, this has been an interesting exercise because it has been highly politicized. The bottom line is if we don’t grant China PNTR based on the November bilateral agreement, an agreement in which the United States received many important trade concessions and gave up nothing, we effectively shoot ourselves in the foot. We take ourselves out of the agreement, China still goes into the WTO, and those other strategic trading blocks such as the European Union receive the benefits of the bilateral agreement. We do not.

I think it is much broader than this. But I think there is an ultimate issue at stake. That is this: The People’s Republic of China is today undergoing its most significant period of economic and social activity since its founding 50 years ago. The pace is fast and the changes are large.

I am one who studies Chinese history. I have been watching China for over 30 years. I made my first trip in 1979. I try to visit China every year, if I can, and I have watched and I have seen.

In a relatively short time, China has become a key Pacific rim player, and a major world trader. It is a huge producer and consumer of goods and services—a magnet for investment and commerce. Because of its size and potential, the choices China makes over the next few years will greatly influence the future of peace and prosperity in Asia.

In a very real sense, the shaping of Asia’s future begins with choices America will make in how to deal with China.

I come from a Pacific rim State; 60 percent of the people of the world live on both sides of the Pacific Ocean. The trade on that ocean long ago over took the trade on the Atlantic Ocean. It is, in fact, the ocean of the future.

We can try to engage China and integrate it into the global community. We can be a catalyst for positive change. Few objective observers would argue that despite the problems that still remain, there have not been significant benefits and advances in China that have come from two decades of interaction with the United States and the West. Or, we can deal antagonistically with China. We can lose our leverage in guiding China along positive paths of economic, political, and social development, and sacrifice business advantage to competitor nations while gaining nothing in return.

As I see it, for the foreseeable future America faces no greater challenge

than the question of how to persuade China that it is in China’s own national interests to move away from authoritarian government and toward a more open, a more pluralistic and freer society. How do we convince China to make the political, economic and social changes that will help China evolve the leadership that will make it guarantor of peace and stability in the Pacific rim, throughout Asia and the world?

I am convinced that Congress will debate few issues more important this year than the question of China’s entry into the World Trade Organization and whether or not we will deal with the Chinese on the basis of a permanent normal trade relationship.

Trade means change in China. Economic engagement with the United States has been one of the prime motivating factors in China’s decision to move toward a market economy and away from its self-isolation of decades. The past 20 years have brought massive social reform and economic advancement for China’s people. I remember the first time I traveled to China in 1979. I saw a land of subdued people, grey Mao suits, few consumer goods, no conveniences, poor living conditions and little personal, economic or political freedom. The economy was all centrally controlled; little private property and private business existed.

Today, the goods, services, housing, and freedoms available to residents of Chinese cities like Beijing, Shanghai, and Guangzhou are greatly improved. People have become interested in what happens outside of China. People will speak more freely. Living standards are higher. China is increasing turning to private ownership—as much as 50 percent of the economy is in private hands in boom areas like the Pearl River Delta in Southern China.

Large, inefficient state enterprises are closing or being converted to private ownership. Entrepreneurship is on the rise in the cities in much of the countryside. Cutting our bilateral economic ties will accomplish nothing except to turn back the clock in China to favor more government controls, seek to isolate this growing economy, and very likely strengthen repressive political interests linked to protectionism and economic nationalism within the PRC.

It is evident to me that flourishing business relationships have developed increased contacts, improved mutual understandings, and personal relationships between Americans and Chinese.

This, in turn, has fostered many positive changes, as different ways of thinking percolate through Chinese society at many levels. It is there; I have seen it. American firms have brought new management styles, innovative ideas, and new work styles to China. Through their presence in China’s economy, Americans have spread their corporate philosophies, teaching Chinese entrepreneurs, managers, and workers about market economics, com-

mitment to free flows of information, the rule of law—the most important thing—dedication to environmental responsibility, and worker rights and safety.

Yes, it is far from perfect. But are things changing? The answer by any objective criteria has to be yes. Are there flaws? Are there problems? Does China very often do stupid things? Yes: The crackdown on Falun Gong, in my view a stupid thing, an unnecessary thing, something that, once again, pushes it backwards rather than forwards. Its treatment of Tibet—has China done the wrong thing? Absolutely. For 10 years I have been saying that and will continue to say it. It makes no sense for a great nation to treat a major minority the way in which the Tibetan people are treated. I will say that over and over again. I will work to change it. And one day we will succeed and do that, too. But we cannot do it if we isolate China. We cannot do it if we play into the hands of the hardliners. We cannot do it if we create the kind of adversarial relationship that is determined to make China into the next Soviet Union. I believe that firmly, and 30 years of watching has confirmed it.

American firms exercise a very real influence over the changes occurring in Chinese society. That influence will not survive the elimination of PNTR. American businesses in China bring American values to China. But, they cannot bring them if their ability to operate is undercut. History clearly shows us a nation’s respect for political pluralism, human rights, labor rights, and environmental protection grows alongside that nation’s positive interaction with others and achieving a level of sustainable economic development and social well-being.

People who have a full stomach then begin to say: What is next? People who have an education then begin to question the leadership. That will happen in China just as it did in Taiwan, just as it did in South Korea. Not too long ago, both were governed by dictatorships. Given a chance, China can change as well.

If we are serious about building a peaceful, prosperous and stable Asia, if we are serious about being a force for good in the Pacific rim in the 21st century, if we are serious about working to bring about democratic reforms, human rights reforms, and labor reforms in China, we also must establish permanent normal trade relations with China. This is part of the equation for making China into a member of the WTO and the world community as a whole, and saying that China must, in return, play by the same rules all other members follow. It also exposes China to sanctions in the WTO should they not. As a WTO member, China commits to eliminate barriers to its markets; to accept WTO rulings concerning trade practices and procedures; and to abide by WTO decisions concerning trade disputes.

The November 15, 1999 U.S.-China WTO Agreement marked successful completion of 13 years of difficult U.S.-China negotiations.

I, for one, am convinced that normalizing our trade relationship with China is absolutely in our own best interest. But it is absolutely in the best interests of seeing China becoming a pluralistic society, of developing the concern for human rights that we in the Western World hold so dear, of understanding the freedoms provided to us because of our due process of law, of understanding how important it is that a judiciary be independent from the politics of government, having a modern commercial code and a modern criminal code. None of these things China has today.

As has often been said, it has to be remembered that China, for 5,000 years, has been ruled by despotic emperors and for 50 years by revolutionary leaders who had no education. This is really, in over 5,000 years, the first time this largest nation on Earth has had an educated leadership who is now, today, striving to open the door to the Western World.

Remember the Boxer Rebellion? Remember what happened? Remember the humiliation, the isolation of China, and look what happened. We now have a chance in this legislation to take a different course. Most importantly—and this is what has amazed me so much about this debate—PNTR is nothing special. It simply means we will conduct our trade with China in the same manner and under the same rules that we conduct trade with almost every other nation in the world. In fact, there are only six countries with which we do not have normal trade relations—Afghanistan, Cuba, Laos, North Korea, Serbia-Montenegro, and Vietnam. All of them are small nations.

In my view, the damage of denying China permanent normal trade relations would strike even deeper. Punitive U.S. economic policies aimed at unpalatable Chinese domestic practices will not only cut into American jobs, it will slice at China's newly emerging market-oriented entrepreneurial class, the driving force behind the very changes we seek to cultivate without eliminating the targeted abuses in Chinese society. What kind of sense does that make?

Responsible American voices in business, in education, in law, and in religion understand that attacking China through economic ties is counterproductive. It endangers the very social elements within China that are most compatible with ethical American norms.

Trade relations do not only benefit business. They are a key part of the foundation that supports the entire U.S.-China relationship. I believe that not only do we shoot ourselves in the foot by denying PNTR, we strike a blow against encouraging China to see that it is to its interest to make the

necessary changes, to understand that it, too, by open doors, more ties across the Pacific, more pluralistic government, more freedoms for its people evolves as a stronger nation, not a weaker nation. That was the case with Taiwan. That has been the case with South Korea. I submit to you, Mr. President, it is the case of virtually every country that lives under dictatorship or absolute rule.

Pluralism results from an evolution and a growth in human standards, in economic standards, in interaction with the rest of the world. China will be no different if we enable it to open itself to the world. We should be prudent, we should be watchful, we should be strong, we should confront them where wrong—no question about that. I believe we have the adequate tools to do it.

I have seen sanctions placed since I have been in this body, and I do not believe the amendment before this body will encourage the kind of behavior that can enable China to eventually be a stable, sound partner anywhere in the Pacific or elsewhere. I feel very strongly about this. I thank the Chair for his forbearance. I yield the floor.

Mr. LOTT. Mr. President, I support and will vote for granting permanent normal trade relations status to the People's Republic of China.

I will do so because the agreement negotiated between the United States and China will help level the playing field for a wide range of American companies who seek to do business in China.

I also support the bipartisan amendment offered by Senators FRED THOMPSON and ROBERT TORRICELLI to require certain reports and to impose sanctions on entities identified by the President for their sale or transfer of dangerous technology to rogue regimes.

We cannot stand idly by while China continues to proliferate nuclear weapons and missile technology to unstable regions.

There are numerous reports that this pattern of dangerous behavior by Beijing is continuing. For example, the CIA Director George Tenet recently issued a report to Congress on recent developments in proliferation.

That report asserts that China has increased its missile-related assistance to Pakistan and continues to provide missile-related assistance to Iran, North Korea, and Libya.

These are governments which our own State Department has labeled as state sponsors of terrorism.

Who are the ultimate targets for these missiles and nuclear and chemical weapons in the hands of terrorist states? It is the American people, our friends and allies, and our military forces deployed in hot-spots such as the Persian Gulf.

Let me state it differently: When China proliferates dangerous technology to dangerous states, it directly and very negatively affects our national security.

The Clinton administration says it, too, is concerned about this behavior. But it has failed—resoundingly failed—to stop it. Our CIA tells us that these activities are on-going today.

So we need to do more, and this bipartisan amendment makes a strong statement that either this proliferation behavior stops or real and credible penalties will be imposed.

I say to my colleagues who, like me, support granting PNTR for China: Let's not lose sight of the national security issues at stake here.

I, like Senator THOMPSON, would have preferred to consider this important legislation on another bill and not on H.R. 4444. In fact, I made every effort to see to it that the Thompson-Torricelli legislation could be considered either as a free-standing measure or as an amendment to some other piece of legislation.

However, my efforts to have the Thompson-Torricelli amendment considered separate from the China PNTR legislation was blocked.

Therefore, we now are faced with a vote on the Thompson-Torricelli amendment on H.R. 4444. Given this situation, I will support the amendment and oppose the motion to table.

Mrs. BOXER. Mr. President, I share Senator THOMPSON's and Senator TORRICELLI's concerns about weapons proliferation, and I appreciate their bringing this important matter up for debate in a non-partisan fashion. However, I believe that the amendment they have offered to H.R. 4444, legislation that will grant permanent normal trade relations to the People's Republic of China, does not address the issue in the most positive way.

My first concern with the China Non-proliferation Act is with the name itself. The original legislation proposed by the sponsors of this amendment specifically singled out China. But, the current amendment adds North Korea and Russia as nations that are named as covered countries under this proposal. I believe it is correct to expand the list of initial countries beyond China, but I still feel that on the issue of proliferation, every country should be treated with a uniform standard.

The second concern is that this amendment attempts to curtail the spread of weapons with a unilateral rather than a multilateral solution. It is clear to me that this issue is sufficiently complex to demand the cooperation of the international community in stopping the proliferation of weapons. While this amendment singles out North Korea, Russia, and China as covered countries, it also opens the door to possible sanctions on our closest allies. This is because of the requirement that countries listed in the annual section 721 report that is mandated under the fiscal year 1997 Intelligence Authorization Act be covered by this amendment. This report singles out those nations that are a source of dual-use technology which, in recent years, has included such countries as

Germany, Italy, and the United Kingdom. I do not believe that sanctioning our closest allies—those that traditionally support our interests—will further our non-proliferation goals. Furthermore, using unilateral sanctions rather than working with our allies to develop multilateral strategies is not the most effective means of curtailing proliferation.

Another concern with the amendment is that the sanctions would deny all state-owned enterprises of a covered country access to U.S. capital markets. This was one reason why Alan Greenspan publicly spoke out against this amendment at a hearing of the Senate Banking Committee. He stated that “. . . to the extent that we block foreigners from investing or raising funds in the United States, we probably undercut the viability of our own system.”

Finally, I am concerned that this amendment will not provide the necessary flexibility for the executive and legislative branch to conduct policy on proliferation issues. The amendment gives the President only 30 days from the time he issues a report to Congress on proliferation to impose five unilateral mandatory sanctions. After the President makes this determination, the amendment allows for as few as 20 Senators to initiate a reversal of the President's decision. It would take only 20 Senators to ensure that a resolution of disapproval be referred to the Committee on Foreign Relations. The committee would then only have 15 calendar days to consider such a resolution. If the resolution is not reported in that timeframe, it would be sent to the floor with debate limited to 10 hours and a vote required within 15 days. Given the inadequate evidentiary standard of “credible information” that is provided for in this amendment, this expedited procedure is a recipe for bad policy.

I do look forward to discussing this matter further both here on the Senate floor and within the Senate Foreign Relations Committee. This complex issue requires further review and debate separate from the current business of granting permanent normal trade relations to the People's Republic of China.

Mr. SHELBY. Mr. President, I rise to express my support for the Thompson-Torricelli amendment, or the “China Nonproliferation Act.”

I do so as a Senator who has long been concerned about the threat posed by China's reckless proliferation of nuclear, missile and other technologies, and as chairman of the Intelligence Committee, with responsibility for our intelligence efforts against this critical national security threat.

While this amendment applies to other countries, including Russia and North Korea, we are considering it in the context of Permanent Normal Trade Relations for the People's Republic of China, or PNTR. Therefore, my remarks will, for the most part, focus on that country.

I should say at the outset that I intend to support PNTR because I believe that, on balance, taking this step will further U.S. national interests.

But China remains, in the words of the Director of Central Intelligence, a “key supplier” of sensitive technologies to Iran, Pakistan and other countries.

I remind my colleagues that the Intelligence Committee has prepared and made available to Members a summary and compendium of recent intelligence reporting on PRC proliferation. It remains available for your review.

I understand that only a handful of Senators have availed themselves of this opportunity. I urge each of you to review this very disturbing and revealing material. Without having done so, you will be voting on this amendment ignorant of the facts as we know them.

Whether you choose to vote for or against this amendment, you must not do so without a full appreciation of the facts.

Suffice it to say that China has not improved its poor proliferation record.

In light of the poor Chinese proliferation record, I believe that risks associated with approving PNTR are managed better if the Thompson-Torricelli amendment is enacted with our new trade relationship with China.

Since the sponsors and other Senators are addressing the threat to our national security posed by Chinese proliferation, I will focus primarily on some of those aspects of the problem of greatest concern to the Intelligence Committee.

Tracking the proliferation of weapons of mass destruction has been among the Intelligence Committee's very highest budgetary priorities.

This is because proliferation is one of our most daunting and resource-intensive intelligence challenges. The materials and technology to build nuclear, biological, and chemical weapons and the missiles to deliver them are not shipped in the open. They are smuggled across borders and shipped under false documents.

Vital technical support to a country's missile or nuclear program may fit on a single computer disk or take the form of clandestine visits by technical experts.

The materials used in making weapons of mass destruction and their means of delivery are often dual use, meaning that they may also be used for peaceful purposes.

Our intelligence analysts must compile all the facts to determine the likely use of these materials. This really is rocket science, and nuclear science, and biological and chemical science.

Tracking proliferation is not only difficult, it is a critical mission. Timely intelligence provides us with the information we need to support our efforts to deter or dissuade countries, like the People's Republic of China and Russia, from selling nuclear, chemical, biological or missile technologies to rogue states or regions of instability.

When deterrence and dissuasion fail, timely intelligence also will support efforts to counter the proliferation and use of missiles and weapons of mass destruction.

What is especially frustrating for me, as chairman of the Intelligence Committee, is that while the Intelligence Community is doing its job, gathering intelligence at great expense and risk about who is selling and who is buying technologies of mass destruction, this intelligence is ignored by policymakers.

Policy makers have frequently circumvented our sanctions laws by avoiding reaching a determination that could trigger sanctions. They have ensured that the bureaucratic process for reaching a determination that would lead to sanctions is never started, or completed, or impossible standards of evidence are set, so that a judgment never has to be reached.

A case in point is the notorious M-11 missile. After years of closed door deliberations on this issue, in September of last year, for the first time, the Intelligence Community stated publicly its longstanding conclusion that “Pakistan has M-11 SRBMs [Short Range Ballistic Missiles] from China.”

Lest anyone miss the significance of these Chinese missiles now in the hands of Pakistan, or their contribution to instability in South Asia, the community assessed further that these missiles may have a nuclear role.

Sales of M-11 technology have twice triggered sanctions against the PRC under the Arms Export Control Act and Export Administration Act. The sale of M-11 missiles should, under current law, have triggered additional, even stricter, sanctions.

But despite the clear, and public, conclusion of the Intelligence Community, the State Department has suggested that the Intelligence Community's finding that the M-11 missiles were sold by the PRC to Pakistan did not meet its “high standard of evidence.”

Failure to follow through on the facts, however unpleasant the facts may be, undercuts the credibility of our entire nonproliferation policy.

I am hopeful that the Thompson-Torricelli amendment will force a more robust response to the intelligence collected on proliferation. Under this amendment, policy makers will be forced—on an annual basis—to collect the evidence of proliferation and provide a report to Congress.

This report will be more comprehensive and focused than those we have received to date.

The report must identify persons from China, Russia, North Korea and other states when there is credible evidence that this person has contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic missiles.

The report also will identify any person of a covered country that is engaged in activities prohibited under the

relevant treaties and agreements regarding the possession and transfer of chemical, biological, and nuclear weapons.

The President is directed in the China Nonproliferation Act to report information on noncompliance with international arms control and proliferation agreements by the covered countries.

Finally, the report must include an assessment of the threats to our national security, and that of our allies, resulting from proliferation—whether or not this proliferation can be determined to meet the legal or evidentiary standards the State Department asserts to avoid reaching sanctions judgements.

This will go a long way towards compelling the State Department to acknowledge serious instances of nuclear and other proliferation.

Furthermore, the Director of Central Intelligence is required to reach a determination regarding what transfer or sale of goods, services, or technology have a “significant potential to make a contribution to the development, improvement, or production of nuclear, biological, or chemical weapons or of ballistic or cruise missile systems.”

Again, mandating this report will allow us to avoid the unpleasant situation we have been in for years in which the President has been able to avoid reaching necessary judgements about proliferation activities and their consequences.

This report will contribute significantly to the ability of the U.S. Congress to conduct oversight and to make informed judgements on matters of national security.

The information detailed in the report should better enable us to judge the appropriateness and, over time, the effectiveness of the sanctions provided for in this amendment.

Some have complained that this bill forces the President to impose sanctions. This is not the case.

The amendment provides adequate flexibility to the President since he can waive the sanctions.

However, he must specify his reasons for doing so, and Congress may disagree through procedures set out in the bill. This legislation will make Presidential decision-making more transparent and will ensure that the President's decisions are based on the best intelligence available.

Mr. President, would our citizens want to continue to sell items on the United States Munitions List to an individual that has “contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles” for a third party or state.

Would our citizens want to continue to license dual-use items that could contribute to this individual's proliferation of weapons of mass destruction?

Would our citizens want to continue to provide that individual Government

assistance in the form of grants, loans, or credits?

Would our citizens want to continue co-development or co-production of items on our munitions list with that individual?

Of course not. Of course not.

I hope we can agree that the United States should neither reward nor contribute to proliferation of the weapons that threaten our own Nation.

Without question, the imposition of sanctions against another nation or foreign companies is always a serious matter.

The imposition of sanctions has significant foreign and economic policy consequences for the United States and should not be undertaken lightly.

Because sanctions can be costly for our own American industries, we must be sure there is a clear national security interest that will be advanced by the sanctions.

Curbing proliferation meets this test. The President has declared the proliferation of weapons of mass destruction to be a “national emergency,” and I think most of us agree with that declaration.

I support the Thompson-Torricelli amendment because it takes a balanced, measured approach to the problem of sanctioning Chinese proliferation activities, and similar activities of other countries.

In particular, it creates a process to ensure that the U.S. response to future activities of proliferation is never again the inaction, indifference, and self-deception that characterizes the current process.

I believe this bill will bring us closer to a situation in which the PRC and other supplier nations clearly understand—for the first time—that there will be serious consequences when they engage in proliferation of weapons of mass destruction that threaten the United States, its allies, and friends.

Mr. President, I again urge my colleagues to review the available intelligence. The facts speak for themselves, and they speak very loudly indeed.

I urge adoption of the Thompson-Torricelli amendment and yield the floor.

Mr. ASHCROFT. Mr. President, as this body discusses the China Non-proliferation amendment, I would like to comment briefly on Chinese actions that have not only damaged the national security of the United States, but are antithetical to the peace and stability of the entire world—weapons of mass destruction and missile proliferation. I am dismayed that the government of the People's Republic of China has consistently brutalized its own population, intimidated its neighbors, and provided the world's most dangerous technology to “States of Concern”—in direct violation of international agreements, domestic law, and fundamental international standards of behavior. It is time for the Senate to speak in a clear, definitive voice against China's actions.

The facts are that China has provided nuclear, biological, and chemical weapons technology, along with ballistic and cruise missiles to “States of Concern”—previously referred to as “Rogue Nations”—including Iran, Pakistan, Iraq, Libya, Syria, North Korea, and Algeria. Congress should not stand idly by as China continues these practices. Passage of the China Non-Proliferation amendment is a prudent step in the right direction to address this problem. The amendment is both a reasonable and measured response to the serious situation that this Administration has allowed to continue.

While I prefer to see this bill, the China Non-proliferation Act, passed as a separate measure and not as an amendment to the China-Permanent Normal Trade Relations, PNTR, bill, it is now clear that the critical and timely nature of this issue, combined with the counterproductive actions of those trying to prevent its consideration, have left us in the position of having to vote on this today. I reject the notion that a vote on this amendment is a vote against granting PNTR to China. This is simply not the case. The Thompson amendment will not kill PNTR or even place conditions on granting PNTR for China. This amendment will simply stem the flow of unauthorized information on nuclear, biological, and chemical weapons technology by creating real consequences for proliferating countries. I believe that these consequences, coupled with strong leadership by the Executive Branch, can dramatically slow proliferation.

Senator THOMPSON's amendment addresses proliferation concerns by requiring the President to submit a report to Congress identifying every person, company, or governmental entity of the major proliferating nations—China, Russia, and North Korea are currently on this list—against which credible evidence exists that the entity contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles by a foreign person. Based on this report, the President would then be required to impose specific measures against foreign companies in these countries who have been identified as proliferators. For example, under this amendment if a Chinese company provided nuclear technology to Iran, the United States would deny all pending licenses and suspend all existing licenses for the sale of military items and military-civilian dual-use items and technology as controlled under the Commerce Control List to that company. Additionally, the President would be required to impose an across-the-board prohibition on any U.S. government purchases of goods or services from, and U.S. government assistance, including grants, loans, credits, or guarantees, to this company.

In addition to the mandatory sanctions imposed on proliferating foreign

companies, the amendment would also authorize the President to impose discretionary measures against the key supplier countries. Foreign companies do not act alone in the proliferation of weapons; it is quite clear that China, Russia, and North Korea all actively support proliferation activities, and therefore must be held accountable for their actions. This amendment recognizes this truth and would empower the President to apply discretionary measures against them as well, such as:

Suspension of all military-to-military contacts and exchanges between the covered country and the United States;

Suspension of all United States assistance to the covered country by the United States Government;

Prohibition on the transfer or sale or after-sale servicing, including the provision of replacement parts, to the covered country or any national of the covered country of any item on the United States Munitions List, which includes all military items, and suspension of any agreement with the covered country or any national of the covered country for the co-development or co-production of any item on the United States Munitions List.

Suspension of all scientific, academic, and technical exchanges between the covered country and the United States;

Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List, which includes military-civilian dual-use items, that is controlled for national security purposes and prohibition of after-sale servicing, including the provision of replacement parts for such items;

Denial of access to capital markets of the United States by any company owned or controlled by nationals of the covered country;

Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List and prohibition of after-sale servicing, including the provision of replacement parts for such items.

Due to the highly sensitive national security issues involved in cases of proliferation, any of the sanctions can be waived by the President if he determines: (1) that the person did not engage in the proliferation activities; (2) that the supplier country was taking appropriate actions to penalize entities for acts of proliferation and to deter future proliferation; or (3) that such a waiver was important to the national security of the United States.

I believe that these measures, affecting both the proliferating company and country, if applied consistently and fairly by the President, can and will stem the serious problem of weapons proliferation. China, along with Russia and North Korea, must understand that there are real consequences for continuing this reckless behavior, and the United States must take a stand and

lead the charge to stop such proliferation. Passage of the Thompson amendment will accomplish that goal.

A firm stand against proliferation is desperately needed. Chinese proliferation, along with that of Russia and North Korea, is continuing unabated to the detriment of America's national security. It is well documented that China has provided sensitive technology to at least seven States of Concern, including Pakistan, Iran, Iraq, Syria, North Korea, and Algeria. Most of these states have explicitly threatened the security of the United States and actively sponsored terrorism. The remaining countries are in regions where war is commonplace and the consequences for the use of WMD would be especially devastating. Of these proliferation cases, the two most horrendous cases are Pakistan and Iran.

Pakistan is a nation of tremendous unrest and instability, and China has provided it with extensive nuclear and missile technology. Born in conflict, Pakistan was created with India out of one people and one territory, and conflict has defined this nation throughout its history. Pakistan fought three wars and numerous border skirmishes against India, its principal adversary. These battles have been mostly fought over the hotly contested Kashmir region bordering northeast Pakistan. The Kashmir conflict is widely accepted by International Affairs and Defense experts as one of the most likely conflicts to erupt into a nuclear war. China, to a great extent, has not only fostered the conflict through political posturing and land-grabbing, but it has also provided the nuclear weapons that would be used in such a war. China continues to provide critical nuclear and missile related technology to Pakistan, thereby further escalating the arms race and underlying conflict.

In May 1998, India and Pakistan tested a total of eleven nuclear devices. This ushered Pakistan into—and reestablished India as part of—the world's most exclusive club of nuclear weapon states. Although India's nuclear program was created from mostly indigenous sources, Pakistan's nuclear program was purchased from the People's Republic of China. A recently declassified Central Intelligence Agency report states that during the early 1980's, China provided Pakistan blueprints of a full Chinese nuclear design that was tested in 1966. It appears it took Pakistan almost 20 years to test a weapon because they had difficulty translating the blueprints from Chinese.

Since the 1980's, China has consistently provided Pakistan additional nuclear components and missiles. China has operated the Pakistani Cowhide Uranium-enrichment plant (needed for nuclear weapons production), provided designs for additional bombs and reactors, sold weapons grade uranium, sold 5,000 ring magnets for a nonsafeguarded nuclear enrichment program, and continues to provide assistance to nuclear facilities that are not safeguarded by

the International Atomic Energy Agency, IAEA. The IAEA ensures that nuclear facilities are not producing nuclear weapons grade material.

China has also provided Pakistan with complete nuclear-capable missile and missile components. The most widely reported missile transfers are the M-11 missile, also called the CSS-7 or Ababeel. This nuclear capable missile, designed and produced in China, has a 300-kilometer range—placing many highly populated Indian cities at risk. Although it is unclear how many M-11s Pakistan currently possesses, it appears that China has been providing these missiles for almost a decade.

Pakistan's nuclear-capable Medium Range Ballistic Missiles, (MRBM), named Ghauri and Shaheen, were developed as a result of extensive Chinese technology and assistance. The Ghauri has a quoted range of 1500 km, but during the actual flight test, the Ghauri flew only 600 km. Even at this shorted range, some of India's largest cities, including New Delhi and Bombay, would be at risk. The Shaheen, although not flight tested, is reported to have a range of 700 km, making its strike distance comparable to the Ghauri.

What is especially disturbing is that this is just the beginning of the Chinese proliferation record regarding Pakistan. These transfers have allowed Pakistan to amass an incredibly capable and frightening nuclear and missile force. These transfers are in direct violation of international and domestic law. It is apparent that China and Chinese businesses have violated the Missile Technology Control Regime, the Arms Export Control Act, the Export Administration Act, the Non-Proliferation Treaty, the Export-Import Bank Act, and the Nuclear Proliferation Prevention Act.

With all these violations of international and domestic law, one must ask the question, "What has the Clinton Administration done to stem the flow of nuclear and missile technology?" The answer is sadly, "very little." The Clinton Administration imposed only mild sanctions on China for providing the M-11 technology. However, these sanctions were quickly lifted when China "agreed" not to continue providing missile technology to Pakistan. Despite this "agreement," China has not stopped the provision of missile and nuclear technology.

I am troubled that the President seems to have accepted Chinese promises and reassurances without thoroughly examining the facts. For example, a July 1997, CIA report concluded that "China was the single most important supplier of equipment and technology for weapons of mass destruction" worldwide, and that China continues to be Pakistan's "primary source of nuclear-related equipment and technology. . ." The Chinese Foreign Ministry spokesman Cui Tiankai, responded characteristically to these charges by stating that "China's position on nuclear proliferation is very

clear . . . It does not advocate, encourage, or engage in nuclear proliferation, nor does it assist other countries in developing nuclear weapons. It always undertakes its international legal obligations of preventing nuclear proliferation . . . China has always been cautious and responsible in handling its nuclear exports and exports of materials and facilities that might lead to nuclear proliferation." The Clinton Administration was apparently reading from the Chinese script when Peter Tarnoff, Under Secretary of State, said during a Congressional hearing that, ". . . we (the United States) have absolutely binding assurances from the Chinese, which we consider a commitment on their part not to export ring magnets or any other technologies to unsafeguarded facilities . . . The negotiating record is made up primarily of conversations, which were detailed and recorded, between US and Chinese officials." With the overwhelming evidence, it is mystifying that the Chinese spokesman could make such statements with a straight face, and it is extremely disappointing that the Administration apparently took China at its word.

More than one and half billion people live in South Asia. I believe that Pakistan would not be in the position to start a nuclear war without Chinese assistance. Although we cannot reverse proliferation in Pakistan, we can, and should, take a stand to stop further transfers to Pakistan and other countries through passage of the China Non-Proliferation Act. Without taking a stand here, what will stop China from providing nuclear and missile technology to Palestine, or Sudan, or the renowned terrorist Osama Bin Ladan? The United States must take the lead, as the world's only Superpower, and stand against nuclear proliferation, which damages the security of the entire nation.

Not only has China provided nuclear and missile technology to the dangerous and unstable region of South Asia, China has provided sensitive technology to Iran. Iran has been identified by U.S. government agencies, organizations, and entities, along with independent national security experts, as one of the major threats to US security. Iran's threat stems from several significant factors including its large population and armed forces; its geo-strategic and political location in the Middle East—along the straits of Hormuz and the Caspian Sea; an Islamic fundamentalist government; a drive to obtain weapons of mass destruction along with their associated delivery vehicles; stated opposition to the United States and United States' national interests; opposition to the Israeli-Palestinian Peace Process; the de-stabilization of Lebanon—Israel's northern neighbor; and the use and sponsorship of terrorism in its own country and around the world. Due to these facts, the idea of providing nuclear, biological, chemical, and missile

technology to Iran seems unbelievable, but it is a sad reality.

According to a 1999 CIA report, "Iran remains one of the most active countries seeking to acquire Weapons of Mass Destruction, WMD, and Advanced Conventional Weapons, ACW, technology from abroad. In doing so, Tehran is attempting to develop an indigenous capability to produce various types of weapons—nuclear, chemical, and biological—and their delivery systems." Iran is obtaining much of this technology from China and Russia.

The CIA report continues, "for the second half of 1999, entities in Russia, North Korea, and China continued to supply the largest amount of ballistic missile-related goods, technology, and expertise to Iran. Tehran is using this assistance to support current production programs and to achieve its goal of becoming self-sufficient in the production of ballistic missiles. Iran already is producing Scud short-range ballistic missiles, SRBMs, and has built and publicly displayed prototypes for the Shahab-3 medium-range ballistic missile, MRBM, which had its initial flight test in July 1998. In addition, Iran's Defense Minister last year publicly acknowledged the development of the Shahab-4, originally calling it a more capable ballistic missile than the Shahab-3, but later categorizing it as solely a space launch vehicle with no military applications. Iran's Defense Minister also has publicly mentioned plans for a "Shahab 5." Such statements, made against the backdrop of sustained cooperation with Russian, North Korean, and Chinese entities, strongly suggest that Tehran intends to develop a longer-range ballistic missile capability in the near future." These longer ranged missiles would be capable of striking targets in Europe and perhaps in the United States.

China is "a key supplier" of nuclear technology to Iran, with over \$60 million annually in sales and at least fourteen Chinese nuclear experts working at Iranian nuclear facilities. In 1991, China supplied Iran with a research reactor capable of producing plutonium and a calutron, a technology that can be used to enrich uranium to weapons-grade. (Calutrons enriched the uranium in the "Little Boy" bomb that destroyed Hiroshima, and were at the center of Saddam Hussein's effort to develop an Iraqi nuclear bomb.) In 1994, China supplied a complete nuclear fusion research reactor facility to Iran, and provided technical assistance in making it operational. China also continues to work with two Iranian nuclear projects, a so-called "research reactor" and a zirconium production facility. It is well documented that China has provided Iran "considerable" chemical and biological weapon-related production equipment and technology. China has also provided sensitive ballistic missile technology for Iran's growing missile capability. Among other transfers, in 1994, China provided

hundreds of missile guidance systems and computerized machine tools. This is just the beginning of Chinese proliferation to Iran.

The sad fact is that Iran would not have these capabilities without Chinese assistance and American inaction. Although these transfers violate almost every non-proliferation law on the books, the Clinton Administration has only taken small and random acts against selected Chinese companies. These meaningless acts have done nothing to stem the proliferation, and without stronger laws, Chinese proliferation will continue.

It is time for the United States to respond with authority to the continued threat of weapons proliferation. Although we need a President who is willing to lead, we also need more effective laws mandating the President to impose sanctions on foreign companies when they engage in proliferation, and authorizing him to take actions against nations violating international law. This is what the China Non-Proliferation Act will do, and I support passage of this amendment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the following Senators be permitted to speak for up to the designated times in the following order: Senator KYL, 5 minutes; Senator BIDEN, 10 minutes; Senator TORRICELLI, 10 minutes; Senator HUTCHISON, 10 minutes; Senator GRAMM, 10 minutes; Senator THOMPSON, 10 minutes; Senator ROTH, 5 minutes. I further ask consent that the vote occur no later than 1:45 p.m. this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the remarks of the Senator from California. To return the debate to the Thompson amendment, the question before us immediately is not whether PNTR should be granted but whether the Thompson amendment dealing with national security issues should be supported. PNTR is going to pass this body early next week. The question is whether at about 1:45 p.m. or so this body will table the Thompson amendment.

The Thompson amendment would set up a regime that would help stop the proliferation of weapons of mass destruction by China. In the past, each year we have been able to review the Chinese trade, national security, and even human rights issues, and because we had an annual review, we were able to deal with those issues in this body, as well as from a diplomatic point of view the administration's dealings with China.

PNTR will remove that annual review, the requirement that we affirmatively act each year. It will allow China then to join the WTO, and that is fine as a matter of trade. But we have to have some parallel way of ensuring

from a national security standpoint that China stops the proliferation of weapons of mass destruction.

The Thompson amendment sets up a process whereby the Chinese actions are reviewed and the President can impose sanctions, if it is appropriate, but if he does not impose sanctions in those circumstances—he does have a waiver authority—he is required to report to Congress why not. There is nothing unreasonable about this particular proposition.

Yesterday I talked at length about the reasons for it. I will mention two: The proliferation of M-11 missiles by China to Pakistan, for example, which has not resulted in appropriate sanctions by the United States and, more recently, the transfer of sea-based cruise missiles to Iran.

We remember what happened to the *Stark*, the U.S. destroyer in the Persian Gulf, when several Americans lost their lives as a result of a sea-based cruise missile. The question here is particularly interesting because the Senate voted 96-0 that the Chinese actions in supplying these cruise missiles to Iran was a violation of the Gore-McCain Iran-Iraq Nonproliferation Act. In other words, China is not supposed to send this kind of weapon to countries such as Iran. The Senate has been on record unanimously that it was a violation of the act. The administration has done nothing to impose sanctions or otherwise act to stop China from that kind of proliferation. That is why the Thompson amendment is necessary.

Trade, in other words, cannot be the only thing that defines the relationship between the United States and China. The Senate has to balance other things than trade, including our national security obligations.

It has been said that we cannot support the Thompson amendment, not because it is not a good idea but because if there is any change to this bill in the Senate, if it goes back to the House of Representatives, they will not pass it. One of two things is true: Either there is support for PNTR and the House of Representatives will quickly act on the Thompson amendment, and, in fact, if the two are joined and sent to the House, as I was advised yesterday, support would fall off in the House to the point where there are 40 people over there who no longer support PNTR and would not vote for the bill.

Obviously, it would be an anti-democratic action for us to proceed with something that no longer enjoys a majority support in the House of Representatives. I cannot believe that many people would switch their vote on PNTR. They still, of course, can vote against the Thompson amendment if we send it over to them.

The fact is, we have 5 weeks to go. The House of Representatives has plenty of time to deal with this issue. They are committed to PNTR, as I know the leadership of the Senate is. I cannot believe amending the bill with the

Thompson amendment would destroy PNTR. Remember, too, that it is the opponents of the Thompson amendment who forced Senator THOMPSON into using this vehicle of amending PNTR as the only way to achieve his goal of establishing a nonproliferation regime with respect to China. He offered to do it in freestanding legislation. He was rebuffed. He offered to do it after the debate. He was rebuffed. In effect, they knew they had the best chance of defeating him if they could force him to offer an amendment to PNTR because then they could argue they were all for it in substance, but they did not dare let it pass as a procedural matter because the House then would have to deal again with PNTR.

I think this is the most cynical of strategies. I wish the issue had not come up in this way. I urge my colleagues at the appropriate time, in about 45 minutes, not to table the Thompson amendment. Give Senator THOMPSON an up-or-down vote on his amendment. It is the fair thing to do. It is the right thing to do and, from the standpoint of the responsibilities of all of us in this Chamber as Senators who have responsibility both for trade and for national security, the Thompson amendment is the right thing to support.

Thank you, Mr. President.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Under the previous order, Senator BIDEN was to be recognized at this point. I ask unanimous consent that I be allowed to proceed under his time and that, in turn, he proceed following the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I think it is important to remind the Senate of the issue before the body. It has been argued that China should be allowed into the World Trade Organization. That is not a question of this amendment. China is coming into the World Trade Organization under PNTR.

It has been argued that there should not be an interference in trade between China and the United States; it was argued strenuously by my friend and colleague from California. That is not before the Senate under this amendment.

It has been argued that the internal politics of China should not interfere with trade. That is not before the Senate. The Senate has defeated the measures on internal matters in China. It is going to support WTO and the PNTR. The issue before the Senate is narrowly defined.

Under Thompson-Torricelli, there is a single issue before this body: Whether repeated acts of violations of nonproliferation agreements by Chinese companies will give the President the authority, which he will have the right to waive, to interfere with Chinese ac-

cess to American capital markets. That is the only issue before the Senate.

I recognize that we come to this institution with a variety of local interests. Some of us represent agriculture and some industry; some labor and some business; some in the West, some in the North; some in the South; some in the East; some rural; some suburban. We have one unifying common interest—the national security of the United States. Wherever we are from, whatever our priorities, whatever our philosophy, that single guiding responsibility unites us all.

I recognize there are economic interests in the country that are on different sides of the issue of PNTR. But on this single issue, the proliferation of dangerous weapons of mass destruction that are a threat to the life and the security of the United States of America, we can find common ground.

Indeed, as enthusiastic as any individual farmer in America may be to get access to Chinese markets, notwithstanding the fact that this amendment does not deal with agricultural exports, I would challenge any Member of this Senate to find an individual American farmer who, even if this amendment did threaten agricultural exports, would trade a single sale for the United States not being resolved in denying Chinese companies the ability to export missile or nuclear or biological technology that threatens the American people.

Find me a single high-tech executive, given the choice between an individual contract and the ability to restrict a single Chinese company from selling technology that threatens the United States of America, find me one who would not take a stand for this amendment.

Individual interests, I understand them.

My friend and coauthor of this amendment, Senator THOMPSON, stood on the floor reciting comments by the president of the U.S. Chamber of Commerce, who threatened retribution against Senators who support Thompson-Torricelli and cited the “politics of nuclear proliferation.”

What have we come to as an institution? The “politics of nuclear proliferation”? I thought the issue of nonproliferation knew no politics, was supported by Democrats, Republicans, liberals and conservatives. We can all differ on some of the strategies of defending the United States. We may differ on the question of a missile shield defense. We may differ on how we allocate our national defense resources. But I thought the question of proliferation was the one uniting aspect of our foreign policy that knew no bounds—we are all united in the question that there are some governments that are so irresponsible, some nations that live so far out of the norms of accepted behavior, that they must be denied these weapons.

The evidence is unmistakable that the People's Republic of China, despite

20 years of commitments to accede to this policy of denying these rogue nations these technologies, continues to export this dangerous technology. The evidence is overwhelming.

The Director of Central Intelligence reported to this Congress, last month, that China has increased its missile-related assistance to Pakistan, continues to provide assistance to Iran, North Korea, Libya; that China has proliferated to Pakistan.

This Senate has debated what to spend and how to spend to defend ourselves against the possibility, by 2005, of nuclear-tipped missiles from North Korea. We have all lived in anguish with the destruction of American citizens by the terrorism in Libya and Iran.

Now before this Senate is the most modest of amendments—not an interference with trade; not a restriction on exports, though indeed that may be justifiable; not a sanction against the violations of workers' rights or human rights, though that may be arguable. We have not dared, in the most modest of positions, to ask, to request, to suggest any of those things. Just this: That the authority exists to deny companies in the People's Republic of China that consistently, regularly are found, by overwhelming evidence, to be proliferating dangerous technologies that threaten the United States of America, access to our capital markets. But, indeed, that would be too ambitious to ask, so we have given the President waiver authority to cancel that restriction and simply tell the Congress why he did so.

Is there a man or woman in the Senate who thinks this request is so ambitious, would so threaten the economic life of the United States, that we cannot ask this? I challenge my colleagues in the Senate, if you will not accept the evidence from the Director of Central Intelligence on this proliferation, if you will not cede the warning, accept the overwhelming evidence of this proliferation and the threat it constitutes to the United States of America, then have the intellectual honesty and courage to rise on the floor of this Senate to say the Central Intelligence Agency no longer provide this evidence. Because if you will not read it, you will not accept it, and you will not act upon a request that is this modest in scope, then have the intellectual honesty not to even receive it.

I say to my colleagues, it has been stated on this floor that the history of economic sanctions has been uniformly disappointing; that there is no evidence that they succeed. In the long history of economic sanctions, this would be the most modest. We interfere with no trade, restrict no product, restrict no market, only the raising of capital, and only then if the President does not exercise a waiver.

But even if this were a more ambitious amendment, do my colleagues in the Senate really want the record to reflect that we do not believe economic

sanctions are ever justifiable or ever successful, particularly members of my party?

The birth of economic sanctions was from Woodrow Wilson, former Governor of my State, who believed they were the civilized alternative to avoiding armed conflict and war. They are not a perfect weapon, but they have avoided conflict.

Who here would rise and say that unilateral sanctions by European states against South Africa and apartheid was wrong, or against Rhodesia or against the Soviets after invading Czechoslovakia? Who here would argue that they were wrong against Cambodia after the death camps? Who would argue they were wrong against fascist Italy, against Abyssinia and Ethiopia? Who here would argue that Roosevelt was wrong in using them against the Nazis or the Japanese invasion of Manchuria or Wilson himself against unrestricted submarine warfare in the North Atlantic? For the entire 20th century, these sanctions have been used—not a perfect tool, not always successful, but always an alternative to conflict and in defense of the national security.

That issue is before the Senate again. Because while these may not be sanctions, because it may appear the Senate, given the economic opportunity, would not accept them, Senator THOMPSON and I have offered something far less ambitious, a simple standby authority. But it is an alternative.

What will we say to the American people if one day we discover that missile or nuclear or biological weapons are in the hands of our most feared enemies threatening the lives of the American people? Someone on this floor would be right to rise and quote the old Bolshevik maxim: They will sell us the rope with which we will hang them.

No one on this floor wants to provide that explanation. I urge support for the Thompson-Torricelli amendment. It is right. It is modest. I believe the Senate would be proud to take this stand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time do I have?

The PRESIDING OFFICER. Under a previous order, the Senator has 10 minutes.

Mr. BIDEN. Mr. President, I oppose the amendment by the Senator from Tennessee.

Although well-intentioned, the Thompson amendment—the so-called “China Nonproliferation Act”—is a deeply flawed approach to addressing the proliferation problem.

At the outset, let me stipulate to a couple of points about which the Senator is correct.

First, I fully agree with the Senator that the proliferation of weapons of mass destruction poses a serious threat to our national security. I commend

him for his concern, which I know is sincere.

Second, I agree with the Senator's assertion that the People's Republic of China has a poor proliferation track record. China's exports of weapons of mass destruction and the means to deliver them have made the world a more dangerous place.

Unfortunately, our concerns are not all historical. You won't find much argument in this body if the Administration decided today to impose sanctions on China—using existing law—for its continuing export of ballistic missile technology to Pakistan.

The debate isn't about whether China has a clean record in the area of nonproliferation. It does not. Period. No, this debate is about how we get the Chinese and other proliferators to clean up their act. So I ask my colleagues to keep their eyes on the ball.

The question each of us should ask as we evaluate the Thompson amendment is this: At the end of the day, is the Thompson amendment likely to improve U.S. security by reducing the spread of weapons of mass destruction and the means to deliver them?

I believe the answer is no. The legislation offered by Senator Thompson is deeply flawed. Since its introduction, the Thompson amendment has been revised at least three or four times. I give the Senator credit for trying to fix the bill's many flaws. Unfortunately, with each version, this bill has not substantially improved.

In its earliest iteration, at least we knew what this bill was all about. It was all about undercutting the very normal trade relations that we are about to vote to make permanent with China and instead treating China like a virtual enemy.

The likely effect of the original version of the “China Nonproliferation Act” was to gut normal trade relations with China, shut down trade in dual-use items, deny China access to our capital markets, end educational and scientific exchanges, and suspend the bilateral dialog on a range of important issues, including counter-narcotics and counter-terrorism.

It was clear-cut. It was unambiguous. And it was unambiguously contrary to the national interest.

The current version of the amendment does not have that coherence. Rather, it is a legislative stew containing an assortment of ingredients, not all of which go together. It has several major flaws.

The first major flaw is that although the sponsors have advertised the amendment as targeting certain rogue states, in fact it also targets American firms and firms located in several western nations.

On its face, the amendment purports to target only those countries highlighted by the Director of Central Intelligence in a semiannual report as “key suppliers” of weapons of mass destruction and missile technologies. Those countries, under the most current version of this report, released

earlier this summer, are China, Russia, and North Korea.

But closer examination of the amendment reveals that it would likely expose some of our closest allies—and even U.S. firms—to scrutiny under this bill.

Let me explain. This is a bit complicated, so I hope colleagues will bear with me.

Under the amendment, the President must submit a report to Congress annually—“identifying every person of a covered country for whom there is credible information indicating that such person” has transferred dangerous technology to other foreign entities or has diverted U.S. technology in such a way so as to contribute to development of weapons of mass destruction.

A “covered country” is a term that is defined in the bill: it is any country identified by the Director of Central Intelligence as a “source or supply” of dual-use or other technology in the most current report required under Section 721 of the Intelligence Authorization Act for Fiscal Year 1997. A country is also a “covered country” if it was so identified in this report at any time within the previous five years.

Guess what? In 1997, this report by the Director of Central Intelligence specifically named the United States, as well as several Western European nations, including the United Kingdom, France, Germany and Italy, as “favorite targets of acquisition for foreign weapons of mass destruction programs, especially for dual-use goods not controlled by [certain] multilateral export control regimes.” That makes those nations a “source or supply” of dual-use or other technology under the terms of the Thompson amendment.

So what does this mean?

It means the President will have to report to Congress on any “credible information” that the Executive Branch has on either (1) United States firms, or (2) European firms regarding transfers of dangerous technology. Sanctions are unlikely to result against U.S. or European firms, for two reasons.

First, after this report is provided to Congress, the President must then formally determine that the firm has actually engaged in the proliferation activity—not merely that there is credible information that it has.

Second, even if the President makes such a determination, the amendment exempts from the sanctions any nation that is part of a multilateral control regime on proliferation—as the United States and the major Western powers are.

But for the firms named in this original report, the damage will have been done.

First, the companies will surely be subject to negative publicity based on the very low “credible information” standard—and suffer financial and other damage that may flow from such publicity. Second, Section 8 of the

amendment requires the firm, if its stock is listed on U.S. capital markets, to make this information—that is, the information that they have been cited in the presidential report—available in reports and disclosure statements required under the Securities Exchange Act.

In short, the bill places a “scarlet letter” on the reputation of firms—based on information that may later prove to be unfounded.

This is a pretty breathtaking provision—which requires the President to shoot first, and ask questions later.

The second major flaw of the bill is that the amendment is its rigidity. It imposes a one-size-fits-all straitjacket on the President—forcing him to impose numerous sanctions against an offending company, no matter the gravity of the violation, and it requires him to impose the same set of sanctions in every instance.

Under the amendment, if the President determines that a person or firm has engaged in prohibited proliferation activity, then the President must apply five different penalties on such firms—including a ban on military and dual-use exports from the United States to such firms, and a ban on the provision of any U.S. assistance, including any loans, credits, or guarantees to such firms.

This would include Export-Import Bank financing and assistance from the Overseas Private Investment Corporation.

The President has no flexibility to tailor the penalty to fit the crime. He must impose all five punitive measures against the offending person for at least one year—even if the behavior is corrected immediately. He cannot dangle carrots encouraging the firm or nation to clean up its act.

The only flexibility he would have is to invoke a national security waiver. And I doubt such a high waiver will be justifiable in each and every case.

I believe it is extremely unwise to tie the President's hands in this manner.

We are not clairvoyant, and we should give the President flexibility to calibrate his response—and the power to cope with changing circumstances which we cannot foresee.

It is also unwise to impose the same set of penalties on different cases. Should we treat the transfer of an item on Category Two of the Missile Technology Control Regime the less serious of the two categories in that regime—such as telemetry software—the same as a transfer of a complete missile system? Current missile sanctions law permit this sort of differentiation. The Thompson amendment does not.

On Monday the Senator from Tennessee implied that the sanctions under this provision are somehow discretionary—that the President has the flexibility on whether or not to impose sanctions under Section 4 of the amendment. This is simply not true.

Under Section 4 of the amendment, “if the President determines that a

person identified in a report submitted pursuant to section 3 has engaged in an activity described under section (3)(a)(1), the President shall apply to such person” the sanctions for not less than one year.

In other words, if the President finds that a person engages in a proliferation activity, he must apply the sanctions. He has no discretion—if he sees that the requisite facts exist, he must impose sanctions.

Don't take my word for it.

A few years ago, the Office of Legal Counsel at the Department of Justice interpreted similar language in another non-proliferation law—the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. It concluded that the President “has a duty to make determinations, not merely the discretion to do so.” And once he makes those determinations, then the sanctions under the law are triggered.

So, too in the Thompson amendment. If the President determines that the proliferation action has occurred, then the sanctions must be imposed.

To be sure, the bill allows the President to waive the sanctions. But the act of making the initial determination is not waivable.

The third major flaw is that the bill will undermine the credibility of existing sanctions laws because it has an extremely low burden of proof and does not differentiate serious violations from trivial ones.

Let me explain first how sanctions are triggered in the bill.

Two kinds of behavior are sanctionable: the first is any transfer of technology of any origin by a person of a covered country—and remember, “covered country” includes the United States and several European allies—which contributes to the “design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles” by a foreign person.

The second action that is sanctionable is any contribution to a weapons of mass destruction program made by the diversion of U.S.-origin technology to an unauthorized end-user. Such diversions are sanctionable even if they occur within China or Russia.

The bill penalizes either of these actions—technology transfers or diversion—regardless of whether they are either “knowing” or “material.”

Nearly all of our current proliferation sanctions laws contain these “knowing” and “material” requirement—they do not attempt to punish transfers that are unintentional or are relatively inconsequential.

For example, Section 73 of the Arms Export Control Act—the existing missile sanctions law—requires sanctions whenever a foreign person “knowingly” transfers equipment or technology controlled by the Missile Technology Control Regime, MTCR.

Items controlled by the MTCR meet the test of “materiality” because they

involve either complete missile systems or significant components of such systems.

The Thompson bill, however, punishes all transfers—regardless of whether the firm intentionally engaged in the prohibited conduct or whether the transfer made any difference to the program of the recipient nation.

The only standard is whether it “contributes” to the “design, development, production, or acquisition” of weapons of mass destruction programs. This, potentially, has a very broad sweep.

Does a vehicle supplied by Russia, the United States or a western country and used by the People's Liberation Army to transport goods from one weapons plant to another “contribute” to “production” of Chinese missiles?

Does cement for a Chinese cruise missile plant “contribute” to the “production” of such missiles? Does advice from an efficiency expert “contribute” to “production”?

Surely they do “contribute” in some way to the production occurring at the facility.

Under the Thompson amendment, all “contributions”—even these relatively inconsequential examples I just cited—would appear to be treated equally.

If we are going to impose sanctions, we should have a rule of reason—and punish transfers that matter. Do we really want to trigger the vast machinery of sanctions over transfers that are not of serious concern?

Additionally, do we want to trigger a vast array of sanctions if the company did not act intentionally?

The fourth major flaw of the amendment is that it could undermine our proliferation policy by singling out China, Russia, and North Korea.

A law that singles out the worst proliferators might, at first blush, make sense. But it sends an odd message to the world that we care only about proliferation from those countries. Why shouldn't we care just as much about proliferation by Libyan or Syrian firms as by Chinese firms?

To be effective, U.S. sanctions law should be defensible to the world. We can logically explain that proliferation to Iran or Iraq deserves special attention—because of the rogue behavior of those countries. But what is the logic for treating proliferation from China, Russia, and North Korea more seriously than proliferation from other countries?

Moreover, country-specific legislation is unnecessary.

If China, Russia, and North Korea are the worst actors in this area, then any law that applies generally will fall on them disproportionately.

In fact, current proliferation sanctions laws have been used against these three countries more than most others.

The fifth major flaw of the amendment is that it will impose an incredibly burdensome reporting requirement on the intelligence community and the Executive Branch officials responsible for enforcing non-proliferation policy.

The amendment requires that all “credible information” about proliferation activity, no matter whether it is proven or not, no matter whether the activity is significant or not, be included as part of a new magnum opus. This low “credible information” standard is derived from the Iran Non-proliferation Act of 2000. Under this standard, one piece of information from a source deemed to be credible must be reported—even if that evidence later proves to be false.

Congress has yet to receive the first report required under that Act. But we do have some information about the burden it is imposing.

To date, the Intelligence Community has found 8,000 pages of information that is “credible” just on chemical and biological weapons and missile proliferation alone.

Many thousands of staff hours will be required to assemble and analyze the information for this report. Does it really make sense to have our government's non-proliferation specialists devoting so much time to assembling yet another report—rather than combating the proliferation danger?

Congress hardly suffers from a lack of information about proliferation. We already require a range of reports on the subject. For example:

Congress receives an annual report on proliferation of missiles and essential components of nuclear, chemical and biological weapons—required since 1991;

Congress receives an annual report on the threat posed to the United States by weapons of mass destruction, ballistic and cruise missiles—required since 1997;

Congress receives an annual report on the efforts of foreign countries to obtain chemical and biological weapons and efforts of foreign persons or governments to assist such programs—required since 1991;

Congress receives an annual report on the transfer of chemical agents and the trade precursor chemicals relevant to chemical weapons—required since 1997 under the Senate resolution consenting to the Chemical Weapons Convention;

Congress receives an annual report on compliance with international arms control agreements, which includes a detailed assessment of adherence of other nations to obligations undertaken in nonproliferation agreements or commitments—required since the mid-1980s.

In addition, Members of Congress have full access to a range of regular intelligence reports on the subject of proliferation.

In sum, we do not need another report that will divert officials in the Executive Branch from the daily business of trying to actually stop proliferation.

Mr. President, I understand the motivation at work here. Proliferation by Russia or China makes me angry too! I would have thought that the limitations of this kind of sledgehammer ap-

proach that I have just described would have been made evident by now.

So I remind my colleagues: Keep your eye on the ball! This legislation is not likely to be effective in reducing proliferation by irresponsible actors.

Let me make one final point.

One underlying assumption of the Thompson bill seems to be that there are few non-proliferation statutes on the books. Any such assumption would be false—over the last decade Congress has enacted numerous proliferation laws. Let me highlight a few:

The Chemical and Biological Weapons Control and Warfare Elimination of 1991 contains numerous provisions restricting technology to, or imposing sanctions on, to countries or persons proliferating chemical or biological weapons technology;

The Nuclear Proliferation Prevention Act of 1994 bars U.S. Government procurement in the case of foreign persons who materially contribute to the efforts of individuals or non-nuclear weapons states to acquire nuclear material or nuclear explosive devices, and requires sanctions on financial institutions that finance the acquisition of nuclear material or nuclear explosive devices.

The Foreign Assistance Act bars U.S. foreign assistance to nations that engage in certain proliferation activities;

The Arms Export Control Act provides for sanctions against nations that transfer unsafeguarded nuclear materials or against non-nuclear states which use nuclear devices, including the Glenn Amendment sanctions which were imposed on India and Pakistan in 1998.

The Iran-Iraq Arms Nonproliferation Act of 1992 requires sanctions against persons or countries who knowingly and materially contribute to the efforts by Iran or Iraq to acquire chemical, biological, or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons.

The Export-Import Bank Act bars financing for U.S. exports to any country or person which assists a non-nuclear weapons state to acquire a nuclear device or unsafeguarded special nuclear material.

Finally, a Presidential Executive Order (#12938) requires the Secretary of State to impose certain sanctions against foreign persons who materially contribute or attempt to contribute to the efforts of any foreign country to obtain weapons of mass destruction or a missile capable of delivering such weapons.

In short, it is a delusion to think we have a shortage of laws.

What the senator is complaining about is a failure to use these laws to punish the Chinese and other bad actors. This failure is hardly unique to this Administration.

During President Reagan's term, China provided nuclear know-how to Pakistan and missiles to Saudi Arabia. The United States responded by selling

advanced conventional weaponry to the People's Liberation Army—torpedoes for its navy, advanced avionics for its air force, and counter-battery artillery radars for its army.

In President Bush's administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions—and then subsequently liberalizing export controls on a wide range of high technology, including the launch of U.S.-made communication satellites by China.

The Clinton Administration has twice sanctioned China for proliferation of missile and chemical technology, but has balked at imposing sanctions in response to China's most recent misdeeds.

The failure of Executive Branch to use sanctions authority occurs in both Republican and Democratic administrations. It is often lamentable. But the appropriate response is not enactment of a severely flawed piece of legislation.

Mr. President, let me sum up.

I understand the Senator's concerns. I agree with him that Chinese proliferation is a serious problem. I disagree with his remedy.

I would be pleased to work with him next year in trying to move serious legislation to fill any gaps that may exist in our proliferation laws through the Committee on Foreign Relations—the committee of jurisdiction.

But I believe that it would be extremely unwise to pass this legislation, as well-intentioned as it is—because I believe it has so many flaws that it is beyond fixing at this late date. This legislation, as currently written, would not succeed, and could seriously harm our non-proliferation efforts.

I urge my colleagues to vote no on the Thompson amendment.

To reiterate, the Senator from New Jersey and the Senator from Tennessee have made some good arguments but on the wrong bill. If you listen to the debate of the proponents, you would assume there is no sanction legislation that exists now relative to China. The irony is that there is significant sanction legislation on the books now.

This quarrel is about two things. Half the people who are for this amendment are against trade with China. The other half of them—I don't mean literally half—are made up of a mix of people, people who are against the bill, the permanent trade relations bill which my senior colleague is managing, and some who are desperately concerned about the prospect of further proliferation by China.

The truth is, what the real fight should be about is why President Bush, President Reagan, and President Clinton have not imposed the laws that are on the books now. We don't need any new sanction laws. We particularly don't need ones that are so desperately flawed as this one, which lowers the threshold so low you can't be certain that, in fact, there is proliferation

going on, raises so many questions that we will spend our time litigating this among ourselves more than we will be doing anything about the problem. And further, this is a circumstance where I don't think there is anyone on the floor who would rise up and criticize this administration if they did what I have publicly and privately suggested to them: Impose sanctions now under existing law.

I am sure none of my colleagues would do this but their staffs may. I refer them to the last third of my statement where I laid out in detail how many laws are on the books now which were enacted relative to proliferation: the Chemical and Biological Weapons Control and Warfare Elimination Act, the Nuclear Proliferation Prevention Act of 1994, the Foreign Assistance Act, the Arms Export Control Act, the Iran-Iraq Arms Nonproliferation Act, the Export-Import Bank Act, which bars financing of U.S. exports, the Executive Order No. 12938, which requires the Secretary of State to impose certain sanctions, et cetera. All the laws are there now. They exist.

What this is really about is the unwillingness in the minds of our colleagues, some of our colleagues, for this administration to once again impose sanctions, or the last administration to impose sanctions.

We became fairly cynical around here because of what happened during the terms of the last two Presidents. What was the response to documented proliferation by China, for example, during President Reagan's term; when China provided nuclear know-how to Pakistan and missiles to Saudi Arabia? The U.S. response, under President Reagan, was to sell advanced conventional weaponry to the People's Liberation Army, torpedoes for its navy, advanced avionics for its air force, and counterbattery artillery radars for its army.

In the Bush administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions and then subsequently liberalizing export controls on a wide range of high-technology issues, including the launch of U.S.-made communications satellites by China.

This isn't about whether or not non-proliferation laws exist. It is about whether or not we have the will to impose upon the President the requirement that he enforce the law now.

Why not pass a resolution here and now and say that the Senate goes on record saying, Mr. President, you should impose sanctions on China now? There is enough of a case to do it now. Why not do that, if you are really concerned about sanctions? This goes beyond that.

Everybody knows if this or any other amendment passes attached to this bill, the larger issue of trade with China is dead, for this term anyway.

In the brief time I have remaining, let me jump to another point. My friends talk about this in terms of—and

I don't doubt their sincerity—their strategic concerns. They talk about the fact of what is going to happen if China sells technology again; what are we going to do? The implication being, had we acted on this amendment favorably and passed it, then China wouldn't sell any more weapons technology. That is a bit of a tautology. They would sell it whether or not this amendment is here. The question is what retribution we take and in what form we take it.

I ask the rhetorical question to my friends from Tennessee and New Jersey, and others who support this amendment. Right now we are trying very hard to deal with two things in North Korea: the existence of fissile material that is able to make nuclear bombs, and their ability to produce a third stage for their Taepo Dong missile that would allow that missile to reach the United States, although it is problematic whether they could put a nuclear weapon on it even if it had a third stage because of the throw-weight requirements.

So what have we been doing? Former Secretary of Defense Perry, and the last administration as well, have been trying to get the Chinese to use their influence on North Korea not to develop long-range missiles. And what has happened? It is kind of interesting that the first amelioration, the first thawing of the ice came with the Agreed Framework during Perry's tenure. The Agreed Framework made sure that North Korea would not be able to acquire more fissile material for nuclear weapons. They stopped making fissile material. It is working. Surprise, surprise.

The second thing is, because of our intercession with China, at least in part, the Chinese had a little altar call, as we say in the southern part of my State, with the North Koreans. The North Korean leader, the guy we were told was holed up, who is manic depressive, a guy who was supposedly schizophrenic, everything else you hear about him, went to Beijing. He came back. Guess what. He had a public meeting with South Korea. Guess what. He concluded that they would stop testing their missile, the third stage of their missile. He further concluded that there should be some rapprochement with the south.

And lo and behold, Kim Jong-il concluded that he, and the North Koreans, wants American troops in South Korea. Surprise, surprise. Why? They don't want the vacuum filled by an Asian power if we leave. China doesn't want North Korea to have a nuclear capacity. It is not in their interest for that to occur.

Now, somebody tell me how we solve the problem of the proliferation of sophisticated nuclear weapons on the subcontinent of India, including Pakistan and India, as well as China, if we are not engaging China. I don't get this. From a strategic standpoint, I don't get how this is supposed to accomplish the strategic goal because my

friend from Tennessee and my friend from New Jersey parse out and make a clear distinction between the strategic objective of their amendment and the economic objective. They say they have no economic objective. Therefore, they are for free trade.

They don't want to scuttle the trade agreement. They say their interest is in the strategic problem of proliferation. I respectfully suggest that amendment is not going to, in any way, change China's proliferation instincts. What is going to change China's proliferation instincts will be a larger engagement with China on what is in our mutual interests—discussions about strategic doctrine, national missile defense, Japan, Korea, and Taiwan. That will effect relations with China, potentially, in a positive way.

Passing this amendment, as my friend from New York said in another venue when I was with him yesterday, will be the most serious foreign policy mistake we will have made in decades. I share his view. I realize it is well intended. My friend from Tennessee says no one has an answer as to how we are going to stop China. I don't have an answer, but I have a forum in which you do that. It is not in the trade bill. It is engaging them in their mutual interests and ours on the future of North Korea, and engaging them and making it clear to them that it is not in their interest to see India become a nuclear state with multiple nuclear warheads and hundreds, if not thousands, of ICBMs. This isn't the way to do it.

I thank my colleagues. I realize my time is up.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senator from Texas, Mrs. HUTCHISON, is recognized for 5 minutes.

Mrs. HUTCHISON. Mr. President, this is a very important vote. It is a very important issue. I have been a strong supporter of opening relations with China, of opening trade with China, not because China has been the kind of ally we would all hope it would be but because I have believed that having open trade relations with them would improve the relationship; that if we had some leverage in a trade relationship, we would be able to ask them and have some leverage for them to have fair trade, to recognize intellectual property rights, and to become a part of the community of nations.

But it seems to me we are saying we want free and open trade and nothing else should matter; that if we have free and open trade, we should not stand up for our national security interests. That is what I have been hearing on the floor now for 2 days. If we are going to engage China on issues such as North Korea and weapons proliferation to Iran and Iraq, as was proposed by the Senator from Delaware, how can we engage them if we say, by the vote today, it is not really a big issue to us, that weapons proliferation takes second place to trade?

For me, national security doesn't take second place to anything. I think it should be the position of the Senate that we are responsible for the national security of our country and that that is our most important responsibility. If we know China is sending its nuclear formulas to places such as North Korea, Iran, Iraq, and that that is going to put American citizens in direct harm's way and stop the balance of power between North and South Korea and make it heavily favoring North Korea, are we really going to stand by and say we will try to engage them when we have not spoken to them in any way when we had the chance to do it, as we do right now? I hope not.

It has been said that it will kill this bill if we add an amendment. I wasn't elected to the Senate to rubber stamp the House of Representatives. I wasn't elected by the people of Texas to rubber stamp the President. I was elected to the Senate to do what I think is right and to fulfill my responsibilities to the people I represent. National security is my No. 1 responsibility. If it kills a bill because the Senate adds an amendment and allows us to talk to the President about it and talk to the House of Representatives, then I think that is our role and our responsibility. I reject totally those who would say don't vote for this amendment; it is a killer amendment; it will kill the bill.

It will not kill the bill. We have brains. We know we might have to compromise in some way, but we want to be forceful that we are not going to allow China to spread nuclear weapons of mass destruction around the world, especially to rogue nations that would do our country wrong. We are not going to stand up and say today, I hope, that we are afraid to amend a bill because it might kill it. No, that is not why I was elected to the Senate. I was elected to the Senate to do what I think is right. I hope the Senate will speak very forcefully today that we can work with the House and with the President and we will pass free trade with China, with national security addressed. That is the issue.

I urge my colleagues to stand up for their people, as they were elected to do. Let's work this out and have a free and fair trade agreement that is good for both countries. Thank you.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator GRAMM from Texas is recognized for up to 10 minutes.

Mr. GRAMM. Mr. President, I rise in strong opposition to the Thompson amendment. I oppose it because it is a bad amendment. Its logic is flawed. It would hurt America more than it would punish China. Let me try to explain why.

First of all, the Thompson amendment goes far beyond denying China access to American dual-use technology that could have defense applications. The Thompson amendment would take American capital markets

and inject politics into them by denying access, for the first time, to a nation that is not engaged in a direct conflict with the United States of America, under our traditional definition of conflict.

Some people seem to have the idea that by adopting PNTR we will be having a marriage with China—that somehow, because we are endorsing normal trade relations with China, we would in effect be endorsing Chinese policies on how they treat their workers, how they protect religious freedom, how they protect the environment, and how they conduct their foreign policy. We are not doing any of those things.

Every criticism of China that has been made is valid. Senator THOMPSON talked earlier about not wanting to irritate the Chinese. I am perfectly willing to irritate the Chinese. But this legislation is about establishing normal trade relations—the same relations we have with virtually every country in the world except countries directly involved in terrorism—with China. We are not talking about a military alliance or a political marriage. We are talking only about normal trade relations.

The Thompson amendment to the PNTR bill would impose political controls on the American capital market with regard to China. Federal Reserve Chairman Greenspan says that the Thompson amendment's financial sanctions "would undercut the viability of our own system and would harm us more than it would harm others." The Securities and Exchange Commission says the Thompson amendment is "antithetical to the United States approach to capital market access and free movement of capital." The Securities Industry Association, which represents securities markets nationwide, says the Thompson amendment "could seriously disrupt investor confidence in United States markets and jeopardize their continued vitality, debt and liquidity."

Senator THOMPSON says he wants a vote on his amendment. I have no objection to Senator THOMPSON having a vote. But he doesn't want anybody else to have a vote on it. If we are going to consider major legislation like the Thompson amendment, as chairman of one of the committees with jurisdiction over major elements of that amendment I would like to have an opportunity to offer my own amendments to it. I know we can get carried away with amendments. And Senator THOMPSON makes a good point. Committees of jurisdiction aren't everything. But I think it is important that we get Alan Greenspan and other people who understand our financial markets to give us input before we take a major step like instituting controls on America's capital markets.

The capital markets and financial institutions controls in the Thompson legislation go against what we have been trying to achieve with the Chinese for many years. For years we negotiated with the Chinese to get them

to open their markets to American financial services companies. We want citizens in China to be able to own a piece of the rock and to invest in retirement accounts in America. Senator THOMPSON's amendment would set up a mechanism to deny them the very rights for which we negotiated so long and hard.

I am not here to endorse China's practices—far from it. I condemn their policies with regard to the environment, with regard to their workers, with regard to religious freedom, and with regard to proliferation. But that is not what we are talking about here. We are talking about establishing normal trade relations. And the key point is: Does anybody believe any one of these areas of concern will be better if we reject PNTR?

I remind my colleagues that in 1948 there were 23 countries that signed the agreement that founded the GATT, now called the WTO. Their common goal was to expand economic trade. One of those 23 countries was China. But one year later, China turned to the dark side. They wanted to remake their society. They wanted to build a "ladder to heaven." They wanted to create equality, except for their political leaders. And they did it—they made everybody poor. Chinese per capita income nosedived. By 1978, Taiwan, which started with fewer economic resources, had a per capita income of \$1,560 a year. China's was \$188. Today, Taiwan has a \$13,000 per capita income, while China's is just \$790.

But the good news is that fifty-two years later, China wants to reverse the terrible decision she made back then, and re-enter the world of trade. China is turning away from the dark side. She is back knocking on the door. Now the question is, Are we going to slam the door in their face?

I say no. Trade promotes freedom. If you are concerned about workers rights in China, do you believe that workers will have more rights in a growing private sector, where they can work for somebody other than the Government? I don't see how you can help but believe that. And if you believe it, then you are going to be for normal trade relations with China. If you want political and religious freedom in China, then give people economic freedom, which ultimately promotes political freedom, as we have seen in Korea and in Taiwan. Developing economic growth in China, so that people have a stake in economic freedom, will ultimately produce a demand on their part for political freedom. And in the process they will begin to change China.

The Thompson amendment is legislation that needs dramatic changes. If we don't table this amendment, it is not going to be adopted. We are going to offer amendments to it. I would be perfectly happy to see this amendment brought up as a freestanding bill, but I want the opportunity to debate it and to amend it. Senator THOMPSON wants to have a vote on his legislation, but he

doesn't want anybody else to have a vote on their amendments to his legislation. I think that is what ultimately brought us to where we are now.

There are security concerns with China. They need to be dealt with. But they cannot be dealt with within the context of PNTR, with a bill that has never been through a committee, that has never had a hearing on its impact, that has not been looked at it to see whether it makes sense. Will it do what we want it to do? Will it hurt us more than it hurts other people?

So I urge my colleagues to reject this amendment and to adopt normal trade relations with China. We are not endorsing China. We are trying to trade with them. We are trying to promote economic freedom because we know economic freedom not only enriches us and them, but ultimately produces an irresistible demand by people to have political freedom. When they have economic freedom, China will change.

This is a bad amendment. It is not ready to be adopted. I hope we table it. As I said, if we don't table it, we are going to amend it; and then we are going to be in a long debate about a subject that is relevant and important. But it is a subject that does not have to do with establishing normal trade relations with China, which is the point of the underlying legislation and which I support.

I will, therefore, vote to table this amendment. I urge my colleagues to do the same. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that at the end of the list of speakers my name be placed next in order to speak not to exceed 15 minutes in opposition to the motion to table.

Mr. ROTH. Reserving the right to object, I must say we have agreed that we would have the vote at quarter of 2. If there is any time left that I have allotted, I will yield it. It looks to me as if I am not going to have any time.

Mr. BYRD. I wouldn't want to take away the Senator's time.

Mr. ROTH. I ask the distinguished Senator—I regret the situation has developed this way, but we have a number of Senators who are leaving so we have fixed a time for the vote specifically at quarter of 2.

Mr. BYRD. Mr. President, I didn't know anything about that agreement until I heard it put and accepted.

Mr. ROTH. I have to object to the request, with all due deference.

Mr. BYRD. I know the Senator regrets doing that.

Mr. ROTH. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from West Virginia.

Mr. BYRD. I will ask for a quorum before the vote that will take longer than 15 minutes. I am entitled to that.

Mr. ROTH. Parliamentary inquiry: Is that correct?

The PRESIDING OFFICER. A quorum call is in order before the vote.

Mr. ROTH. I ask the Senator from Tennessee to please proceed.

Mr. BYRD. Mr. President, I withdraw my request for the time being so the Senator may speak.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, one brief comment and then I am going to yield 5 minutes of my time to the Senator from Ohio.

I say in response to Senator GRAMM, surely I did not hear the basic proposition that I would not do something for him on something else and therefore he is not going to do something for me? Surely I misunderstood that part.

The only other response I would have is at least the Senator from Texas interjected a new way to address this proliferation we are seeing coming from China. His response is trade with them and one day we will magically wake up and they will be dismantling their armaments; they will be quitting selling weapons of mass destruction to these rogue nations, and they will be happy and friendly. All we have to do is have more and more and more trade, and that will solve the proliferation problem.

When that happens, Mr. President, I will present the tooth fairy on the floor of this body.

With that, I yield 5 minutes to my friend from Ohio.

Mr. DEWINE. Mr. President, I rise in strong support of the Thompson-Torricelli amendment. This amendment will give us more of a chance to hold the People's Republic of China, or any nation, accountable for proliferating weapons of mass destruction and the means to deliver them.

This amendment would not have been necessary had this administration shown effective leadership in non-proliferation policy. When the administration sat down with China last year to negotiate an agreement on China's admission to the World Trade Organization, that was an extraordinary opportunity to discuss China's weapons proliferation practices. It was a once in a lifetime opportunity to insist that China change its ways on proliferation once and for all and advance the security of all nations.

That opportunity, sadly, was lost.

The bilateral agreement reached between China and the United States last November is the price China has to pay for our Nation to agree to PNTR and China's admission into the WTO. So the fundamental question is this: Have we imposed a high enough price on the Chinese Government? Sadly, I think the answer is clearly no.

Yes, the bilateral agreement arguably is a good economic document for both countries. However, it is by no means an acceptable document for our own national security. If we are going to sacrifice our annual review of normal trade relations with China, then our next President and the next Congress must have new tools in place to pursue our national security objectives.

It is that simple. And that is why we need to adopt the Thompson amendment.

As my colleagues know, China is a signator of the Nuclear Non-Proliferation Treaty. Article VI of that treaty states that nuclear powers are to:

... pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date. . . .

No nation has violated that specific article in the NPT more egregiously, more openly, and more willingly in the last decade than the People's Republic of China. That is the truth.

In Asia and the Middle East, our Nation and China hold two fundamentally different visions of the future direction of these two regions. Right now, China has used its expertise in nuclear and missile technology to effectively advance their interests and destabilize the region.

For example, at the beginning of the last decade, Pakistan possessed a very modest nuclear weapons program inferior to India's.

That was then. Now the balance of nuclear power has shifted, and it is a far more different and far more dangerous region today.

In the Middle East, it is the same story. News reports have documented China's contributions to Iran's nuclear development, and ballistic and cruise missile programs, including anti-ship missiles that are a threat to our naval presence and commercial shipping in the Persian Gulf. And published news reports say a CIA report issued last month confirmed that Chinese Government multinationals are assisting the Libyan Government in building a more advanced missile program.

China certainly does not see our Government as a serious enforcer of non-proliferation policy—and why should they? As a result, weapons of mass destruction are in far more questionable hands and the world is a far more dangerous place.

The high priority China placed on WTO membership certainly presented our Government with an opportunity to reassert its nonproliferation credentials.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DEWINE. I ask for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. I object.

Mr. MOYNIHAN. I object.

The PRESIDING OFFICER. Objection is heard. Under the previous order, the Senator from Delaware is to be recognized.

Mr. THOMPSON. Mr. President, did I not have additional time?

Mr. ROTH. No, the vote is set for 1:45. But, we are trying to work this out.

The PRESIDING OFFICER. The vote was to occur at 1:45.

Mr. DEWINE addressed the Chair.

Mr. ROTH. I ask consent Senator BYRD now be recognized for up to 10 minutes and, following those remarks,

I be recognized in order to make a motion to table.

The PRESIDING OFFICER. Is there objection? The Senator from Ohio.

Mr. DEWINE. Mr. President, I will certainly not object, but I just add to that, if I can have 2 additional minutes to finish my comments and we can then proceed?

Mr. ROTH. Unfortunately, we are in a very tight timeframe. I respectfully ask the Senator from Ohio to please comply. We must proceed. I have tried to satisfy everybody. I ask him not to proceed.

Mr. DEWINE. I certainly will not object to the request of the chairman of the committee. I have enough respect for my colleague, if that is what my colleague thinks is absolutely necessary to not object.

Mr. THOMPSON. Mr. President, we also had a unanimous consent for an additional, I think, 5 minutes that was allotted to me. I think the Senator from Ohio should be given at least an additional 2 minutes, if that is the case. I certainly agree Senator BYRD should be given some time. There is no reason why we cannot work this out.

Mr. ROTH. Let me say to the distinguished Senator, I am yielding my 5 minutes. I am not speaking.

Mr. THOMPSON. I am not speaking either, and I will yield the remainder of my time after the Senator from Ohio is finished. I will yield the remainder of any time I have.

Mr. ROTH. All right. We will let the Senator from Ohio have—what is it, 2 minutes?

Mr. THOMPSON. Yes.

The PRESIDING OFFICER. Is there objection to the modified request? Without objection, it is so ordered.

Mr. DEWINE. Mr. President, we can make up for this lost opportunity by passing this amendment. It is vitally important, I believe, that we do this and we move forward.

This amendment is not just about holding other nations accountable as proliferators, it is also about holding our President accountable as the world's principal nonproliferation enforcer.

With this amendment, Congress would receive a comprehensive report each year from the President about the proliferation practices of other nations. This report would require comprehensive information on proliferation practices, how these acts threaten our national security, and what actions are being taken by the President in response to these violations.

This reporting requirement will prevent future administrations from repeating the approach taken by the current administration, which ran and hid from our nonproliferation laws and responsibilities.

The amendment of the Senator from Tennessee would dramatically improve the PNTR legislation. I say this because PNTR is not just about trade—it is about U.S. foreign policy. We cannot let our trade policy with China

supercede our national security policy. The lessons learned from the Cox Commission were clear: foreign policy and national security policy must drive trade policy and not the other way around.

I ask my colleagues: Have we asked enough of China? Has this administration done enough to advance our foreign affairs with China? I believe the answer to both is a resounding "no." The Thompson-Torricelli amendment gives the Senate a chance to insist on more from China and more from this administration. If both China and future administrations are going to take this Senate seriously as a clear and strong voice in our national security policy, we should stand together to support this amendment.

I thank my colleagues, I thank my colleague from Tennessee, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise today to congratulate Senator FRED THOMPSON and Senator TORRICELLI. They are speaking the people's language. They are talking plain, commonsense. They are right in offering this amendment.

Senator THOMPSON is asking that we in this Senate pay attention to the national security concerns of this Nation, asking that we put national security ahead of greed. What is wrong with that? He is asking that we put the national security of the United States of America ahead of election-year politics.

What is the matter with this Senate? Can we not see the handwriting on the wall?

The proliferation of weapons of mass destruction—nuclear weapons, ballistic missiles, chemical weapons, biological weapons—is a growing menace to world stability. Can we not see that? The acquisition of nuclear weapons by such rogue nations as North Korea, Iran, and Iraq is the driving force behind the costly and complicated effort by the United States to deploy a national missile defense system. Can we not see that?

The proliferation of weapons of mass destruction is forcing the nations of the world, including the United States, to reevaluate their own national security and to confront once again the nightmarish possibility of nuclear war. Can we not see that?

The main perpetrators behind the spread of weapons of mass destruction are China, Russia, and North Korea. According to the Central Intelligence Agency, in a report to Congress released last month, this unholy trinity of proliferators were the key contributors to the pipeline of ballistic missile related supplies and assistance going into the Middle East, South Asia, and North Africa.

It seems ludicrous to me that we would even consider standing here and debating the merits of extending Permanent Normal Trade Relations status

to the People's Republic of China without addressing the issue of China's leading role in the proliferation of weapons of mass destruction. The Thompson-Torricelli amendment, of which I am a cosponsor, is essential to tightening our scrutiny of and control over the illegitimate trafficking in weapons of mass destruction by Chinese entities.

What weak dishwater is the excuse that we cannot add anything to the House-passed bill that would force a conference that might make some members of the House uncomfortable. What a sorry spectacle is a Senate completely cowed by the possibility that we might upset the Chinese if we add this provision.

What a travesty that the Secretary of Defense is reported to be calling Senators to oppose an amendment that puts the Chinese on notice about their egregious actions regarding the proliferation of weapons of mass destruction—weapons that threaten the safety of the planet.

I care nothing about a President's legacy if this is the price. I care nothing about profits for multinational companies if this is the price.

I took an oath to defend the Constitution of the United States against all enemies, foreign and domestic, and so did every other member of this body. Are we to tear up that oath for the election-year politics and greed?

Do we think that the American people are watching this debate with pride today? Do we think the American people are willing to auction off this Nation's security interests for the low bid of a Chinese promise to reduce tariffs?

China's string of broken promises is longer than its Great Wall.

We are talking here about the wanton export of nuclear weapons, of chemical weapons, of biological weapons and of long-range missiles. And what do we hear as a defense against addressing such dangerous and diabolical behavior? We hear the tepid, waterlogged response that such action we might take would endanger passage of this trade bill.

I have been in legislative bodies for 54 years, Mr. President. This is the first time I have ever seen anything such as this. When I was in the House of Delegates in West Virginia, I objected to being bound by a caucus, and I have never yet intended to be bound by any cabal or any commitment that, regardless of what the merits may be on a given amendment, we will vote against it. I have never seen that happen. I have never been one to believe in that approach.

I say to my friend from South Carolina, Senator HOLLINGS, the world's greatest deliberative body is quaking and wringing its hands over an amendment that would send a shot over the bow of the rogue elephant behavior of the Chinese.

We tremble at the thought of Chinese displeasure. Our lips quiver at the thought of displeasing big business or

the president of the Chamber of Commerce or Cabinet members of the Clinton administration or the President himself as they dial for dollars and for votes. Those of us who refuse to roll over like good dogs just don't get it. We know that the fix is in on this fight, but we just keep slugging anyway. Maybe we will land a good punch or two if we fight on. Maybe the powers that be in China will notice there were some in the Senate who refused to legitimize China's outrageous disregard for the safety of the world by handing them the trophy of PNTR. Thank God for the likes of Senator PAUL WELLSTONE, Senator FRED THOMPSON, Senator FRITZ HOLLINGS, and Senator BOB TORRICELLI, and the 33 brave souls—33 brave souls, I want you to know—who dared to vote with me on a couple of modest amendments to this ill-advised trade bill. I thank them.

I believe the American people know what we are trying to do, and I believe they will put patriotism over pandering for profit any day.

I ask unanimous consent to print in the RECORD an item from the New York Times titled "Wavering Senators Feeling Pressure on China Trade Bill." I will have more to say about that later.

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

[From the New York Times, Sept. 13, 2000]

WAVERING SENATORS FEELING PRESSURE ON
CHINA TRADE BILL
(By Eric Schmitt)

WASHINGTON, SEPT. 12.—Corporate leaders and several of President Clinton's cabinet officers intensified pressure today on wavering senators to reject an amendment that could jeopardize passage this year of a trade bill with China.

As the Senate girds for a crucial vote on the measure this week, supporters of legislation to establish permanent normal trading relations with China are pressing for a bill free of amendments. Those supporters say there is not enough time before Election Day to reconcile an amended Senate bill with the version that the House passed in May.

At a White House meeting with Congressional leaders today, Mr. Clinton urged speedy approval of an unamended bill. The measure is one of his top remaining foreign policy goals and a necessary step for American companies to benefit fully from a deal reached last year by the United States and China that paves the way for China's entry into the World Trade Organization. That 135-member trade group sets rules for global commerce.

At issue is an amendment sponsored by Senators Fred Thompson, Republican of Tennessee, and Robert G. Torricelli, Democrat of New Jersey, that would impose sanctions on Chinese companies if they were caught exporting nuclear, chemical or biological weapons or long-range missiles.

Defense Secretary William S. Cohen; Treasury Secretary Lawrence H. Summers; Mr. Clinton's national security adviser, Samuel R. Berger; and the United States trade representative, Charlene Barshefsky, began telephoning senators today, arguing that the amendment would not only imperil the trade bill, but would also actually hamper American efforts to combat the spread of sophisticated weaponry.

Senate aides negotiated the timing of votes. Senators could take up Mr. Thomp-

son's amendment on Wednesday or Thursday. Final passage of the overall bill, which has overwhelming support, could occur as early as Friday or as late as next Tuesday.

China will enter the W.T.O. no matter how the Senate votes. But without Congress's blessing, Beijing could withhold some of the trade benefits, including lower tariffs, from the American farmers and companies that it will extend to other members in the trade group.

Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

"Should this vote get tangled up in the politics of nuclear proliferation and other amendments to the extent that it might not be passed," Mr. Donohue said, "I think that would have a very serious political implication for those who were a party to that action."

Senators easily dispatched several other amendments today, including those on prison labor and human rights in China, as well as subsidies from Beijing to Chinese companies. But on the floor and in news conferences, the focus was on the Thompson-Torricelli amendment. "This is the vote on P.N.T.R.," Senator Max Baucus, Democrat of Montana said as he used the bill's abbreviation.

Senator Tom Daschle of South Dakota, the Democratic leader, stated that opponents "have the votes to defeat Senator Thompson's amendment."

Even Mr. Thompson acknowledged that he faced an uphill battle. "We've always known it was going to be a tough vote," Mr. Thompson told reporters. "A lot of people are saying they would like to vote for it. But since it is on P.N.T.R., they're afraid it will complicate P.N.T.R."

Supporters said the measure was necessary to clamp down on Chinese exports of sophisticated weaponry to Iran, Libya, North Korea and Pakistan.

"What is especially troubling about the Chinese activities is that this sensitive assistance is going to the most dangerous nations in the most volatile areas of the world," said Mr. Torricelli.

Backers of the amendment scoffed at fears that amending the bill would doom the larger bill this year. "To say we cannot amend a bill that has been passed by the House would be the height of irresponsibility," said Senator Kay Bailey Hutchison, Republican of Texas.

But amendment critics, including farm-state Republicans, said it was senseless to jeopardize a trade bill that would lower barriers to China's vast markets. "Approval for this bill will keep the United States economically and diplomatically engaged with one-fifth of the world's population," said Senator Pat Roberts, Republican of Kansas. "I cannot support a redundant and counterproductive amendment that would effectively kill this legislation."

Mr. BYRD. Mr. President, I close by thanking Senator ROTH, Senator MOYNIHAN, and other Senators who have been so considerate and courteous. I yield the floor.

Mr. ROTH. Mr. President, I spoke at length about my opposition to the Thompson amendment on Monday. But I want to briefly reiterate that I believe this amendment, while well-intentioned, is seriously flawed. In particular, this legislation relies on unilateral sanctions that are too widely drawn and too loosely conceived to prove effective in countering proliferation. In a global economy, shutting off

Chinese and Russian access to American goods, agricultural and capital markets will not change Chinese or Russian behavior. Indeed, such actions would isolate the United States, not China, giving our competitors an open road to the world's biggest nation and fastest-growing market.

And make no mistake about it: though there have been changes to the bill to reduce the impact on farmers, virtually every member of the farming community—from the Alabama Farmers Federation to the National Chicken Council—has said in a letter that they are absolutely against the Thompson amendment. Moreover, for the first time, U.S. securities markets will be used as a sanctioning tool. That's why Alan Greenspan opposes this legislation.

The unilateral sanctions in this amendment are also indiscriminate in their application and could be applied to some of our closest allies, such as Germany, the United Kingdom, Italy, and France. Surely such actions will make future multilateral cooperation—which is absolutely essential to solving proliferation problems—far more difficult. Another problem with this amendment is that even though the President is theoretically able to waive sanctions, Congress gains the power to overturn the President's waiver through a procedure exactly the same as the counterproductive one we currently use in annually renewing normal trade relations with China.

In addition, the evidentiary standard used to trigger sanctions, one of "credible information," is too low. Surely, critical national security actions should be based on a higher standard, especially when they are could very well be applied to our closest allies. It also appears that the Thompson amendment could have a disastrous effect on our Cooperative Threat Reduction Program—better known as the Nunn-Lugar Program—with Russia and Russian entities.

Section 4 of the Thompson amendment contains language that would ban Nunn-Lugar assistance to any Russian entity identified in the report required by the amendment of the President. And so this amendment could actually have the perverse effect of decreasing our ability to stem proliferation problems in Russia. The Thompson amendment also raises serious constitutional concerns. For example, Congress' disapproval of the President's determination could result in severe sanctions against persons for actions that were perfectly legal when taken. The ex post facto effect raises serious due process questions. The standard of proof, which could result in sanctions against individual U.S. citizens based on suspicions, rather than proof, raises separate due process concerns. The congressional disapproval procedures raise separation of powers problems. In reversing the President's determinations regarding sanctions, Congress will, in effect, implicitly be second-guessing the

exercise of the President's prosecutorial discretion.

Proliferation is a matter of vital national interest. I applaud my friend from Tennessee for raising this issue, and I hope he will continue his work in this critical area next year, when I hope we can come to agreement on a measure that will gain the support of an overwhelming majority of this Chamber. But I must urge all my colleagues to join me in opposing the Thompson amendment.

Mr. President, I move to table the Thompson amendment No. 4132, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—65

Allard	Durbin	Lincoln
Baucus	Edwards	Lugar
Bayh	Enzi	Mack
Bennett	Feinstein	Miller
Biden	Fitzgerald	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grassley	Nickles
Breaux	Hagel	Reed
Brownback	Harkin	Reid
Bryan	Hatch	Robb
Burns	Inouye	Roberts
Campbell	Jeffords	Rockefeller
Chafee, L.	Johnson	Roth
Cleland	Kennedy	Schumer
Cochran	Kerry	Smith (OR)
Craig	Kerry	Stevens
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Voinovich
Dodd	Leahy	Warner
Domenici	Levin	Wyden
Dorgan		

NAYS—32

Abraham	Hollings	Sarbanes
Ashcroft	Hutchinson	Sessions
Bunning	Hutchison	Shelby
Byrd	Inhofe	Smith (NH)
Collins	Kohl	Snowe
Conrad	Kyl	Specter
DeWine	Lott	Thompson
Feingold	McCain	Thurmond
Frist	McConnell	Torricelli
Gregg	Mikulski	Wellstone
Helms	Santorum	

NOT VOTING—3

Akaka	Gorton	Lieberman
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The motion was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, parliamentary inquiry: I think under the order,

my colleague and friend from North Carolina is to be recognized to offer an amendment at this juncture. I have had a brief discussion with my colleague from North Carolina. I don't know whether I need to ask unanimous consent to proceed for 5 minutes prior to Senator HELMS being recognized or not in order to achieve that result. May I inquire what is the parliamentary situation?

The PRESIDING OFFICER. Recognition of the Senator from North Carolina is to occur at 2:30. The Senator from Connecticut has the floor.

Mr. DODD. I thank the Chair.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mrs. HUTCHISON. Does the Senator from Connecticut need the full 10 minutes? I wanted to speak for a few minutes as in morning business if he didn't need it all.

Mr. DODD. If the Chair will inform the Senator from Connecticut when 8 minutes have transpired, I will leave a couple minutes for my friend from Texas.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I intended to offer these remarks prior to the consideration of the Thompson-Torricelli amendment, but time did not permit it. I am pleased with the outcome of the vote in this Chamber regarding the Thompson amendment. I do regret, in a sense, that we had to take the vote. I am concerned that the powers that be in the People's Republic of China, or elsewhere, may misread the vote as somehow rejection of our concern on the issue of nuclear proliferation. Nothing could be further from the truth. This vote that occurred is obviously one where most of us felt very deeply that the underlying agreement is of critical importance, as is the subject matter of the amendment offered by our friends and colleagues from Tennessee and New Jersey. But it is the strong view of many of us that this was an unrelated matter and the amendment, as drawn, was flawed in several respects.

Specifically, the amendment called for the imposition of unilateral sanctions against the People's Republic of China, Russia, and North Korea for past and prospective proliferation activities. Although the amendment did give the President the authority to waive these sanctions under certain circumstances, it also provides for the congressional challenge of the President's use of that authority under expedited procedures. Clearly, the issue the sponsors sought to address in this amendment is a deeply serious one, with significant national security and foreign policy implications.

I, for one, would not attempt to stand here and argue that the People's Republic of China, or North Korea, or Russia, or several other nations for that matter, have always steadfastly adhered to the international standards

set forth in the existing multilateral nonproliferation agreements and arms control regimes. Nor would I suggest that China does not have the same obligations that every other nation has to ensure that its exports of sensitive nuclear weapons-related technology to North Korea, Iran, Libya, and other states seeking to acquire such dangerous weapons capability cease to occur.

I do wonder, however, whether the underlying legislation is the appropriate place to be having a debate about an issue that is, after all, a global problem that goes well beyond our trade relations with one nation.

Nor is the problem likely to be solved by our simply legislating sanctions against one country or another. This is a multilateral problem that isn't going to be contained without meaningful cooperation and the involvement of all nations with a stake in containing the spread of nuclear weapons and other weapons of mass destruction.

I am also fearful that whichever way the vote turned out—and in this case it was defeated—it will be misinterpreted by those who want to believe that the U.S., and specifically the U.S. Senate, does not care about the issue of nuclear proliferation, and therefore potential proliferators are free to do whatever they want.

I don't believe that is an accurate nor wise message to be sending. Nor do I think it serves to further international nuclear nonproliferation cooperation.

As to the specifics of the amendment just adopted, I am puzzled by how the sponsors have chosen to approach what is, after all, a global problem. They have chosen to single out three countries—China, Russia, and North Korea—for their participation in proliferation activities, while effectively ignoring similar actions taken by other smaller nations. The list is much larger than those three nations. Any action taken should be global in its focus.

I also don't understand why our existing nuclear nonproliferation laws don't provide at least what I believe for the time being sufficient authority to the President to respond accordingly to violations of international nonproliferation standards by China or any other potential exporter.

These laws include: the Arms Control and Disarmament Act, Arms Export Control Act, International Emergency Economic Powers Act, Export Administration Act, Chemical and Biological Weapons Control Elimination Act, Iran-Iraq Nonproliferation Act, Nuclear Proliferation Prevention Act, and the Iran Proliferation Act of 2000. These laws cover a full range of dangerous proliferation activities.

The mechanics of the amendment just rejected also gave me great pause. The low evidentiary standards in the amendment could automatically trigger a number of mandatory unilateral sanctions that would ultimately hurt,

or could hurt, our foreign policy, economic, and technological interests. We must ensure that only those who traffic in arms are affected by those sanctions.

Proliferation is a very delicate and complex issue that affects our economic and foreign policy agendas. Ensuring the fullest cooperation of all the major participants in this sector is by its very nature a dynamic process with significant diplomatic ramifications. Attempting to legislate the mechanics of this effort is akin to attempting to perform brain surgery with a hacksaw, in my view.

China has problems—serious ones—with proliferation. Nobody here is going to claim that China is a benevolent democracy, and I am sure we all agree that there is much China must do to meet the standards we expect of civilized nations who are going to join the World Trade Organization. Yet, I also believe we should recognize that there has been some positive movement in this area.

Recent efforts at U.S. engagement have resulted in China joining a number of major multilateral arms control regimes in assisting us to defuse a nuclear crisis on the Korean peninsula, and in participating constructively in international efforts to contain the escalating arms race between India and Pakistan.

How can we build on that progress? Are we going to do it by denying China PNTR or mandating the imposition of unilateral sanctions? Surely, there has to be a better way to encourage additional cooperation from Chinese authorities in this area.

I respectfully suggest that the Thompson amendment should not be misinterpreted because, as important as it is, it would be misguided, in my view, to include it as was attempted in this particular legislation. There is a far greater chance that we are going to get the kind of cooperation as a result of China being a part of the World Trade Organization than isolating them further.

I hope we will have another opportunity to address the proliferation issue. It is one that needs to be addressed. This would have been the wrong place.

(The remarks of Mrs. HUTCHISON are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 4128

Mr. HELMS. Mr. President, during the course of the Senate's consideration of handing China the permanent most favored nation status—that is what it amounts to; just giving it to

them—several of us have highlighted the abhorrent human rights record of the Communist Chinese Government.

China's practice of forcing its women citizens to submit to abortions and/or sterilization—usually both—is not only revolting; it is shameful, because it is a practice that has been repeatedly documented for 20 years now. In fact, the most recent State Department Human Rights Report on China contains a detailed account of the cruel, coercive measures used by Chinese officials, such as forced abortion, forced sterilization, and detention of those who even dare to resist this inhumane treatment.

My pending amendment proposes to put the Senate on record as condemning the Chinese dictatorship's barbaric treatment of its own people.

Although the Politburo of the Chinese Communist Party officially says—and I say absurdly says, and they say it—that forced abortion has no role in China's population control, it is, to the contrary, a known fact that the Chinese Government does indeed, absolutely, and without question, force women to submit to forced abortion and to sterilization. Communist Chinese authorities strictly enforce birth quotas imposed on its citizens. They pay rewards to informants tattling on the women for having more than one child while making certain that local population control officials using coercion are left absolutely unrestrained in the way they conduct themselves.

For example, I have in hand reports of this cruel situation from many Chinese citizens. I received this information in my capacity as chairman of the Senate Foreign Relations Committee. These citizens have witnessed firsthand countless episodes of this bloody cruelty. A defector from China's population control program testified before a House International Relations Committee hearing in June a couple of years ago that the Central Government policy in China strongly encourages local officials to use every conceivable coercive tactic in enforcing the one-child policy. They have described to me in person the results of women crying and begging for mercy simply because they were prepared to deliver a child.

Furthermore, Communist China's population control officials routinely punish women who have conceived a child without Government authorization. They subject the women to extreme psychological pressures, enormous fines which they can't possibly pay, along with the loss of their jobs, and with all sorts of other physical threats.

If women in China dare to resist the population control policy on religious grounds, they have to confront especially gruesome punishment. Amnesty International reported to us, and publicly, that Catholic women in two villages were subjected to torture, to sexual abuse, and to the detention of their relatives for daring to resist China's population program.

Very credible reports indicate that if "these" methods aren't enough to convince women in China to abide by the regime's population control program, forced abortions are carried out publicly in the very late stages of pregnancy.

I think it was back in 1994 when it began. Since that time, forced abortion has been used in Communist China not only to regulate the number of children born but under the policy known as the "Natal and Health Care Law," pregnancies are terminated on a mandatory basis if a Government bureaucrat arbitrarily declares that an unborn child is defective. Nobody checks on him. He doesn't have to present any evidence. He just says the child is defective. That is it.

I believe it is common knowledge that I am a resolute defender of the sanctity of life. I have tried to do that ever since I have been a Senator, and prior to that time. But the pending amendment is not merely about life; it seems to me it is about liberty. Bureaucrats terrorizing women into unwanted abortions or medical operations permanently depriving them of their capability to have children, it seems to me, is the ultimate appalling affront to freedom.

My pending amendment urges the President to ask the Chinese Government to stop this ungodly practice. My amendment also calls on the President to urge the Chinese Government to stop putting Chinese women in jail whose crime is resisting abortion of a child or sterilization.

I think this is a modest measure. It doesn't condition PNTR on China's Government changing its abhorrent behavior. It simply asks the President of the United States to say to the Chinese that we want to defend the rights of women in China and ask the Chinese officials to see that that happens.

The question that comes to my mind is, Can the Senate proceed to award China with permanent trade privileges while refusing to express our revulsion at a basic violation of women's freedom?

The amendment I shall propose and call up in just a moment will not at all endanger passage of PNTR. We need not worry about that. I don't think PNTR ought to be approved at this time. But this amendment will not forbid or do any danger to the enactment of PNTR. It will simply be a matter of the Senate doing and saying the right thing before it happens.

AMENDMENT NO. 4128

(Purpose: To express the Sense of Congress regarding forced abortions in the People's Republic of China)

Mr. HELMS. Mr. President, I now call up amendment No. 4128.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 4128:

At the end of the bill, insert the following:
SEC. 702. SENSE OF CONGRESS REGARDING FORCED ABORTIONS IN CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For more than 18 years there have been frequent, consistent, and credible reports of forced abortion and forced sterilization in the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion has no role in the population control program, in fact the Communist Chinese Government encourages forced abortion and forced sterilization through a combination of strictly enforced birth quotas, rewards for informants, and impunity for local population control officials who engage in coercion.

(B) A recent defector from the population control program, testifying at a congressional hearing on June 10, 1998, made clear that central government policy in China strongly encourages local officials to use coercive methods.

(C) Population control officials of the People's Republic of China, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical punishment.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. According to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to enforcement measures including torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy, including numerous examples of actual infanticide.

(F) Since 1994 forced abortion has been used in Communist China not only to regulate the number of children, but also to destroy those who are regarded as defective because of physical or mental disabilities in accordance with the official eugenic policy known as the "Natal and Health Care Law".

(3) According to every annual State Department Country Report on Human Rights Practices for the People's Republic of China since 1983, Chinese officials have used coercive measures such as forced abortion, forced sterilization, and detention of resisters.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should urge the People's Republic of China to cease its forced abortion and forced sterilization policies and practices; and

(2) the President should urge the People's Republic of China to cease its detention of those who resist abortion or sterilization.

Mr. HELMS. I thank the clerk. I thank the Chair.

I ask for the yeas and nays. I don't believe I will be able to get them at this moment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I simply want to inquire about how much time I have remaining on my side.

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent it be in order for me to request and to receive a rollcall on the pending amendment.

Mr. ROTH. Reserving the right to object, I think the hope is that we will set the vote aside and have several votes later.

Mr. HELMS. Do I have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I say to the distinguished chairman that I am aware of that and I favor it. However, I do want to get the yeas and nays on my amendment. The scheduling of a whole series of amendments suits me just fine.

Mr. ROTH. We join the Senator in asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. China's record on family planning and its use of forced abortion is indefensible. The country's policy violates the most fundamental human rights. That is why the United States does not contribute funds directly or indirectly to China's family planning programs.

My good friend and distinguished colleague from North Carolina is to be commended for bringing the matter of Chinese forced abortions to our attention. I do not oppose his amendment on its merits. I only oppose it as an amendment to H.R. 4444.

As I said, if PNTR is amended, a conference and another round of votes on H.R. 4444 will be necessary, likely destroying any chance for PNTR. Therefore, I must ask that my colleagues join me in voting against this amendment.

The PRESIDING OFFICER. If no one yields time, time will be equally charged on both sides.

Mr. HELMS. Mr. President, we have a Senator on the way to the Chamber to speak on the pending amendment. I suggest, to save time, the pending amendment be laid aside temporarily so I can call up a second amendment.

The PRESIDING OFFICER. Is the Senator making a unanimous consent request?

Mr. HELMS. Mr. President, I ask unanimous consent—and I hope everyone will agree to the unanimous consent—to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I wish to renew my request that it be in order for me to be seated during the presentation of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4123

(Purpose: To require the Secretary of Commerce to consult with leaders of American businesses to encourage them to adopt a code of conduct for doing business in the People's Republic of China)

Mr. HELMS. Mr. President, I call up amendment No. 4123 and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 4123.

At the end of the bill, insert the following:
SEC. ____ CODE OF CONDUCT FOR BUSINESSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Chief Executive of Viacom media corporation told the Fortune Global Forum, a gathering of hundreds of corporate leaders in Shanghai to celebrate the 50th anniversary of communism in China in September 1999, that Western media groups “should avoid being unnecessarily offensive to the Chinese government. We want to do business. We cannot succeed in China without being a friend of the Chinese people and the Chinese government.”

(2) The owner of Fox and Star TV networks has gained favor with the Chinese leadership in part by dropping programming and publishing deals that offend the Communist Government of China, including the book by the last British Governor of Hong Kong.

(3) The Chief Executive of Time Warner, which owns the Fortune company that organized the Global Forum, called Jiang Zemin his “good friend” as he introduced Jiang to make the keynote speech at the conference. Jiang went on to threaten force against Taiwan and to warn that comments by the West on China’s abysmal human rights record were not welcome.

(4) The Chief Executive of American International Group was reported to be so effusive in his praise of China’s economic progress at the Global Forum that one Chinese official described his remarks as “not realistic”.

(5) The founder of Cable News Network, one of the world’s richest men, told the Global Forum that “I am a socialist at heart.”

(6) During the Global Forum, Chinese leaders banned an issue of Time magazine (owned by Time-Warner, the host of the Global Forum) marking the 50th anniversary of communism in China, because the issue included commentaries by dissidents Wei Jingsheng, Wang Dan, and the Dalai Lama. China also blocked the web sites of Time Warner’s Fortune magazine and CNN.

(7) Chinese officials denied Fortune the right to invite Chinese participants to the Global Forum and instead padded the guest list with managers of state-run firms.

(8) At the forum banquet, Chinese Premier Zhu Rongji lashed out at the United States for defending Taiwan.

(9) On June 5, 2000, China’s number two phone company, Unicom, broke an agreement with the Qualcomm Corporation by confirming that it will not use mobile-phone technology designed by Qualcomm for at least 3 years, causing a sharp sell off of the United States company’s stock.

(10) When the Taiwanese pop singer Ah-mei, who appeared in advertisements for Sprite in China, agreed to sing Taiwan’s national anthem at Taiwan’s May 20, 2000, presidential inauguration, Chinese authorities immediately notified the Coca-Cola company that its Ah-mei Sprite ads would be banned.

(11) The company’s director of media relations said that the Coca-Cola Company was “unhappy” about the ban, but “as a local business, would respect the authority of local regulators and we will abide by their decisions”.

(12) In 1998, Apple Computer voluntarily removed images of the Dalai Lama from its “Think Different” ads in Hong Kong, stating at the time that “where there are political sensitivities, we did not want to offend anyone”.

(13) In 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with China’s Internet rules which provide for censoring any political information deemed unacceptable to the Communist government.

(b) SENSE OF SENATE.—It is the sense of Senate that in order for the presence of United States businesses to truly foster political liberalization in China, those businesses must conduct themselves in a manner that reflects basic American values of democracy, individual liberty, and justice.

(c) CONSULTATION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall consult with American businesses that do business in, have significant trade with, or invest in the People’s Republic of China, to encourage the businesses to adopt a voluntary code of conduct that—

(1) follows internationally recognized human rights principles, including freedom of expression and democratic governance;

(2) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief;

(3) ensures that no convict, forced, or indentured labor is knowingly used;

(4) supports the principle of a free market economy and ownership of private property;

(5) recognizes the rights of workers to freely organize and bargain collectively; and

(6) discourages mandatory political indoctrination on business premises.

Mr. HELMS. Mr. President, the pending amendment proposes that the Secretary of Commerce be requested to consult with American businesses on drafting and adopting a voluntary code of conduct for doing business in China. Such a voluntary code of conduct would follow internationally recognized human rights, work against discrimination and forced labor, support the principles of free enterprise and the rights of workers to organize, and discourage mandatory political indoctrination in the workplace.

The purpose of this amendment is this: So often in this debate, the argument has been advanced that only by exposing the Chinese Government and the Chinese people to our values through expanded trade and investment can we hope to bring about polit-

ical change in China, and the only way we can help that desired achievement is to do as the amendment proposes.

I have always been skeptical about this because businesses are not in the business of expanding democracy. I am not going to comment on what the businesses support in PNTR and the way it is being supported. Be that as it may, businesses exist, quite frankly, to make money. I certainly have no problem with that. But let’s be honest on the process of what we are doing here in this Senate Chamber. American businesses, even if viewed in the most charitable light, are not likely to lift a finger to promote democracy in China. Unfortunately, it is difficult to view some of the American businesses charitably when we examine their attitude toward China. If I step on some toes here, I am sorry, but I believe I must have my say for the benefit of the Senate.

The powerful lure of potential huge Chinese markets has obviously clouded the judgment of some of our top companies and some of their executives. With regret, I have concluded that some of America’s top businesses have been willing to supPLICATE to the Communist Government of China, hoping that the Chinese Government will allow them someday to make a profit there.

I want the Senate to consider the following statements and actions by American businesses in China, which are stated as findings in the pending amendment:

No. 1, the chief executive of Viacom media corporation told the Fortune Global Forum, a September 1999 gathering of hundreds of corporate leaders in Shanghai gathered to celebrate—get this—the 50th anniversary of communism in China—They gathered to celebrate the fact that western media groups, “should avoid being unnecessarily offensive to the Chinese Government.”

No. 2, the owner of Fox and Star TV networks has repeatedly gained favor with the Chinese leadership by dropping programming and publishing deals that offend the Communist Government of China, including a book written by the last British Governor of Hong Kong.

No. 3, the Chief Executive of American International Group was reported to be so effusive in his praise of China’s economic progress at this global forum that one Communist Chinese official described the remarks as “not realistic.”

No. 4, the founder of CNN, one of the world’s wealthiest men, proudly told the global forum, “I am a socialist at heart.”

No. 5, in 1998, Apple Computer voluntarily removed images of the Dalai Lama from its “Think Different” ads in Hong Kong, stating at the time,

"Where there are political sensitivities, we did not want to offend anyone."

No. 7, in 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with China's Internet rules which provide for censoring any political information—now get this—"deemed unacceptable to the Communist government."

I am forced to wonder if some of our business leaders understand what they are doing when they make such statements and make such decisions. Obviously, they are trying to curry favor with the Communist Government of China in which they aim to do business. But isn't there a limit to what they would do to accomplish what they seek? To say things that are so clearly untrue, or to agree to self-censorship when some of them are in the media business, it seems to me, undermines the ultimate goal of these companies—their higher profits—by legitimizing a Communist government that manifestly does not even believe in the free enterprise system.

In any event, some U.S. businesses certainly did not seem to get a very good return on their investment of goodwill. Just consider how the Chinese Government repaid Time-Warner, for example. At the very moment that Time-Warner was sponsoring a conference in Shanghai for American business leaders to celebrate the 50th anniversary of Chinese communism, Chinese leaders banned the then-current issue of Time magazine, which is owned, of course, by Time-Warner. They removed it from the Chinese news stands—because of what? Because that issue happened to include commentaries by some Chinese dissidents and by the Dalai Lama. Then China blocked the web sites of Time Warner's Fortune magazine, as well as CNN, the founder of which is a self-described socialist. I didn't say it; he said it.

Chinese officials denied the conference organizers the right to invite certain Chinese participants to the forum. Instead, the Chinese leaders padded the guest list with managers of—what? Chinese-run firms.

That is the way they do business over there. That is the crowd that everybody in this country seems to be clamoring to bow and scrape to.

I have to say this for the Chinese leaders: at least they stood up at the banquet at the conclusion of the conference and harshly lashed out at the United States for daring to speak about human rights while in Communist China, and for defending democratic Taiwan, of course.

So I wonder if our corporate executives woke up the next morning feeling a little bit underappreciated. But even if they did not, one thing is for certain. This type of attitude and conduct by American businessmen will never, never, never promote democracy in China, let alone participate in causing it to come about. If the presence of

American businesses truly purports to aid in bringing democracy to China, then those businesses, it seems to me, must conduct themselves in a manner reflecting basic American values—such as individual liberty and free expression and free enterprise.

That is what the pending amendment's voluntary—and I repeat voluntary—code of conduct calls for. Of course, I realize that some American firms have already adopted their own ethical rules and codes for international business, but they generally are limited, narrow business practices, don't you see, and certainly have not prevented the sort of kowtowing to China's ruling Communists whom I have just described.

The point is this, and I will conclude. I fail to see any reason on the face of the Earth why the Senate should not take this step at least before concluding that trade will automatically bring democracy to Communist China.

Mr. President, before I yield the floor, let me request, by the same method as previously, that I be granted the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

AMENDMENT NO. 4128

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to return to the Helms amendment No. 4128.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, how much time is remaining on the amendment—on Senator HELMS' time?

The PRESIDING OFFICER. The Senator from North Carolina retains 20 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask the Senator from North Carolina, if he desires to finish the debate on this, please interrupt me and I will be happy to yield to him.

Mr. HELMS. Inasmuch as the Chair has yielded me the right to comment from my seat at my desk, let me say I yield all the time to the Senator that he requires.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SMITH of New Hampshire. Mr. President, let me take the opportunity to say again publicly on this floor to the Senator from North Carolina what an honor it is to serve with him and to know him as a friend. He is one of the finest people I have ever met in my life. I don't say that lightly. There are a lot of people, especially the unborn children of this world, who know who has been carrying the torch here for children who cannot speak for themselves in the womb. They owe you a lot. We owe you a lot. I am proud to be here in the Senate with you.

Mr. HELMS. I thank the Senator.

Mr. SMITH of New Hampshire. Mr. President, I am proud to stand in support of the Helms amendment. On August 24 of this year, publications all around the world ran headlines very similar to this:

Chinese kill baby to enforce birth rule.

The article went on to describe how five Chinese Government officials intruded into the home of a woman who had given birth against the state's oppressive "one child" policy. They waited in her living room until she returned from the hospital. When she arrived, the officials ripped the baby boy from her arms where—to the horror of his mother and onlookers—they walked outside to a rice paddy and drowned the child in front of his parents' eyes.

A wave of anger obviously enveloped this small township in the following hours of the child's murder. However, this is China. Villagers are kept from speaking out against this atrocity, and they find themselves in a terrible state of unified silence as a fear of retribution, harm, or even death for their own families settles upon them.

This is the China to which we are giving permanent trade status with this bill. I find it unbelievable that we cannot get these kinds of human rights atrocities addressed in this permanent normal trade relations bill for China. We are saying this is fine, we will ignore it, not talk about it, as long as we can sell them wheat, corn, whatever, and make money. So we can ignore this.

I am the first to admit we cannot intrude, unfortunately, into the policies of the Government of China, but we can make known these policies to the world and we can say as a nation, supposedly the moral leader of the world, that this is wrong.

I am proud of Senator HELMS for bringing this to the attention of the Senate during this debate, and I cannot understand, for the life of me, why we cannot allow simple sense-of-the-Senate language to this permanent normal trade relations bill in an effort to stop this horrible, barbaric behavior.

The Helms amendment simply expresses the sense of Congress that, one, Congress should urge China to cease its forced abortion and forced sterilization policies, and two, the President should urge China to cease its detention of those who resist abortion and sterilization. It is a good amendment. There is nothing wrong with this amendment. It is fair and it is reasonable.

In addition, I also believe that Chinese women should have the right to choose. It is interesting, those who have been the strongest proponents of abortion in this Chamber—when it comes to a Chinese woman's right to say, "I want to have my child," the silence is deafening. When a woman says, "I have the right to choose to have an abortion," they are out here in full force. A little inconsistency?

The point is, a Chinese woman is told, in spite of the fact she wants to

have her child, that she cannot, and not only can she not have it, it is aborted forcefully.

I had constituents, a young couple, a few months ago come to me. They were both Chinese. They had been visiting America. She was about 5 or 6 months pregnant and was told if she went back to China the child was going to be aborted. I turned all hands on deck to get that case resolved so they did not have to go back, and she did not go back. She had that child, now an American citizen, born in freedom, but that child would have been aborted in China against the wishes of the mother. We cannot even get this issue addressed with sense-of-the-Senate language before we pass on the fast track permanent normal trade relations.

There is so much talk about choice, but the choice only runs one way—when one is talking about the woman's "right" to an abortion. When it comes to the right to choose to have her baby, silence.

It is a stated position of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program. In fact, the Chinese Communist Government encourages both forced abortion and forced sterilization. I emphasize "forced." They accomplish this through a combination of strictly enforced birth quotas and immunity for local population control officials who use coercion to force abortion.

Nobody really knows for sure how many women undergo these abortions. We do not exactly have a population count on that score. Most women are afraid to report. The numbers are kept secret.

According to Harry Wu, the director of the Laogai Research Foundation, who once lived in China and now monitors and writes about his native homeland, the city of Janjiang alone experienced 1,141 forced abortions in one 9-month period in 1997. Those were women who wanted to have their children and were forced to have an abortion.

One can imagine the horror of the woman who has to go through that. I say with the greatest respect for those who disagree with the issue, where are you today? If you are for a woman's right to choose to have an abortion, why can you not be for a woman's right not to have one? Why the silence? Where are the votes on this amendment?

I want to spend the next minute or two telling about one brave woman who dared to come out of Red China to talk about this so-called planned birth policy. Her name is Ms. Gao. She testified before the House Subcommittee on International Operations and Human Rights a couple of years ago. According to Ms. Gao, in order to successfully carry out the policy, precise records of the women in her province were compiled, noting their names, births, marriages, pregnancies, reproductive cycles—all sorts of information.

Women who met the planned birth committee's criteria were then issued a "birth allowance," while those women who did not meet the criteria were given "birth not allowed" notices.

This is the country to which we are giving permanent normal trade relations. Senator HELMS is not forcing us to do anything except to put this language in the bill as a sense of the Senate that alerts the world to this practice. That is all he is asking. We are told if we support Senator HELMS, we are going to delay the passage of the bill. So? Permanent is permanent. What are a few more days, hours, minutes? I venture to say, if we sent this back to the House with the Helms language in it, it would take the House about 5 minutes to approve it, and that would be the end of it.

What they are really afraid of is offending the Chinese—that is what this is about—because we do not want to lose the sales of our agricultural products. Sales of agricultural products are more important than the lives of children who are forcibly killed in front of their parents. If a woman is found to be pregnant and does not possess a birth-allowed certificate, she is immediately given an abortion, no matter how far along the pregnancy is. I repeat—no matter how far along the pregnancy is.

Enforcement is a crucial component of China's planned parenthood policies. Mandatory medical inspections for women of childbearing age is required. One can imagine the secrecy, trying to hide the fact you are pregnant if you want to have the child, maybe even keeping it from your own family, certainly friends, relatives, for fear you are going to be turned in to Big Brother, Communist China Government. Those who fail to undertake these medical examinations at the preordained time face jail and monetary fines.

Night raids to apprehend women in violation of state policy are frequent. Where are the proponents of women's rights on this debate? Why are they not standing with Senator HELMS?

If the Chinese Government cannot locate the woman, they will detain her husband or her parent or anyone in her family until she comes forward and surrenders to have that abortion.

This is happening in China. Let's not kid ourselves. Let's not pretend it does not happen. It is happening in China.

I want to read from Ms. Gao's testimony in 1998. It is pretty compelling, and it is not pleasant. She said:

Once I found a woman who was 9 months pregnant but did not have her birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, I saw how the aborted child's lips were sucking, how its limbs were stretching. A physician injected poison into its skull, and the child died and was thrown into a trash can. To help a tyrant do evils was not what I wanted . . . I could not live with this on my conscience. I, too, after all, am a mother.

She goes on to say:

All of those 14 years, I was a monster in the daytime, injuring others—

and killing babies—

by the Chinese communist authorities' barbaric planned-birth policy, but in the evening, I was like all other women and mothers, enjoying my life with my children. I could not live such a dual life anymore. Here, to all those injured women, to all those children who were killed, I want to repent and say sincerely that I'm sorry! I want to be a real human being. It is also my sincere hope that what I describe here today can lead you to give your attention to this issue, so that you can extend your arms to save China's women and children.

Senator HELMS has fulfilled that lady's expectations by bringing this to the attention of the Senate, the American people, and the world, on behalf of China's women and children.

What is a real shame is, what the Senator is asking here will be rejected as we vote no.

Finally, Ms. Mao stated:

My conscience was always gnawing at my heart.

You see, because the official religion of the Chinese Government is atheism, as it is with all Communist regimes, their policies and officials do not have to answer to any higher power except to the state. There is no sense of morality behind their Government's decisionmaking process.

But let me ask a very poignant question. Is there a sense of our morality to ignore it? What does it say about our morality to say we will sell corn and wheat and make a profit and ignore this? Why not say: Stop this and we will sell you the corn and the wheat? Isn't that better? Aren't we supposed to be the moral leader?

When God is absent, human life is invaluable, isn't it? It does not have much meaning because we are children under God. If you do not believe that, then life has no meaning other than how it exists here on this Earth.

That is why you have forced abortions. That is why you have persecution. That is why you have guns pointed at students' heads. That is why you have tanks poised to run over protesters.

That is why you have harvested organs. I talked about that this morning in my amendment, I say to Senator HELMS, which got 29 votes, including the Senator's, for which I am very grateful. They also do that. That is another issue. China harvests organs—not from willing donors—from prisoners who sometimes do nothing more than protest against the state. They are executed by being shot in the head, and then organs are taken and sold for \$30,000 apiece for a kidney, and the money is given to the Chinese military.

We lost on that amendment, I say to Senator HELMS, by a vote of 60-something to 29. What does that say? That we are unwilling to send this back to the House for 5 or 10 minutes in conference and pass it?

That is why I am strongly supporting this amendment by Senator HELMS. I am proud to support this amendment. I am proud to stand here on the floor of the Senate and say that this is wrong.

Sometimes you have to say things whether you win the debate or not. Sometimes it does not matter whether you win the debate or not; it is just having the debate that matters.

His amendment would encourage the Chinese Government to stop this atrocity, to stop this barbaric act, to stop forcing abortion on unborn children and forcing women to have those abortions.

It is not unreasonable to ask my colleagues to support this amendment which is vital to human rights in China. It is vital to the rights of a woman and it is vital to the rights of a child.

Mr. President, I ask unanimous consent to have printed in the RECORD the remarks from Harry Wu on forced abortions in China.

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

FORCED ABORTION AND STERILIZATION IN
CHINA—THE VIEW FROM INSIDE

A BURGEONING POPULATION

It has been over twenty years since the People's Republic of China, which has 22% of the world's population, began implementing its population-control policy, or planned birth policy in mainland China. In the years following the 1949 victory of the Communist Party in the PRC, Communist leader Mao Zedong promoted population growth, regarding a large population as an asset for both production and security. In the most recent decades, as the focus of the Chinese government has shifted towards economic development, the Communist government has taken to blaming the cultural traditions of its own people for the population explosion. The need to promote growth and combat the traditions of large families became justifications for one of the most barbaric abuses of government power ever revealed: the infamous "one child" policy.

Since 1979 when the population-control policy was first implemented, it has been a top-down system of control: the central government establishes general policy guidelines, and local governments institute and enforce specific directives and regulations to meet these guidelines. In addition to the original one-child policy itself, the Marriage Law of 1980 requires the practice of family planning. The law encourages the policy of late marriage and late birth, and sets the minimum marriage age at 22 years of age for men and 20 years of age for women. Provincial regulations enacted in the eighties established artificial quotas, which planned birth cadres were to enforce strictly. Leaders in Jiangxi, Yunnan, Fujian, and Shaanxi provinces, for example, received orders to strictly limit the number of births in excess of their authorized targets by forcing women to have abortions, euphemistically referred to as "taking remedial measures."

In May of 1991, the Chinese Communist Party Central Committee enacted the "Decision to Intensify Planned-Birth Work and Strictly Control Population Growth." This policy paper contains provisions suggesting the use of IUD's, sterilization, and pregnancy termination in some circumstances. In all, the policy aims to create a greater uniformity between central and provincial family planning and laws. While there have been alternate tightenings and relaxations of the policy, evidence brought to light at the June 10, 1998 hearing before the House Subcommittee and International Operations and Human Rights revealed that the coercive

practices first implemented in the eighties persist to this day. Never before has this system been exposed to the world in its entirety. In fact, up until this point, the Chinese government has been internationally applauded for its effective population control efforts. The Chinese government has always insisted that it uses only voluntary methods for controlling the amount of children born into Chinese families. Unfortunately, the evidence repeatedly contradicts this empty assertion.

CHINA'S POPULATION POLICY EXPOSED

Gao Xiao Duan, a former cadre in a planned-birth office in Yonghe Town in Fujian Province, testified before the House of Representatives Subcommittee on International Operations and Human Rights on June 10, 1998, and exposed the system of oppression before a packed hearing room. Gao, still Chinese citizen, was employed as an administrator at the Yonghe town planned-birth, where her job was to "work out and implement concrete measures pursuant to the documents of the Central Committee of the Chinese Communist Party, and the State Council on planned-birth." In other words, she was to carry out the dictates of the communist regime in accordance with the "One child" policy. Her day-to-day duties were as follows:

To establish a computer data bank of all women of child-bearing age in the town (10,000+ women), including their dates of birth, marriages, children, contraceptive ring insertions, pregnancies, abortions, child-bearing capabilities, menstruation schedule, etc.

To issue "birth allowance" certificates to women who met the policy and regulations of the central and provincial planned-birth committees, and are therefore allowed to give birth to children. Without this certificate, women are not allowed to give birth to children. Should a woman be found to be pregnant without a certificate, abortion surgery is performed immediately, regardless of how many months she is pregnant.

To issue "birth-not-allowed notices." Such notices are sent to couples when the data concludes that they do not meet the requirements of the policy, and are therefore not allowed to give birth. Such notices are made public, and the purpose of this is to make it known to everyone that the couple is in violation of the policy, therefore facilitating supervision of the couple.

To issue "birth control measures implementation notices." According to their specific data, every woman of child-bearing age is notified that she has to have contraceptive device reliability and pregnancy examinations when necessary. Should she fail to present herself in a timely manner for these examinations, she will not only be forced to pay a monetary penalty, but the supervision team will apprehend her and force her to have such examinations.

To impose monetary penalties on those who violate the provincial regulations. Should they refuse to pay these penalties, the supervision team members will apprehend and detain them as long as they do not pay.

To supervise "go-to-the-countryside cadres." The municipal planned-birth committee often sends cadres from other areas to villages, for fear that local cadres could cooperate with villagers, or that a local backlash would develop against the cadres who conscientiously carry out their duties.

To write monthly "synopses of planned-birth reports," which are signed by the town head and the town communist party, and then are submitted to the municipal people's government and the communist party committee. They wait for cadres for superior

government organs to check their work at any time.

To analyze informant materials submitted in accordance with the "informing system," and then put these cases on file for investigation. Some materials are not conclusive, but planned-birth cadres are responsible for their villages, and to avoid being punished by their superiors and to receive the bonuses promised for meeting planned-birth goals. The cadres are under tremendous pressure from the central and provisional regulations to carry out the policy. Even if the cadres brutally infringe on human rights, there has never been evidence of cadres being punished for their actions.

Whenever the planned-birth office calls for organizing "planned-birth supervision teams," the town head and communist party committee secretary will immediately order all organizations—public security, court, finance, economy—to select cadres and organize them into teams. They are then sent to villages, either for routine door-to-door checking or for punishing of local violators. Supervision teams are makeshift, and to avoid leaks, cadres do not know the village to which they will be sent until the last minute. Planned-birth supervision teams usually exercise night raids, encircling suspected households with lighting speed. Should they fail to apprehend a woman violator, they may take her husband, brother(s), or parent(s) in lieu of the woman herself, and detain them in the planned-birth office's detention room until the woman surrenders. They then would perform a sterilization or abortion surgery on the woman violator.

Gao also outlined several policies that are carried out in the wake of "planned-birth supervision".

House dismantling. No document explicitly allows dismantling of a violator's house. To the best of her knowledge, however, this practice not only exists in Fujian Province, but in rural areas of other provinces as well.

Apprehending and detaining violators. Most planned-birth offices in Fujian Province's rural areas have their own detention facilities. In her town, the facility is right next door to her office. It has one room for males and one room for females, each with a capacity of about 25-30 people. To arrest and detain violators, the planned-birth office does not need any consent by judicial or public security institutions, because their actions are independent of those organizations.

Detainees pay ¥8.00 per day for food. They are not allowed to make phone calls, or to mail letters. The majority of detainees are, of course, either women who are pregnant without "birth allowance certificates," women who are to be sterilized, or women who have been slapped with monetary penalties. As stated previously, if they do not apprehend the women themselves, they detain their family members until the women agree to the sterilization and abortion surgeries.

Sterilization. The proportion of women sterilized after giving birth is extraordinarily high. Sterilization can be replaced with a "joint pledge," with 5 guarantors jointly pledging that the woman in case shall not be pregnant again. Much of the time, however, this kind of arrangement is impossible, because five people are unlikely to be willing to take on the liability of having to guarantee that a woman will not become pregnant. It is important to remember that if she does, by some chance, become pregnant, they are responsible for her actions, too.

Abortion. According to government regulations, abortion for a pregnancy under 3 months is deemed "artificial abortion," and if the pregnancy exceeds three months, it is

called "induced delivery." In her town, an average of 10-15 abortion surgeries are performed monthly, and of those surgeries, one third are for pregnancies exceeding 3 months.

Every month her town prepares a report, the "synopsis of planned-birth report." It enumerates in great detail the amount of births, issuing of birth-allowed certificates, and implementation of birth-control measures in Yonghe Town; Following its completion, it is submitted to the planned-birth committee. For instance, in January-September 1996, of all the women of child bearing age with 1 child, 1,633 underwent device-insertion surgeries, or underwent subcutaneous-device-insertion surgeries, and 207 underwent sterilization surgeries; of women of child-bearing age with 2 children, 3,889 underwent sterilization surgeries, 167 underwent device-insertion surgeries, and 10 took birth-control medications (among the group with 2 children, of the 186 women who had 2 daughters, 170 were sterilized). In January-September 1996, a total of 757 surgeries in five categories were performed. They included: 256 sterilization surgeries (35 for two daughters), 386 device-insertion surgeries (23 cervical ring insertions), 3 subcutaneous-device-insertions, 41 artificial abortion surgeries, and 71 induced delivery surgeries. In the first half of the year of 1997, a total of 389 surgeries in 5 categories were performed. They included: 101 sterilization surgeries (12 for two daughters), 27 induced delivery surgeries, 228 device-insertion surgeries, and 33 artificial abortion surgeries. Gao's office had to submit all of this data to the municipal planned-birth committee monthly and annually so that it could be kept on file.

PERSONAL TALES OF SORROW

Gao and her husband were married in 1983, and gave birth to their daughter one year later. Despite their desire to have more children, they were not allowed to give birth to a second child due to the planned-birth policy. In late 1993, Gao and her husband adopted a boy from Harbin, a province in northeast China. They had no choice but to keep him in someone else's home. For fear of being informed against by others in the town, the child never referred to Gao as "mama" in the presence of outsiders. Whenever government agencies conducted door-to-door checks, her son had to hide elsewhere.

Her elder sister and her elder brother's wife have only two daughters each. Both of them were sterilized, their health ruined, making it impossible for them to ever live or work normally.

During her 14-year tenure in the planned-birth office, she witnessed how many men and women were persecuted by the Chinese communist government for violating its "planned-birth policy." Many women were crippled for life, and many were victims of mental disorders as a result of their unwanted abortions. Families were ruined or destroyed. Gao, with tears streaming down her face, told during her testimony of how her conscience was always gnawing at her heart.

She vividly recalled how she once led her subordinates to Yinglin Town Hospital to check on births. She found that two women in Zhoukeng Town had extra-plan births. In a move approved by the head of the town, she led a planned-birth supervision team composed of a dozen cadres and public security agents. Sledge hammers and heavy crowbars in hand, they went to Zhoukeng Town, and dismantled the women's houses. Unable to apprehend the women in the case, they took their mothers and detained them in the planned-birth office's detention facility. It was not until a month and a half later that the women surrendered themselves to

the planned-birth office, where they were quickly sterilized and monetary penalties were imposed. Gao spoke at length about how she thought she was conscientiously implementing the policy of the "dear Party," and that she was just being an exemplary cadre.

Once Gao found a woman who was nine months pregnant, but did not have a birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, she saw the aborted child's lips sucking, its limbs stretching. A physician injected poison into its skull, the child died, and it was thrown into the trash can. "To help a tyrant do evils" was not what she wanted.

Also testifying at the hearing was Zhou Shiu Yon, a victim of the Chinese planned-birth policy. Zhou, who had known her boyfriend since childhood, became pregnant at age nineteen. She did not have a birth allowance certificate, so her pregnancy was considered illegal. When she became ill and was hospitalized, it was discovered that she was pregnant, she had her boyfriend pay the nurse to leave the window open; she jumped out, and her boyfriend was waiting with a car to flee to Guangzhou where they boarded a boat to the United States. On the boat, Zhou became extraordinarily seasick, and had complications with her pregnancy. Once in the United States, she lost her baby while being treated in a San Diego hospital. Now, she is unsure of whether or not she will ever be able to have children again. Stories like hers are all too common in China today. Congressman Christopher Smith of New Jersey, chair of the subcommittee, said that the Chinese policy is "so vile that [it] will cause people to recoil in horror across the centuries."

THE POPULATION POLICY ANALYZED

I testified at the hearing to show how the Chinese policy is truly a top-down system. For many years I have collected many stories about the tragic experiences of people who are affected by the planned-birth policy. Their personal experiences may be more emotionally shocking, but I want to explain China's internal documents that I have collected over the years. The basic arguments for China's population policy are:

China's living and land resources are limited, which tremendously impedes its development, added to which is population growth. To become a prosperous nation, China must control its population growth.

Limited economic resources and overpopulation cause disruption of education, the environment, health services, and negatively affect quality of life issues in China.

In short, the Chinese government wishes people, especially Chinese citizens, to believe that overpopulation makes China a backward nation, and that controlling it will allow them to develop as a nation. Such a point of view is preposterous, and is countered by the following two observations:

Certain nations such as Japan have even more limited per capita living resources than China, but are nevertheless extraordinarily prosperous.

Is it not the lack of a rational social and economic system that retarded China's development in the years following the rise of the Communist Party? For several years after the 1949 Communist victory, China's economy did in fact make great strides—without a population control policy. Economic backwardness resumed because of failed communist economic experiments. After economic reforms that started in the late 70's under Deng, the economy has again improved. The economic advances that China has made in the last two decades should be attributed to economic reforms

rather than to the strict population policy. This is not to say that population control had nothing to do with the economic growth China has experienced, but it is a well-known observation that as economies prosper, fertility rates decrease. This explains why fertility rates have declined more naturally in the urban areas of China; the relatively economically progressive cities do not have to be as coercive with the policy, because the couples who live there today do not wish to have as many children as their rural counterparts.

It is the communist political and economic system that makes it difficult to develop China's economy, and is the fundamental reason for the contradiction between an exploding population and a retarded economy. Therefore, the fundamental way to solve China's population problem is to change its irrational political and economic system. Planned-birth targets every family, every woman.

If you are interested in obtaining full copies of the testimonies, along with pictures and videotapes, please write, call, fax, or email the Laogai Research Foundation in Washington, DC. Our contact information is listed below. Help us stamp out this egregious abuse of government power. Millions of women and children need your support. If China requires a population policy, it must be based on volunteerism and education, not coercion and intimidation. To give birth and plan one's family is a fundamental human right, and should be deprived from no one.

Sincerely,

HARRY WU,
Executive Director,
Laogai Research Foundation.

Mr. SMITH of New Hampshire. Mr. President, in the remaining couple of moments, I will just conclude by saying, I have been out here a number of times following, frankly, in the huge footsteps of Senator HELMS, in a very small way, to talk about protecting the lives of unborn children.

But this goes far beyond that. This debate now has taken a new level. It is now forcing abortions on women against their wishes. I hope that someday Senator HELMS and I, and others, will have the opportunity to stand here in the well and see this practice of abortion ended in this country. Because who knows what is next? If we do not respect the lives of our children, then what do we respect?

Children are a lot smarter than we give them credit for. I have raised three. A lot of you out there listening to me now have raised more than that. They are smart. They know when you say: Johnny, go off to school, be a good boy today, mind your teacher—meanwhile we will abort your sister.

Forty million children have died in this country alone from abortion. Those 40 million children will never get to be a Senator, a spectator in the gallery, a mother, a pastor, a CEO. They are never going to have the chance to be a page. They never had a chance, 40 million of them. We did.

So maybe we should not be too surprised that the Senate is willing to look the other way while they do it in China. We should not be real surprised. But someday I pray that I will be able to stand here and say thank you to at least 67 of my colleagues who put a

stop to it. Maybe that day will happen some time in my lifetime. I sure look forward to it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4123

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment.

The amendment is designed to force the Secretary of Commerce to impose so-called "voluntary codes of conduct" on American businesses operating in China. The fact is, if the proposed codes were truly voluntary, there would be no need to compel the Secretary of Commerce to pressure U.S. businesses into adopting such codes.

More importantly, American businesses already do operate under codes of conduct. The most important code of conduct is, of course, U.S. law.

Another code of conduct American companies are bound to follow is local law, which American companies are bound to operate under when selling abroad.

In addition, U.S. companies also follow their own internal codes of conduct. There has been a revolution in corporate thinking over the last decade about compliance issues and corporate business practices. American business has applied the philosophy of "best practices" that began in the manufacturing sector, but now has also been used as a risk management tool.

In other words, adopting an internal—and truly voluntary—internal code of conduct has become a way of minimizing the risk, both legal and financial, that flows from some part of a company operating in a manner that is at odds with the law or corporate ethical standards.

Bluntly, there is a reason that corporations do this and it is not altruism. The greatest force ensuring the adoption of these internal codes of conduct is the capital markets. Poor corporate behavior, even if it does not violate the law, has an immediate impact on share prices in today's capital markets.

As a consequence, American businesses take their environmental and employment standards with them when they operate overseas.

I have with me a copy of a report prepared by the Business Roundtable that details precisely what American companies are doing in China in the way of "best practices" in terms of the environment and employment and other social concerns.

The way those companies operate is one of the primary reasons that so

many Chinese workers are leaving state-owned enterprises to look for work with American companies in China whenever they can find the opportunity. Their wages, benefits and working conditions are almost invariably higher than any other workplace they can find.

My point is that there is no need to force American companies to adopt so-called voluntary codes of conduct with respect to their operations in China. They are already providing opportunities in China that confirm that there is a race to the top, not a race to the bottom, when American firms operate overseas.

Given the potential beneficial impact that our firms can have in direct contacts with employees, other businesses in China and directly with consumers under the WTO agreement, I would think we would want to do everything we could to ensure that American exporters were free to operate in China, rather than compelling the Secretary of Commerce to dictate to American companies on exactly how they should conduct their operations in China.

The reason I say that and the reason I oppose this amendment and support PNTR is that each American company hiring a Chinese employee is sowing the seeds of political pluralism at the same time. That is precisely how we can best foster both economic and peaceful political reform in China.

For that reason, I urge my colleagues to oppose the amendment.

I ask unanimous consent to print in the RECORD the Executive Summary contained in the Business Roundtable report to which I referred.

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

EXECUTIVE SUMMARY

U.S. companies with operations in China are contributing to the improvement of social, labor, and environmental conditions in China. By exporting to China not only their products and services, but also their operating standards, best business practices, values, and principles, U.S. companies serve as agents of change. When U.S. companies set up operations in China, they bring with them U.S. ethical and managerial practices. These practices shape the way they run their factories, relate to their employees, and contribute to local community activities. Through these practices, U.S. companies set a positive example of corporate citizenship and contribute to the evolution of norms within Chinese society. Indeed, many of these practices are increasingly being adopted by domestic enterprises in China.

U.S. companies with international operations often establish global business practices that are implemented in a similar and appropriate way across all the countries in which they operate. In pursuing such policies in China and elsewhere, U.S. companies advance the cause of important social, labor, environmental, and economic objectives, including improved health, safety, and environmental practices; consistent enforcement of high ethical standards; increased compensation, training, and educational opportunities for workers; accelerated market reforms; transparent government regulation; and the rule of law.

To highlight the positive impact of U.S. companies, we have compiled a sample of the best practices currently in use by U.S. companies in China. Together, these practices tell a remarkable story about the role of companies in China beyond providing goods and services.

These practices span eight principal areas: Ethical and responsible business behavior; Corporate codes of conduct; New ideas and information technology; Western business practices; Environmental, energy efficiency, health, and safety standards; Compensation, benefits, and training; Volunteerism, charitable giving, and community activism; and Rule of law.

I. U.S. COMPANIES PROMOTE ETHICAL AND RESPONSIBLE BUSINESS BEHAVIOR WITHIN THEIR FACILITIES AND WITH THEIR CUSTOMERS AND SUPPLIERS

U.S. companies strive to integrate their Chinese operations seamlessly into their world-wide operations. They conduct substantial ethical training for their employees in China, as they do for their employees worldwide. This training is more than simply a set of rules to follow. The training concentrates on fundamental concepts such as integrity, mutual respect, open communication, and teamwork. And it is collaborative: company officers go on-site to Chinese locations to offer guidance on compliance, to listen to employees' concerns, and to observe the practices in use. In addition, to facilitate candid communication, the companies also have procedures for employees to communicate with management confidentially.

II. U.S. COMPANIES UPHOLD COMPREHENSIVE CORPORATE CODES OF BUSINESS CONDUCT AND ETHICS

These corporate codes cover an array of topics, from managing supplier relationships, to protecting the environment, abiding by antibribery laws, supporting equal employment opportunity, and offering job advancement based on merit. The codes are translated into local languages, and as with ethics training, companies back up these codes with programs to ensure compliance. For example, companies conduct ethical renewal workshops to keep concepts fresh in employees' minds, keep employees current with revisions to the code, and underscore the importance of compliance.

III. U.S. COMPANIES CONTRIBUTE TO A MORE OPEN CHINESE SOCIETY THROUGH THE INTRODUCTION AND DISSEMINATION OF IDEAS AND INFORMATION TECHNOLOGIES

By giving Chinese employees and consumers access to information technology, U.S. companies are giving individual Chinese citizens the opportunity to communicate with people inside and outside China, in the United States and in the rest of the world. U.S. companies are exposing Chinese citizens to new information, ideas, values, and behavior. They do so by giving their employees in China access to the Internet, Chinese-language web pages, and worldwide e-mail, which allow them to exchange information with people around the world instantaneously. U.S. companies provide access to international business, political, and financial news. They also sponsor employee newsletters to exchange information among sites across China. In addition, U.S. companies expose Chinese government officials to new ideas, such as through informal roundtable discussions with officials in Chinese ministries to exchange ideas and experiences.

IV. U.S. COMPANIES ACCELERATE EXPOSURE TO, AND ADOPTION OF, WESTERN BEST BUSINESS PRACTICES

U.S. companies accelerate adoption of Western business practices in two ways: by—

bringing Chinese professionals to the United States to see the practices in action, and by bringing the practices to China to show them in action there. Accordingly, U.S. companies support substantial foreign travel by their Chinese employees, as well as Chinese officials, to give them direct exposure to market economy forces and Western social and political structures. U.S. companies with operations in China send literally thousands of their employees, Chinese officials, and students to the United States every year. And these visitors spend a substantial stay in the United States, from several weeks to as much as six months. They come to the United States to see U.S. practices first-hand—touring factories and offices across the United States. They also visit Washington, D.C. to observe our democratic political process and meet with Members of Congress and other government officials. For many of the Chinese visitors, this trip is not only their first trip to the United States, it is also their first opportunity to travel outside China.

In addition, U.S. companies teach global workforce, management, and manufacturing principles to all of their employees in China. This training is a comprehensive, "hands-on" experience which covers principles and practices such as participative management, empowered workforce, employee teaming, total quality management, and just-in-time systems. Chinese managers also receive training in fundamental market economics, and cutting-edge management practices; some even receive Western MBAs through these programs. And to further exposure to Western business practices, U.S. companies in China organize symposia on economics, finance, management and other business topics. These symposia bring Chinese professionals in contact with Americans and other foreigners from a wide array of corporations, academia, government, and other institutions to exchange ideas and experiences.

V. U.S. COMPANIES PROVIDE FOR AND PROMOTE HIGHER ENVIRONMENTAL, ENERGY EFFICIENCY, HEALTH, AND SAFETY STANDARDS WITHIN THEIR FACILITIES AND IN THE COMMUNITIES IN WHICH THEY OPERATE IN CHINA

U.S. companies apply, and achieve, higher environmental, energy efficiency, health, and safety standards than Chinese-owned factories achieve—higher even than Chinese law requires. U.S. multinational companies set worldwide operating principles for their international facilities, including China, and these principles are based on U.S. standards. By setting an example of exceeding the Chinese standards, U.S. companies put pressure on domestic Chinese enterprises to comply with these higher, international standards. And U.S. companies not only bring higher standards, they bring the technology to meet these higher standards, by providing advanced environmental protection and energy efficiency technology and by sponsoring environmental protection symposia in China to exchange information about these standards and how to meet them. Finally, by creating jobs and raising living standards in China, U.S. companies are creating the wealth necessary to help China pay for higher environmental, worker safety, and energy efficiency standards.

VI. U.S. COMPANIES PROVIDE DESIRABLE EMPLOYMENT ALTERNATIVES TO CHINESE WORKERS, INCLUDING ENHANCED COMPENSATION, BENEFITS, AND TRAINING OPPORTUNITIES FOR ADVANCEMENT ON THE BASIS OF MERIT

U.S. companies are raising the bar for employment opportunities. They provide enhanced compensation and benefits, sponsor on-going training opportunities, and offer advancement on the basis of merit. U.S. companies pay their Chinese employees sub-

stantially higher wages than Chinese-owned firms do. In addition, U.S. companies offer forward-looking benefits programs, such as subsidies to encourage home ownership, and on-site day care. Companies also offer performance-linked rewards systems and incentives for good safety practices. Together, these benefits lead to low employment turnover rates.

U.S. companies also offer comprehensive technical training. They have technical training centers located throughout China, some so comprehensive that the companies call them their corporate "universities." Many companies establish minimum training hours for each worker per year, which they offer substantially exceed. In addition, companies offer scholarships to students at China's leading universities to ensure that the next generation of Chinese workers has the technical skills necessary to succeed in a more competitive workplace.

VII. U.S. COMPANIES EXPORT U.S. CONCEPTS OF VOLUNTEERISM CHARITABLE GIVING, AND COMMUNITY ACTIVISM

U.S. companies in China are setting an example of volunteerism and community activism. They have donated millions of dollars to support a variety of charitable causes in China including scholarships for students to attend university, donations to flood victims, medical care for children, and support for primary education in rural districts. These funds empower local communities, and individuals, to work toward improving their own circumstances. Company volunteers add a human link, through tutoring and mentoring programs.

VIII. U.S. COMPANIES SUPPORT ADVANCEMENT OF THE RULE OF LAW IN CHINA AND EFFECTIVE ENFORCEMENT MEASURES

U.S. companies have taken an active role in encouraging and developing the rule of law in China. They have been working with Chinese officials to develop new laws governing property rights, taxation, corporations, and other commercial areas. Industry-by-industry, they provide expertise and set an example of how to operate successfully while respecting the rule of law.

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While this summary gives some flavor of the practices in place by U.S. companies, the real story is in the details. We encourage you to take a look at the full paper, which provides a unique opportunity to see the steps being taken by individual companies.

Mr. ROTH. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I have what I think is pretty good news for my colleagues in the Senate and for the administration which I would like to share and which relates directly to the legislation pending before us.

I believe that by this time next week, the Senate—

The PRESIDING OFFICER. The Chair inquires about whose time the Senator is using.

Mr. KYL. I presumed I would be using time on the majority. I inquire of the Chair, am I correct that Senator FEINGOLD was to speak at 4 o'clock and

prior to that time there would be time I could use on this side?

The PRESIDING OFFICER. We don't have an order for Senator FEINGOLD. We simply want to know whose time the Senator is using.

Mr. KYL. If I may take the majority time, I don't need unanimous consent.

The PRESIDING OFFICER. The Senator may do so.

Mr. KYL. Thank you, Mr. President.

Mr. President, the point is that we are going to be considering PNTR for China, which will enable China to join the World Trade Organization within the week, and presumably that will be done in accordance with the bill passed by the House of Representatives.

It is important that we ensure the other party to this equation is taken care of because there don't appear to be any more roadblocks to the Senate's consideration of PNTR and China's entry into the body from a legislative perspective. But there could have been.

It is also important that Taiwan enter into the WTO. I believe virtually every Senator and every Member of the other body is committed to that. I know the administration is committed to that. But there could have been a roadblock to China's PNTR and WTO accession had we not clarified something with respect to Taiwan.

It has been agreed since 1993 that Taiwan would enter the WTO. It has been virtually ready to do so. But out of deference to China and to ensure China could enter first and then Taiwan second, Taiwan's entry has been delayed. But we believe neither China nor anyone else in the world would object to Taiwan's entry into the WTO, and indeed the working group that deals with the specifics of Taiwan's entry I think is in very good shape.

There has been a commitment by the administration to ensure that when the Senate and the House have approved PNTR for China, the United States can therefore move forward with China's accession and that we do so with respect to Taiwan as well. Unfortunately, however, since the House acted, there has been an unfortunate string of comments made by high Chinese officials that have cast some doubt on whether or not China would make good on its commitment to support Taiwan's accession into the WTO.

While the leaders of China had said they would support Taiwan's entry, they said it must be under terms provided by China. Specifically, that meant it had to be Taiwan entering the WTO as a province of China. That, of course, is contrary to the agreement that heretofore had been worked out, contrary to all the wishes of the members of the working study group and the United States, and of course Taiwan.

The administration has taken a firm position that they will not support that kind of language; that Taiwan must come in as a separate customs territory or separate trading territory and not as a province of China.

This has been enough of a matter of concern—these statements made by Chinese leaders—that we sought assurances from the administration and had meetings with administration officials to clarify. Specifically, a group of Senators met with Charlene Barshefsky to inquire about the status of the matter, particularly since Jiang Zemin is quoted as having made statements in New York a few days ago that China would only agree to Taiwan's entry under this term expressing Taiwan as a province of China.

I will have printed in the RECORD some items. One is a Wall Street Journal lead editorial from yesterday in which the Wall Street Journal notes:

Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said of course Taiwan could join the WTO, but only as part of China.

The editorial goes on to note that is unacceptable to the United States, and that the Senate needed to act with respect thereto.

Ms. Barshefsky confirmed that President Clinton told Jiang that Taiwan would have to come in under the terms originally negotiated, not as a province of China. Jiang responded with the Chinese position, and the President then responded with the U.S. position again. The controversy, in other words, was not put to bed.

Earlier, the Chinese Foreign Ministry spokesman Yuxi is reported to have said: The Chinese side has a consistent and clear position. Taiwan can join WTO as a separate customs territory of China.

These comments, of course, are of concern to us. The House has already acted to approve PNTR, but you now have high Chinese officials saying Taiwan's accession must be as a province to China, contrary to the position of the working group, of the United States, of Taiwan. As a result, we thought something had to be done to clarify this.

Some time ago, a group of 40 Senators had written to the President and asked for his assurances that he would support Taiwan's entry into the WTO simultaneous with that of mainland China. In a letter to me and to other Senators, dated August 31, the President said:

China has made clear. . . that it will not oppose Taiwan's accession to the World Trade Organization.

Nevertheless, China did submit proposed language to their working party stating Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it. We believe that this position is widely shared by other WTO members.

When we met with Ms. Barshefsky yesterday, we noted other statements have been made and clearly some action needed to be taken by the United States to make it crystal clear that we would not approve PNTR with this issue outstanding. I prepared an amendment and filed it with the clerk.

I have not offered it yet, but that amendment would have made it very clear our approval of PNTR was subject to Taiwan acceding to WTO membership under the original terms negotiated—not as a separate province of China. The administration strongly opposes any amendments being attached to PNTR because of its concern that the House of Representatives would not, a second time, pass the legislation, and, as a result, inquired whether other kinds of assurances would suffice in lieu of action by the Senate on this matter.

We indicated our purpose was not to try to derail the PNTR but rather to have an assurance that the administration would insist upon the entry of Taiwan under the original terms and that it would not allow entry by China and not entry by Taiwan in the appropriate way.

A day later, yesterday, the President sent a letter to the majority leader, with copies to those who had been in the meeting, dated September 12, in which the President advises the leader on two matters pending. One was the Thompson amendment dealt with earlier today, but the other was the matter that we discussed, and as I understand it, this was explicitly inserted in the letter to provide the assurance that we had requested the day before.

Let me quote from the President, indicate what I think this means, why it is important, and why as a result it will not be necessary to proceed with the amendment which I filed earlier.

The President says:

There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

That is important because the President of the United States has defined exactly the appropriate language for Taiwan's accession to WTO as a separate customs territory of Taiwan, not as the Chinese had been insisting, as a province of China. And the President notes, and I again quote the last sentence: "The United States will not accept any other outcome."

I can't think of a clearer statement by the President of the United States that we will insist upon Taiwan's accession under appropriate terms—those specifically identified here—and, at the same time, that China is admitted to the WTO. In my view, this provides the necessary assurance that the President, those working on his behalf, will see to it that this is done in a proper way. As a result, it seems to me unnecessary to pursue the amendment which I had earlier filed.

As a result, I spoke with Senator MURKOWSKI, Senator HELMS, Senator SESSIONS, Senator ROTH, and others who I thought were interested in the issue. They have all concurred that this language is sufficient, and as a result I will not be offering the amendment.

I applaud the President's action in this regard. I appreciate the action of Ms. Barshefsky and her counsel, and certainly reiterate my intention of working with the administration on this important matter. Of course, Taiwan represents an extraordinarily important trading partner for the United States and a very good ally, an ally of which we need to continue to be supportive.

I will identify specifically the documents I will have printed in the RECORD at this time. First, a letter to me from the President of the United States dated August 31; second, a letter to the majority leader from the President of the United States dated September 12; third, a Wall Street Journal editorial dated September 12; fourth, a letter a group of Senators had sent to the President initially dated July 27, 2000; and finally, a copy of an AP story I quoted from earlier, the headline of which is "China Asserts Claim Over Taiwan," dated September 7, 2000. I ask unanimous consent to have these documents printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

THE WHITE HOUSE,
Washington, August 31, 2000.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: Thank you for your letter regarding Taiwan's accession to the World Trade Organization (WTO). My administration remains firmly committed to the goal of WTO General Council approval of the accession packages for China and Taiwan at the same session. This goal is widely shared by other key WTO members.

China has made clear on many occasions, and at high levels, that it will not oppose Taiwan's accession to the WTO. Nevertheless, China did submit proposed language to their working party stating that Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it. We believe that this position is widely shared by other WTO members.

Again, thank you for writing concerning this important matter.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, September 12, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER: I want to commend you for commencing debate on H.R. 4444, which would extend Permanent Normal Trade Relations to the People's Republic of China. This crucial legislation will help ensure our economic prosperity, reinforce our work on human rights, and enhance our national security.

Normalizing our trade relationship with China will allow American workers, farmers, and businesspeople to benefit from increased access to the Chinese market. It will also give us added tools to promote increased openness and change in Chinese society, and increase our ability to work with China across the road range of our mutual interests.

I want to address two specific areas that I understand may be the subject of debate in the Senate. One is Taiwan's accession to the World Trade Organization (WTO). There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

The other area is nonproliferation, specifically the proposals embodied in an amendment offered by Senator Fred Thompson. Preventing the proliferation of weapons of mass destruction and the means to deliver them is a key goal of my Administration. However, I believe this amendment is unfair and unnecessary, and would hurt our nonproliferation efforts.

Nonproliferation has been a priority in our dealing with China. We have pressed China successfully to join the Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, and the Comprehensive Test Ban Treaty, and to cease cooperation with Iran's nuclear program. Today, we are seeking further restraints, but these efforts would be subverted—and existing progress could be reversed—by this mandatory sanctions bill which would single out companies based on an unreasonably low standard of suspicion, instead of proof. It would apply a different standard for some countries than others, undermining our global leadership on nonproliferation. Automatic sanctions, such as cutting off dual-use exports to China, would hurt American workers and companies. Other sanctions, such as restricting access to U.S. capital markets, could harm our economy by undermining confidence in our markets. I believe this legislation would do more harm than good.

The American people are counting on the Congress to pass H.R. 4444. I urge you and your colleagues to complete action on the bill as soon as possible.

Sincerely,

BILL CLINTON.

[From the Wall Street Journal, September 12, 2000]

JIANG MUDDIES THE WATERS

Chinese President Jiang Zemin is nothing if not a gambler. Just days before this week's crucial U.S. Senate vote on granting China permanent normal trade relations (PNTR) with the U.S. Mr. Jiang raised an issue that will have many Senators seeing red. He said, in effect, that Taiwan should not be admitted to the World Trade Organization on any conditions other than those set by Beijing.

Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said that of course Taiwan could join the WTO, but only as a part of China. Now, this statement is subject to various interpretations, and some might say

it is only semantics. But many Senators will want to know whether they are being asked to approve PNTR under conditions laid down solely by China, with little regard for U.S. interests.

We have argued here that granting China PNTR as a prelude to China's admission to the WTO is a good idea. It would open China further to Western trade and investment, hastening the development in China of free enterprise and a propertied middle class. A more enlightened and influential electorate will gradually demand more explicit civil rights and require governments at all levels to become more responsive to the wishes of the people.

But we also have supported the right of the Taiwanese, who already have a functioning democracy, to chart their own course toward better relations with the mainland, without undue pressure from Beijing. This attitude toward Taiwan is shared by an influential bloc in Congress that won't appreciate Mr. Jiang laying down conditions for Taiwan's WTO membership. It is well known in Congress that Taiwan qualified, in a technical sense, for membership a long time ago. It was thought that Taiwanese membership was an implicit part of the deal that grants China PNTR.

If there has been a dangerous misunderstanding here, it is largely Bill Clinton's fault. On his visit to China in 1998 he imprudently agreed to what the Chinese government called the "Three No's." At the root of these three demands was the requirement that the U.S. not grant Taiwan admission to any world body that required statehood as a condition of membership. While that didn't specifically apply to the WTO, Mr. Clinton's agreement was tantamount to allowing China to set the conditions for future Western policy toward Taiwan. It came close to an acknowledgement that Taiwan is a Chinese province.

So now Mr. Jiang feels emboldened to come to the U.S. and give speeches implying that Taiwan must accept China as its parent if it wants to get the same trading privileges that the Senate is about to grant to China. No doubt Mr. Jiang was inspired by other recent U.S. concessions.

For example, because of Chinese objections, the Dalai Lama was not allowed to participate in the religious gathering that preceded the summit. China's harsh control of Tibet, like its hoped-for acquisition of Taiwan, is seen by Beijing as nobody else's business, and one might easily get the impression that the Clinton Administration agrees.

Given all the kow-towing that Bill Clinton has done, not to mention the China angle in the Clinton-Gore campaign fund-raising scandals, it was no surprise that the Chinese president treated him with some disdain when the two sat down for a chat last Friday. Mr. Clinton, in yet another concession to China, had just announced that his Administration would make no further efforts to build a national missile defense. When Mr. Clinton raised the issue of missiles as a threat to Western security, Mr. Jiang responded with silence. And when Taiwan came up, he favored Mr. Clinton with a long monologue laying out China's historical claims to Taiwan. In short, Mr. Clinton got a cold shoulder on both of these important issues.

These are the fruits of a Clinton policy that has, in effect, left Taiwan blowing in the wind. Try as he may now, Mr. Clinton is hard pressed to put a positive spin on his China legacy. The nuclear proliferation issues that have bedeviled Sino-U.S. relations since he took office in 1993 remain essentially unresolved. And by violating the security assurances of his Republican Party

predecessors, he has left his successor a tin-darbox situation in the Taiwan Strait.

That is why Mr. Clinton knows China's accession to the WTO is about much more than the mutual benefits of expanded global trade. He's gambling it will head off—Communist Party or no—the kind of militant Chinese nationalism that could spark a shooting war across the Taiwan Strait, force a U.S. military response and perhaps envelop the rest of Asia.

Thus, the peace dividend; within China, WTO will empower a bloc of interests favoring outward-oriented growth and the conditions required to secure it, including peace and the rule of law. Dependent on Taiwanese and Western commerce, China would reconsider military adventurism as too costly and counterproductive.

It all sounds good. Indeed, China's membership in the WTO is, in the words of one observer, the "Rubicon of its opening to the outside world," since all previous efforts to integrate its economy with the world trading community have been unsuccessful. But this assumes a lot.

It assumes China's behavior amid change will be predictable, that it will set aside the longstanding historical grievances and nationalist claims that fuel its commitment to an extension of regional power in Asia through the acquisition of nuclear, chemical and biological weapons. It assumes that, in the absence of stronger cooperative security ties with Europe and Japan and deterrents such as theater missile defense, future U.S. administrations will be able to "manage" relations with China.

In the best of the possible worlds we imagine, international economic institutions like the WTO may very well help spread among some nations the practice of a decentralized and pluralistic brand of governance. But trade agreements and their trickle-down effects alone cannot suffice for a coherent, long-term national security policy that squarely faces up to the realities of America's emerging strategic threats.

At the least the debate will serve notice that some very sensible people in the Senate realize the U.S. cannot hang its future security relationship with China, and Taiwan, on WTO, as President Clinton seems to have done. It remains for the next Administration to fix this mistake.

For now, WTO is the matter before the Senate. It is too bad that Mr. Jiang and Mr. Clinton have gone out of their way to make it difficult for Senators to vote in favor of this otherwise positive step in U.S.-China relations.

U.S. SENATE,

Washington, DC, July 27, 2000.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As the Senate nears consideration of legislation extending permanent normal trade relations to the People's Republic of China (PRC), we are writing to express concern that Beijing may be planning to take actions that would have the effect of blocking Taiwan's accession to the World Trade Organization (WTO). According to press reports, the PRC recently offered a proposal at the WTO calling for that organization to recognize the PRC's position that Taiwan is part of the mainland. Taiwan is the United States' eighth largest trading partner, and we support its admission to the WTO as soon as it meets the criteria for membership.

On several occasions, Administration officials have indicated that Taiwan's accession to the WTO would closely follow the PRC's. For example, in February, U.S. Trade Representative Charlene Barshefsky testified to the House of Representatives that "... the

only issue with respect to Taiwan's [WTO] accession . . . pertains to timing . . . there is a tacit understanding . . . among WTO members in general—but also, frankly, between China and Taiwan—that China would enter first and China would not block in any way Taiwan's accession thereafter, and that might be immediately thereafter or within days or hours or seconds or weeks. . . . Later that same month, in response to a statement by Sen. Roth that "there's a great deal of concern that Taiwan might be blocked [from entering the WTO] once China secures such membership," Ambassador Barshefsky testified ". . . the United States would do everything in our power to ensure that that does not happen in any respect because Taiwan's entry is also critical."

We respectfully request that you clarify whether your Administration continues to believe that Taiwan's entry to the WTO is critical, whether you remain committed to that goal, and whether you remain convinced that Taiwan will enter the WTO within days after the PRC's accession. Furthermore, is the Administration aware of any efforts by the PRC to impose extraordinary terms and conditions on Taiwan's accession to the WTO? What specific assurances has Beijing provided regarding the timing and substance of Taiwan's accession to the WTO? And what steps has your Administration taken to ensure that Taiwan will in fact join the WTO immediately following the PRC's accession?

We would appreciate a response to this inquiry by August 18, in order to consider its contents prior to Senate debate on extending permanent normal trade relations to the PRC.

Sincerely,

Jon Kyl, Orrin Hatch, Larry Craig, Mike Enzi, Don Nickles, Trent Lott, Bob Smith, Frank Murkowski, Conrad Burns, Gordon Smith, Wayne Allard, James Inhofe, Mike DeWine, Fred Thompson, Mitch McConnell, Slade Gorton, Pete Domenici, Jesse Helms, Connie Mack, Tim Hutchinson, Mike Crapo, Arlen Specter, Strom Thurmond, Jeff Sessions, Jim Bunning, Spencer Abraham, Craig Thomas, Robert Bennett, Phil Gramm, Susan Collins, Dick Lugar.

SEPTEMBER 7, 2000.

CHINA ASSERTS CLAIM OVER TAIWAN

BEIJING (AP).—Pushing its claim over Taiwan into complex trade negotiations, Beijing insisted Thursday that the World Trade Organization only admit Taiwan as a part of China.

The demand by Beijing threatens to impede Taiwan's membership bid as both the island and China near the end of their separate years-long negotiations to join global trade's rule-setting body. It also complicates a debate in the U.S. Senate this week on whether to approve a WTO pact with China.

Influential senators released a letter from President Clinton on Wednesday weighing in on Taiwan's side. Clinton wrote that his administration opposes Chinese efforts to call Taiwan "a separate customs territory of China."

Brushing aside the opposition, Chinese Foreign Ministry spokesman Sun Yuxi said Thursday that China wanted its sovereignty claim to Taiwan written into the terms for Taiwanese membership to WTO.

"The Chinese side has a consistent and clear position: Taiwan can join WTO as a separate customs territory of China," Sun said at a twice-weekly media briefing. He accused Taiwan of using the WTO negotiations to engage in separatism.

The dispute over what the WTO should call Taiwan underscores the 51-year split between

the island and the mainland and China's attempts to coax Taipei into unification. It also revives a debate that has simmered for years in working groups negotiating terms for Taiwan's entry to WTO and its predecessor, GATT.

Taiwan applied to join the General Agreement on Tariffs and Trade in 1990 as "the customs territory of Taiwan, Penghu, Kinmen and Matsu," thereby avoiding the questions of sovereignty and statehood. Penghu, Kinmen and Matsu are small island groups under Taiwan's control. GATT and now WTO rules allow regions in control of their trade but without full statehood to join as separate territories.

Under a 1992 agreement that allowed separate working groups to negotiate Chinese and Taiwanese bids, GATT members acknowledge China's sovereignty claim to Taiwan and out of deference said Taiwan could only join after Beijing.

Sun, the Foreign Ministry spokesman, insisted that the 1992 agreement recognized Taiwan as a separate customs territory of China.

Mr. KYL. In conclusion, as I said in the beginning, I think this is good news for the Senate, for the House, for the administration, and for all friends of Taiwan and for those who believe both in permanent normal trade relations with China, as well as the entry into WTO of both China and Taiwan; certainly Taiwan entering in terms that are appropriate as a trading partner of the United States, as a separate customs territory and not as a province of China.

This is good news. I hope it portends an early conclusion to the discussions that will form the basis for accession by both China and Taiwan into WTO. I appreciate the cooperation, as I said, of my colleagues here as well as the representatives of the President and the President himself.

Mr. ROTH. Will the Senator yield?

Mr. KYL. I yield.

Mr. ROTH. Mr. President, I congratulate the Senator for the leadership role he has played on this important matter. I think all of us feel very strongly that Taiwan must and should become a member of WTO. Under no circumstances should this imply a change in its trading status. Taiwan is our eighth largest trading partner—isn't that correct? It would be ironic if her status did not change. She is qualified. I think all the work has been completed for her to become a member.

I want to tell my colleague how much I appreciate the leadership he has provided.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, just 2 days ago, the Washington Times carried a fine article by our former colleague, Rudy Boschwitz, and Robert

Paarlberg, who is a professor of political science at Wellesley College, entitled "China Trade Boosts Farmers," subtitled, "Senate should back PNTR."

Farm state legislators should be particularly sensitive to the fact that China's joining the WTO will be a pre-emptive strike benefiting American farmers. Membership in the WTO will preclude China from later raising trade barriers on agricultural products.

It is a very thoughtful, factual, and persuasive article. In view of the serendipitous visit to this Chamber by our former colleague, I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Times, Sept. 11, 2000]

CHINA TRADE BOOSTS FARMERS

SENATE SHOULD BACK PNTR

(By Rudy Boschwitz and Robert Paarlberg)

Executive branch officials routinely exaggerate the expected payoffs from new trade agreements to win support for those agreements in Congress. The recent U.S.-China agreement setting terms for China's protocol for accession to the World Trade Organization (WTO) has been hyped accordingly. Yet in the area of agriculture, the gains from this new agreement are actually greater than U.S. officials have so far dated to claim.

Additionally, farm state legislators should be particularly sensitive to the fact that China's joining the WTO will be a preemptive strike benefiting American farmers. Membership in the WTO will preclude China from later raising trade barriers on agricultural products. Every other nation has raised such barriers as it has become industrialized.

Furthermore, on joining the WTO, China would undoubtedly find reason to curtail internal subsidies. Such subsidies would surely further increase China's agricultural production. China has already found such subsidization to be costly and to cause grain surpluses that are both hard to store and cope with.

The official claim, from the U.S. Department of Agriculture, is that China's participation in the WTO will produce an annual gain of \$1.6 billion in new U.S. exports of grains, oilseeds and cotton by 2005. It will also lead to \$350-\$450 million annually in additional U.S. exports of other products such as poultry, pork, beef, citrus, other fruits and vegetables, and forest and fish products.

This optimism is well-founded, since under the agreement China has agreed to allow imports of a minimum of 7.3 million tons of wheat virtually duty-free (only a nominal 1 percent tariff), and this quantity will increase to 9.3 million tons over five years. Those tonnages represent 11 to 15 percent of the wheat crop in the United States. For soybean and soybean meal imports, China's current tariffs will be located in at 3 percent and 5 percent respectively, and for soybean oil China will reduce and bind its current tariff from 13 percent to 9 percent—and increase the quota of imports allowed under this lowered tariff from 1.7 to 3.2 million tons over the six year implementation period.

Those numbers also represent a meaningful percentage of our production. For corn, China has agreed to allow imports of 4.5 million tons (at just a 1 percent tariff) increasing to 7.2 million tons. It also promises to stop using export subsidies to dump its own surplus production (roughly 8 million tons of corn this year) onto other markets in East Asia, opening up still more trading space for highly competitive U.S. corn exporters.

These market-opening gains are impressive measured against the standard of China's

current farm trade policies. Yet they are even more impressive if measured against China's likely future farm trade posture, absent any WTO disciplines. The new agreement does not simply codify future farm trade liberalizations that China might have been expected to undertake anyway. Instead, it operates pre-emptively against what might have otherwise been a damaging increase in Chinese farm sector protection.

The tendency of all nations as they industrialize is to increase policy protection in the agricultural sector.

Earlier in the 20th century, industrial development has also helped bring differing degrees of farm sector protection to most of Europe and to the United States. Continued rapid industrial development in China might thus have been expected, before long, to trigger an increase in China's farm trade protection from the current level. It is fortunate that China will now come into the WTO and bind its protection levels for agriculture before this natural, post-industrial tendency to extend lavish protection to relatively inefficient farmers has expressed itself.

This is good for U.S. agricultural exporters, but the Chinese know it is good for them as well, which is why they are doing it. The Chinese do not want to be stuck several decades from now struggling, like the Japanese and the Europeans, to escape a costly and burdensome system of subsidies to inefficient farmers. China's agricultural policies, which are not yet heavily protectionist, have nonetheless already begun to generate periodic surpluses of corn, wheat, and rice, and officials have learned these surpluses are expensive to store at home and costly to export under subsidy. China welcomes the import policy disciplines it is accepting in WTO as an incentive to avoid moving toward costly farm subsidy policies in the years ahead.

All that remains is for the U.S. Senate to approve Permanent Normal Trade Relations (PNTR) for China, so that U.S. farmers will be able to share in the gains from this new trade liberalizing agreement. Without a PNTR policy in the United States, the expanded agricultural trade benefits from China's accession to the WTO are likely to be captured more by farmers in Canada or Australia, and less by the United States.

With the U.S. farm sector currently struggling under a burden of low prices brought on in part by sluggish exports to East Asia, the China option is not one to be missed. Farm state legislators in Congress need to see these facts clearly when the time comes to vote on PNTR status for China.

Mr. MOYNIHAN. Mr. President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry. Is it appropriate for the Senator from New Mexico to speak at this point?

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, this bill before us is a decisive step toward normalizing trade relations with China. Chairman ROTH has characterized this vote, the one we will make on this bill, as the most significant vote we will take this Congress. I agree.

While we will be concerned with many more issues that seem more important to individual Senators, and certainly we will be looking after our parochial interests in our sovereign States as we work as Senators—and that is all very important—but when we look at America and what she stands for in the world as it is evolving and developing, the final vote on this measure is probably the most significant vote we will take this year and maybe in many years.

Senator ROTH, I repeat, said that. I agree wholeheartedly. I am quite sure the tenor of Senator MOYNIHAN's suggestions—I have not been privileged to hear them here with the Senate—would agree with that. This is a very important issue.

This is the one vote that will be heard around the world. This is the one vote which recognizes that countries must play by the same rules in a globalized market if the market is to be efficient and function properly.

We hear so much talk about what is happening to the world—globalization. International trade, as part of globalization, must be efficient and effective.

This is the one vote that will do a great deal to encourage democracy for one in five people living on this Earth. I say encourage democracy because I truly believe this is the one vote that invites China to be our trading partner and, at the same time, determines whether American manufacturers, farmers, and service industries will get the benefit of trade and of an agreement pursued and negotiated by three different American Presidents.

They cannot all be wrong. As a matter of fact, they were all right. China is joining the WTO and have implemented a lot of reforms in order to be eligible. Furthermore, it has made promises to do certain other things. So that the U.S. can benefit from this new WTO members' market, Congress needs to grant permanent normal trade relations to China. It just took us a long time to understand and to work our way to this day when granting China permanent trade relations is finally before us.

On the subject of PNTR for China, Chairman Greenspan said:

History has demonstrated that implicit in any removal of power from central planners and broadening of market mechanisms . . . is a more general spread of rights to individuals. Such a development will be a far stronger vehicle to foster other individual rights than any other alternative of which I am aware.

That is precisely what globalization and international trading—China trading with America—have a chance to do.

Exposure to democracy and capitalism, information, and telecommunications and communication technology will increasingly influence the course of global affairs, without any question.

Imagine what Internet success means to a one-party, authoritarian state

such as China. Even if China's economic growth and military modernization appear to be threatening, our relationship with China will evolve within the context of a very different world, a world increasingly reliant on information to achieve economic growth, prosperity, and jobs.

Anyone who has gone to China recently or, for that matter, watched recent television programming regarding what is going on with the labor force in China will know that Chinese men and Chinese women will move to get good jobs. They are already moving from the countryside to the cities without any retribution. They are smiling. They are taking risks because they see the opportunity to get a good paycheck. Make no bones about it, they want jobs that pay them money so they can move up their standard of living in this world.

That force, if turned loose in China, will change China forever. In particular, since China does not have the kind of central government the Soviet Union had, although we have from time to time called them both Communist countries, they are certainly very different in terms of the ability to control people and whether or not the central government really has as much control or is as despotic as the government that was managed by a small oligarchy in the Soviet Union.

I am not suggesting the trade, the Internet and computers will topple authoritarian structures in China overnight, but I do believe that for many years information control was equivalent to people control, but information control is quickly becoming more and more impossible.

Exposure to our economic system through trade, telecommunications, and the Internet will encourage strides toward freedom, in my humble opinion. For every argument that China is a risk to America's future, I argue that China trading with America is a move in a direction of freedom that takes away from the risk of the future, takes away from the risk of a centralized powerful Chinese Government being dangerous to the world. Not that they are not, not that they could not be, but I submit it will be more and more difficult for that to occur as free trade permeates the cities and suburbs of China and the people who live there and the businessmen who will prosper by it.

I offer that while it is not at issue, education is another catalyst for economic freedom and democracy. Chinese students attending American universities is an important part of any effective economic trade and foreign policy for the United States. I know there are a lot of young Chinese coming to American universities to be students here, and living our way of life while they get educated. I asked my staff to find out just how many. Fifty thousand Chinese students from China now, not Taiwan—attended American universities last year. The number grows by the thousands every year.

The important thing is that these students are not studying math and science and culture by remote control. They are doing this by being physically present in American cities across this land. I submit, the more the young people of China experience America and are exposed to American freedom and watch capitalism work in America, the more likely it becomes that the future of China will be subtly but unalterably influenced in a positive direction.

Whether these Western-educated, young Chinese people are involved in politics or business—I would add in science or math or physics—their views about democracy and the free market economics will not be controlled or dominated by the so-called party.

Over the long run, experience and exposure will have a direct and significant impact on mainland China. And the leaders know what is happening.

The Chinese leaders do not attempt to stop their students from coming to the greatest universities in the world and get educated in the best way in the world. In fact, sometimes I think they must be aware that there is a better way than what they have in their country, and to some extent they may think a better way is substantially the free way, the American way.

China is a big, big market. It has been estimated that the PNTR will increase U.S. exports to China by about \$13 billion annually and will grow every sector of this economy. China is densely populated. It is a country in which one in five people alive today live. Think of that. This is largely an open, untapped market, both for the mind and for substances of trade.

I will comment on my State, which is not looked at as an exporting State, but direct exports from New Mexico to China totalled \$235 million in 1999; and adding indirect exports through Hong Kong, brings our total to about \$320 to \$350 million.

We often hear the expression “everything from soup to nuts” to describe something very comprehensive, something widespread. An apropos variation of this colloquialism is “China-New Mexico trade covers everything from chips to cheese.”

Agricultural tariffs will be cut by more than half. New Mexico has, believe it or not—and this is not because PETE DOMENICI is of Italian extraction, whose mother and father came to New Mexico as immigrants—the largest mozzarella cheese plant in all the world. The mozzarella cheese for all of those delis they have in New York, where does it come from? New Mexico. And so is the case for China; it comes from New Mexico. They are one of our large importers of that cheese, and many other cheese products made in our State.

Incidentally, I say to Senator MOYNIHAN, while time has been passing, New Mexico has been growing in terms of dairy cows and as part of American milk production. Everybody thinks dairy product production is a Wis-

consin issue, but New Mexico is now ninth among all of the sovereign States in terms of the production of dairy products. That is why it turns out we are working with China.

PNTR and China joining the WTO will be a big help for the New Mexico producers of milk products, as the Chinese people get the opportunity to compare the comparative culinary merits of Domino's, Pizza Hut, and even Papa John's. I know my friend from New York is not here working on this agreement because he wants to see more Pizza Huts in China, but I think he would not disagree that the United States has an array of export opportunities from State to State. When you add all those up, they do go as far as the ingredients that go into a pizza, all the way to the ingredients and intellectual knowledge that goes into making fancy computer chips or to make anything that China makes and sells to the world.

The tariff on agricultural products will drop. It will drop from 50 percent to 10 percent on cheese products; from 35 percent to 10 percent for lactose and whey, both of which are produced in large quantities in the States of the United States that have many dairy cows and much milk production.

It is not well known that Intel Corporation manufactures flash memory microchips in its Rio Rancho plant in New Mexico, right next to Albuquerque. Flash memory chips are used in cellular phones, digital cameras, personal computers.

The flash memory chips are sent to Shanghai for assembly and testing before they are shipped to customers worldwide. In 2000, Intel earned over \$500 million in revenue from the flash memory chips manufactured in New Mexico and tested in China. Both China and New Mexico added profit to the product as it moved its way to market.

If we do not grant PNTR status to China, it is quite obvious that somebody else will take our place in each of these markets that I have described for my State in terms of being a manufacturer of products. Obviously, someplace else in the world can decide, if we are going to leave that trade barrier up, instead of reducing it 50 percent and 30 percent, as I have described, to get the business and the profit margin, where a foreign business could have the tariff rate that is not being adjusted.

China is discovering the necessity for cellular phones. I am talking about a product with which we are all becoming very familiar. There were 40 million cellular phones in China last year. This year, the estimate is 70 million. By 2003, China has projected to have more cell phones in use than any other country on the globe.

You can understand that because, you see, to some extent cellular phone use in America was inhibited by poles, with telephone lines, and telephones that are attached to them. We had that before cellular phones were invented. While we think that is great, it is a

burden to the growth of cellular phones. Maybe the word “burden” is wrong, but at least cellular will not grow as fast.

Now enter into a Chinese city where they do not have any telephone poles, and all of a sudden they have cellular phones. They will never build telephone lines. That is why you can say they will go from 40 million to 70 million in 1 year. And who knows thereafter?

I guess we could then ask, how many telephone poles could they put in the ground? And how many telephone lines could they put up? While this was not part of my prepared text, I would speculate that they are not doing hundreds of thousands of miles of telephone lines. Why would they? They would just leapfrog to the newest technology. And that is what they began to use. That is what they will use for a long time hereafter.

Some have argued that PNTR is an attempt to move manufacturing jobs overseas. That is an argument we have to confront every time we talk about lowering trade barriers with some country in the world. It was the same argument when created the North American Free Trade zone with Mexico, I say to my good friend from New York.

Let me illustrate that this is not the case with reference to that contention. Last week, Intel broke ground on a new fabrication plant in Rio Rancho, NM. This expansion had a total cost of \$2 billion.

Mr. MOYNIHAN. Two billion.

Mr. DOMENICI. It will provide 500 to 1,000 more jobs for New Mexico, highly paid, skilled jobs.

Obviously, local businesses will also profit from this expansion. That is what expanded trade with China means to Americans and to New Mexicans.

I gave you the example of the \$2 billion investment because that investment is made to make one phase of the computer chip that I just described. The other phase will be done in China. Both countries will gain employment and will gain in terms of the production of items that add to our respective gross national products. I do not know which will have more. I would assume they would have a few more workers doing theirs, but we will have the master plant with the most modern technology.

The challenge to America in an international global market is the risk that we are taking, and it is singular. It is one. It is that we will not be able to produce the high-tech, high-paying jobs ahead of the rest of world and keep them here. That is really the only challenge. If we can do that, and train our people sufficiently to do that, we will win all the time because we will keep the high-paid, highly skilled jobs here, as we are currently doing vis-a-vis a country such as China or other countries in the world.

So granting PNTR to China makes practical economic policy, and it

makes good foreign policy. I think they are tied together in this case.

I have had an opportunity to talk to Henry Kissinger, who I happen to know quite well from a long, long time ago, when he came to my State with his young son who is now grown up and is involved in the movie production business. He was 13 when he joined his father in my city doing an event for me when I was a young Senator. He talked about the global policy significance, not just its economic significance. I agree. I agree that there is no doubt that this is good trade policy and good foreign policy.

Grant PNTR is practical economic policy, but it is also inescapable economic policy because it is impossible, in this era of globalization, for the United States to fence off 20 percent of the world's population and refuse to trade with them on the same trade terms we trade with others. Trade relations with China are not the same as they were in 1979 when China and the United States first resumed diplomatic relations. At that time, all trade flowed through the Chinese Government in the form of state-owned enterprises. Today the private sector accounts for nearly 70 percent of China's output. Maybe I would put it differently because some of these centers of trade, we don't know whether they are private sector, as we understand them, but the nongovernment sector, nonowned by the Government, is nearly 70 percent of the Chinese output compared with 30 percent Government-owned.

We understand the Government is not too happy with owning even the 30 percent because they really don't know how to run it. They are seeing what is happening in the competitive world, and big policy discussions are occurring there as to what do they do about that situation. They have observed and have learned what happened to state-owned businesses in the former Soviet states, and they went from total ownership to nobody wanting ownership. There was nothing in between. We have the former Soviet Union, at least Russia, with an economic production machine that has been reduced to almost nothing. We will soon be comparing the total gross domestic product of Russia with one of the smaller countries in Europe. Imagine that.

Mr. MOYNIHAN. Will my distinguished friend yield for a question?

Mr. DOMENICI. I am pleased.

Mr. MOYNIHAN. Would he know that the current best estimate is that the GDP of Russia is now approximately that of Switzerland?

Mr. DOMENICI. I wouldn't.

Mr. MOYNIHAN. And that sequence, exactly as he has described it, total ownership to no ownership, as against the transformation before our eyes, is taking place in the PRC.

Mr. DOMENICI. That is absolutely correct. I might add that what is happening in Russia, the Chinese have seen very clearly. They are never going to

let that happen. We went from Government ownership to no ownership to oligarchs who substituted here in the middle who became powerful, rich people who put these businesses together; bought them from the Government. Now a few groups own more businesses than anybody expected in Russia and do not run it in any way consistent with Russia's future. It is just their own. Whether they pay taxes or not is their business. That is the way things go. It is not so good.

Let me talk about this trend that is occurring in China. I think it is excellent. It is a great sign because a growing market-based economy is the most effective path to democracy for China and should be encouraged as part of the American policy with other free nations in the world.

There have been a lot of amendments offered to this bill. I owe the Senators who offered them, individually or for themselves and others, an explanation of why I voted against each and every one. Some of them are very good. Some of them, if freestanding and not burdening a measure of this magnitude, I probably would have come down and even debated. I did not. I did not come and talk on any of them because I was not going to vote for any. It appeared to me that my responsibility as a Senator was to see that this legislation got through here, at least as much as I could. That meant don't add amendments to it that are apt to make it impossible for this legislation to get passed and sent to the President for signature.

I consider this to be the most important event of this year and maybe of a couple years. While it does not come out of my committee, I have been informed on it. I worked on it. I am very proud of the Finance Committee and in particular the chairman, the distinguished Senator from Delaware, Mr. ROTH, and obviously, the ranking member, the distinguished Senator from New York.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before our beloved chairman of the Budget Committee, the Senator from New Mexico, leaves, may I thank him for his remarks. All anyone need say is what he has said. I would just supplement them with one comment to reinforce what he has said. We, the Finance Committee, held a long series of hearings on the bill. It happens, in the last paragraph of the last witness, the Honorable Ira Shapiro, who has been previously our chief negotiator for Japan and Canada at the Office of the U.S. Trade Representative, said thus:

This vote is one of an historic handful of congressional votes since the end of World War II. Nothing that Members of Congress do this year or any other year could be more important.

He was not simply speaking of trade and the standard of living. He was talking about the large geopolitical fact of

do we include one-fifth of mankind in the world's system we wish to create, we have created, and are creating, or do we say, no, you are out, and invite hostility that could spoil the next half century?

We have not. Today we voted by a two-thirds majority to go forward. I thank the Senator for his vote and his leadership throughout. It is a cheering experience in what has not been always a cheering year.

Mr. DOMENICI. Will the Senator yield?

Mr. MOYNIHAN. Mr. President, I yield.

Mr. DOMENICI. Mr. President, I thank Senator MOYNIHAN for those kinds words and for his last observation.

Perhaps Mr. Shapiro said it more eloquently than I. I consider it one of the most important events, and I described that early on as I see it.

I would add one observation. I ask the Senator if he shares this. Frankly, I think it is very important, when China is granted PNTR, when it becomes a member of WTO, that they not leave with the American people in the next few years, that they not let activity on their part happen which would let Americans think that they are discriminating against the purchase of American goods and services. If we are competitive in this world, whether it be in services or in products or in agricultural products, we don't expect China to control that through its Government but rather leave it to the free and open market or, indeed, Americans will look at this as a sham.

Mr. MOYNIHAN. Yes, sir.

Mr. DOMENICI. Our companies are telling us they can compete. I know of many areas they can compete, and they are not competing because of trade barriers, because of tariffs, and because of the selectivity of some of the governmental entities in terms of who they pick and choose. That part is a little risky on their end. It may be a small amount of product, but it could be a very big wave if they are not careful.

Mr. MOYNIHAN. Mr. President, if I might respond, there is an extraordinary symmetry to what we are doing today. Toward the end of the Second World War, when China was our ally, we gathered at Bretton Woods in New Hampshire and drew up the plans for what became the World Bank, the International Monetary Fund, and an International Trade Organization to establish common rules for trade that would be abided by, a rule of law that could be adjudicated and settled. China was a full participant at the Bretton Woods Conference. China joined the General Agreement on Tariffs and Trade after the International Trade Organization, sir, was defeated in the Senate Finance Committee.

They withdrew after the Chinese Red Army overran the mainland. But now the People's Republic has asked to come back and join the revived International Trade Organization, now the

World Trade Organization, which has rules that are to be abided by, and non-discrimination is the first rule.

That is why this measure is so important because we could not be in the WTO with China if we had a provision that we must renew normal trade relations status once a year. No, but each of us must abide by the rules. It is now up to the vigilance of our Department of Commerce, the Trade Representative, American business, and labor unions to see to it that the rules are abided by. You can't hope for more.

Let us go forward in confidence and determination, as the Senator described. I thank the Senator.

Mr. DOMENICI. I thank the Chair.

Mr. MOYNIHAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I know my colleague from Wisconsin has been here before me. I have been asked by the majority leader to make a unanimous consent request. As soon as I make it, I hope the Chair will recognize my colleague from Wisconsin.

Mr. President, I ask unanimous consent that there be 30 minutes equally divided for debate relative to the Feingold amendment regarding a commission, with no second-degree amendments in order prior to the vote.

I further ask consent that following that debate, Senator WELLSTONE be recognized in order to resume debate on amendment No. 4120.

I further ask consent that following the use or yielding of that debate time, the Senate proceed to a series of roll-call votes in relation to the following amendments, with 2 minutes for closing remarks prior to each vote. Those amendments are as follows: Helms amendment No. 4128; Helms amendment No. 4123; a Feingold amendment regarding a commission; Wellstone amendment No. 4120.

Mr. MOYNIHAN. Mr. President, might I inquire, I understand there are to be 2 minutes of debate between each of the specified votes.

Mr. ALLARD. Yes, 2 minutes for closing remarks prior to each vote. So I assume that is 1 minute to each side. I understand this has been agreed to by the leadership on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4138

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4138.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make technical changes relating to the recommendations of the Congressional-Executive Commission on the People's Republic of China)

On page 44, beginning on line 4, strike all through page 45, line 12, and insert the following:

(g) ANNUAL REPORTS.—The Commission shall issue a report to the President and the Congress not later than 12 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c). The Commission's report shall contain recommendations for legislative or executive action, including recommendations indicating whether or not a change in China's trade status is merited.

(h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under subsection (g) shall include specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs.

(i) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) INTRODUCTION AND REFERRAL OF RESOLUTIONS.—

(A) IN GENERAL.—Not later than 10 session days after receipt of the Commission's report by a House of Congress, the Majority Leader of that House shall introduce a joint resolution in that House providing for the implementation of such recommendations of the Commission's report as require statutory implementation. In the case of the Senate, such resolution shall be referred to the Committee on Foreign Relations and, in the case of the House of Representatives, such resolution shall be referred to the Committee on International Relations. In the consideration of resolutions referred under this subparagraph, such committees shall hold hearings on the contents of the Commission's report and the recommendations contained therein for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committees deem advisable.

(B) SESSION DAY DEFINED.—The term "session day" means, with respect to a House of Congress, any day on which the House of Congress is in session.

(2) PROCEDURE FOR DISCHARGE OF COMMITTEES.—If the committee to which is referred such resolution has not reported such resolution at the end of 15 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(3) MOTION TO PROCEED.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (2)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and

against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(4) The provisions of paragraphs (1) through (3) are enacted by

Mr. FEINGOLD. Mr. President, this amendment will increase the strength and the relevance of the Congressional-Executive Commission on the People's Republic of China.

It is no secret that I oppose H.R. 4444, the bill extending permanent normal trade relations to China. I believe it is a mistake to institutionalize a separation between our trading relationship with China and our concerns regarding the deteriorating human rights situation in China. I believe this compartmentalization of American interests makes for policy that is confused, contradictory, and ultimately ineffective.

I am not blind to the numbers; I am not blind to the likely votes. This bill stands an excellent chance of passing the Senate, and we are dealing with legislation likely to become law. So I choose to take seriously the efforts made in the other body to somehow integrate human rights concerns into this legislation.

Perhaps I am supposed to assume those efforts are simply window dressing, mere political cover for those who feel obligated to address human rights issues but who are also disinclined to impede this trade initiative with inconvenient complications. But I reject that assumption. If this bill passes, as it probably will, the Congressional-Executive Commission on the People's Republic of China will be important both in substance and as a symbol. It may well be the only remaining bridge in our China policy between this country's highest values and the pursuit of profit for the few. It will be the watchdog, in a sense, responsible for ensuring that our trade policy undermines neither our national values nor our national character. Its structure and its mandate will carry this burden. So I do think this commission deserves our serious consideration.

As currently constructed, the commission would produce an annual report. But it would not be required to include policy recommendations in this report, and neither the House nor the Senate would actually be required to debate the report or to hold any kind of vote on it. In short, the commission would be extremely weak and then, of course, could be easily be marginalized.

My amendment would strengthen the commission in several ways. First, it would require that the commission's report contain recommendations for legislative and/or executive action,

rather than simply permitting such recommendations. As the debate on this bill has shown, we do not lack for reports of gross human rights violations in China. But simply stating the facts is not enough; our actions must reflect acknowledgement of those facts. Thick reports and handwringing in and of themselves do not serve U.S. interests. Policy recommendations have to be an explicit part of the commission's mandate.

In addition, this amendment would require that legislative proposals contained in the report be considered by both the House International Relations Committee and by the Senate Foreign Relations Committee. As it now stands, this commission reports only to the House. I urge my colleagues in this body, the Senate, to recognize that the Senate needs to consider this report and its recommendations as well. We cannot leave this important work solely to our House colleagues and, in effect, wash our hands of it. We must protect the Senate's prerogatives and ensure that both Chambers of this Congress engage with this important commission.

Finally, this amendment lays out a procedure by which this commission's recommendations could be considered by this body rather than simply gathering dust and assuaging consciences on our office shelves. It would establish a procedure, one that is not unfamiliar or unprecedented, whereby commission recommendations, in the form of a resolution, would be considered by the appropriate committees. These committees would then hold hearings to review these recommendations, allowing for public comment and opening up this process to democratic participation and actual debate.

Critically, after committee consideration, any Member of the House or Senate would have the right to call up the resolution on the floor. This amendment ensures that the crucially important issues covered by the commission can be considered by any Member, not only the members of certain committees. As it now stands, only members of the House International Relations Committee would have the power to consider and weigh the commission report. That seems very odd to me for a bicameral legislature. This amendment provides a mechanism for moving the substance of commission recommendations onto the floor and into the realm of full congressional consideration.

This is hardly an extreme proposition. My amendment would give this commission greater relevance, rather than relegating it to bureaucratic limbo. Relevance seems like an eminently reasonable goal for a body charged with the critically important work of reconciling U.S. support for human rights with the U.S. trade policy toward China.

Those toiling in forced labor camps are relevant. This body ought to behave as if they are relevant. The Ti-

betan and Chinese people, fighting every day for religious freedom, are relevant. Victims of torture are relevant. The Congressional Executive Commission on the People's Republic of China is where these people will now have to find their place in U.S. policy. I urge my colleagues to take this seriously and give it the strength it needs to be meaningful.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, the Republican floor manager has indicated I could use his time to talk about this important piece of legislation. I don't have any remarks I am going to direct specifically to the amendment; although, I find myself in the same position as the Senator from New Mexico, Mr. DOMENICI, in that there are many amendments that, under different circumstances, I may very well have found myself supporting. But because I think this is such an important piece of legislation, I have decided to oppose any amendments that will be made to this bill because I think it will put it in jeopardy, and the chances of it passing the House are, from what I understand, not good if we put Senate amendments on this side.

I think we will have an opportunity in the future to address some of the amendments that were attempted to be made to this particular piece of legislation. Under those circumstances, as I mentioned earlier, I will probably support them.

I think this is a very important piece of legislation for this country. It is a very important piece of legislation as far as the State of Colorado is concerned. The State of Colorado has experienced tremendous growth in exports, and I attribute that to the type of industry we have in the State of Colorado. We are primarily agriculture and light manufacturing, which includes high-technology. Those are areas where we have had a lot of growth in exports nationwide. Colorado has been the benefactor of that.

I have come to the belief that we need to work to open trade barriers. When we open these trade barriers, democracy is exported and we prosper economically. Colorado would be one State in the Nation that would be a good example of that.

Western civilization has been trading in some manner with China since the Roman Empire anchored one end of the Silk Road. But it will not be until we pass this bill before us that our culture will have access to free and open trade with this massive country called China.

I am glad most of us have recognized that the term "most favored nation" was a misnomer. This country needs to remember that China will not actually be "favored." China will be equally treated as we treat the other 137 World Trade Organization countries such as Cyprus, Jamaica, and Djibouti, or the

newest WTO member nation, Albania. We are not singling China out for special treatment, nor are we ushering them into the community of nations. The World Trade Organization exists separate from our decision.

I am struck most by this fact: That if the United States does not pass permanent normal trading relations, it does not keep China out of the WTO. It just keeps America from benefiting from China's presence in it.

China has 1.3 billion people, a purchasing power of \$4.42 trillion, and a yearly import market of \$140 billion. Nearly 20 percent of the world lives within its borders—a fifth of the world. And many of the Chinese people are just beginning to desire Western products such as those made in Colorado—luxury goods, communication gear, computers, software, western beef, wheat, and so much more. The rest of the world is scrambling ferociously to pass their own version of PNTR to capture the China market.

If we turn down this opportunity or if we amend it into practical nullification, we will not stop China's human rights problems; we will not force China to accept freedom of religion, speech, or other individual liberty. All that will happen is the United States will be denied the loosening of tariffs and import controls that the rest of the world nations will gain.

If Congress balks at PNTR this year, 137 nations other than the United States will benefit from free trade with China while American workers, farmers, ranchers, and small businesses are denied equal access.

Everyone knows we trade with China now. Colorado exported \$166 million worth of goods to China in 1998. Colorado Springs alone, one of our larger metropolitan areas, exported \$41 million. Denver, another of our larger metropolitan areas, exported \$16 million to China. And these numbers are only going to grow. If we grant China PNTR, Colorado will be assured a more prosperous future. Why? Because with PNTR-WTO membership, China will have to lower their average tariffs on U.S. goods from 24 percent to 9 percent. They will have to cut average agricultural tariffs in half and eliminate all tariffs on high-tech goods. But Colorado and the United States will not have to undergo similar market restructuring. The United States already has open markets and engages in free trade.

It is China that will have to open their markets and end their protectionism to benefit from WTO membership. This will then facilitate more trade and higher profits for Colorado companies and Colorado workers.

Why is China doing this? Because they know what we do. Free trade benefits those who practice it.

Many export producing jobs pay better than basic service sector jobs. Increasing trade generates more jobs of a higher quality, and that presents more opportunities for workers.

For instance, since NAFTA, Colorado has increased exports to Mexico by \$300 million. China PNTR will add to this export total.

If we were to set aside economic reasons, there are still many other reasons to favor PNTR. The first is humanitarian.

History has shown that it is the isolated, closed societies that are the most brutal and repressed. International contact—such as would be brought about by increased trade, with businessmen, foreign goods, exchanges, corporate presence and marketing—would serve to increase access to a higher standard of living and a better quality of life.

We would be able to up-grade the everyday lifestyle of the ordinary people of China, and that is not an opportunity to be ignored by those who seek to aid the world's less fortunate.

The number one export from America is democracy.

PNTR will not only tear down the trade barriers for Colorado's workers, farmers, and small businesses, it will also flood the Chinese culture with the American ideals of liberty and democracy.

When the freedom protesters took over Tiananmen Square in 1989 and built a replica of the Statute of Liberty, they were not just expressing support for the type of freedoms enshrined in our political documents.

They were expressing a desire for the liberty and benefits of a modern, vibrant, and free United States that they saw on the current world stage.

By increasing our relations with China, we can side step the admittedly authoritarian regime in Beijing, and deal with the people themselves through our products and our communications.

The Soviet Union did not fall because we passed resolutions against them. It did not fall because we had bitter debates about their human right records, and it did not fall because we regularly reviewed their civil liberties.

It fell for two reasons that remain relevant today: The Soviet Union fell because the oppressed people of Eastern Europe grew tired of being left behind by the western prosperity they saw, and because their leaders realized that President Reagan would not let them take that prosperity by force. Unable to keep up with the western nations, they fell behind and eventually fell apart.

We need to remain aware of and secure against China's sometimes blatant hostility to us and our ideals. But we have less to fear from a China that shares an engaged, mutually beneficial relationship than from an excluded China shut out of our markets.

Taiwan, the nation most under the gun from an aggressive China, supports Chinese PNTR/WTO membership for this very reason. It suggests that they too hope that increased trade will overwhelm the communist system and force it to grow and develop into a

more mature, efficient, and equitable system.

Some oppose trade agreements because of security concerns. Trade agreements are not the reason for the loss of our nation's military secrets.

We have seen serious security lapses in the Department of State, Department of Defense, Department of Energy, and our national laboratories. The responsibility of protecting our national secrets lies with the Administration, not our trade policies.

The most recent Department of Energy security blunder, losing two hard drives, coupled with the discovery of bugging devices in State Department conference rooms and the mishandling of classified information by the recently dismissed Director of the Central Intelligence Agency, builds a very strong case for this administration's blatant disregard for protecting our national security secrets.

However, these wrongs pale in comparison to the Secretary of Energy's decision to ignore the public law enacted by Congress last year to establish a semi-autonomous National Nuclear Security Agency to correct known security deficiencies within his department.

Fortunately, the recent Los Alamos incident expedited what had become a stalled effort to confirm General John Gordon as Director of the newly formed NNSA. With General Gordon in place, I sincerely believe we will finally get some action to hasten security reform within this agency.

But these acts, all pre-PNTR, highlight a simple truth—weapons proliferation, national security, and defense are functions of a nation's leaders, not its merchants.

If we want a strong, pro-active national defense that diligently maintains our vital interests, we can not expect to let trade agreements alone shoulder that burden.

It is my hope that the upcoming vote will confirm America's commitment to free trade, international participation, and mutually beneficial capitalism. That is why I will be voting in favor of China PNTR and against any amendments.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Wisconsin.

Mr. FEINGOLD. It is my understanding that the Senator from Colorado has yielded time in opposition to my amendment.

Mr. ALLARD. I yield my time on the floor and I reserve the time we have in opposition.

Mr. FEINGOLD. I am prepared to yield back my remaining time.

Mr. ALLARD. I want to make sure the floor manager is comfortable yielding back on our side; if so, I yield back the remainder of time.

Mr. ROTH. I suggest to the Senator from Colorado that I will make a few comments.

Mr. ALLARD. I yield my time.

Mr. ROTH. Mr. President, I rise in opposition to the Feingold amendment.

This amendment would change the mandate of the Levin-Bereuter Commission created by H.R. 4444 by mandating that it make recommendations to the Congress on legislative actions. Such recommendations would have to be introduced in each body, be referred to the Foreign Relations Committee and the International Relations Committee, and be considered by those committees and the Congress under rules similar to "fast track."

I oppose this amendment for many reasons. As a jurisdictional matter, I oppose a change in the rules of the Senate that would refer a revenue measure to a committee other than the Finance Committee, as this amendment would do if the Commission recommended a change in the trade status of China, and I urge all Finance Committee members to support me.

Second, I see no need to compel a recommendation out of the Commission. As outlined in the mandate of the Commission, if they choose, they may make a recommendation to the Congress on legislative action. Compelling the Commission to do so strikes me as misguided.

Third, I see no need to fast track a recommendation by the Commission. The Congress can consider any recommendation by the Commission under the regular order, just as we are considering PNTR.

Finally, as I have outlined with every amendment, I believe the adoption of this amendment would unnecessarily risk slowing the underlying bill down. Therefore, I view a vote for this amendment as a vote to kill PNTR.

Mr. FEINGOLD. Mr. President, I will briefly respond to the comments of the distinguished chairman.

Yes, this amendment, in terms of the commission that was established in the House consideration of the bill, says there ought to be some recommendations coming out of this commission, there ought to be some reality. This is all we will have left of the opportunity to consider issues such as human rights in connection with China's trade status.

Instead of just having a series of documents or volumes on a shelf gathering dust, we suggest there ought to at least be a requirement that there be recommendations coming forward. That seems to me to be very modest. This is not something that would in any way undercut the legislation or the purpose of the legislation. It would simply make sure that the work of the commission results in some recommendation.

What strikes me as even more strange about opposition to this amendment is that the distinguished chairman would leave this commission to be only a commission that reports to the House of Representatives. He would prefer that a commission that apparently is a serious commission, one that the chairman will support, as

he votes for final passage of the bill, should not report to this body. I would think his institutional concerns of having to do with proper referral to one committee or another in a revenue bill would also apply to the notion that a report should go to the Senate as well as to the House on something as significant and weighty as the question of human rights and other issues in connection with China's trade status. I find it baffling that the main proponent of this bill would not agree that this Senate should receive the report, as well as the House.

The Senator makes the point, as well he should as chairman of the Finance Committee, that he believes there may be some concerns about proper jurisdiction in terms of committees. I am a member of the Senate Foreign Relations Committee, so I definitely believe this should go to the Senate Foreign Relations Committee.

But I have no problem with certainly inviting an amendment that calls for a joint reporting to both the Senate Foreign Relations Committee and the Senate Finance Committee. It seems to me that would take care of that concern. I know of a number of cases in my brief time in the Senate where we have had these joint referrals, and that would take care of the chairman's concern.

Not only is this amendment not threatening to the underlying purpose of this legislation, it is simply an amendment that balances the purpose of this commission so that it has some relationship to the structure of our Congress. It says there ought to be recommendations given and they should be reported to the Senate as well as to the House; that the Senate Foreign Relations Committee should continue to consider these recommendations, as it has done in the past.

I can't think of a more modest amendment one could raise with regard to this bill. It is based on a commission that was already approved overwhelmingly in the House of Representatives and supported by all of those who support this legislation. All we are trying to do is have a similar requirement with respect to a report in the Senate. It couldn't be more modest. It is a sign of how desperate the proponents of this legislation are to get this thing through without even the possibility of a modest, logical change such as having the Senate as well as the House receive a report.

I reserve the remainder of my time.

Mr. President, I am prepared to yield the remainder of my time if the opposition to the amendment will do the same?

Mr. ROTH. Mr. President, I yield the remainder of the time on our side.

Mr. FEINGOLD. I yield back the time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 4120

Mr. WELLSTONE. Mr. President, my understanding is we are now considering amendment No. 4120.

Mr. President, this amendment would delay the effective date of PNTR until the President can certify that China has provided a full accounting of activists who have been detained or imprisoned for their labor activities and China is making "substantial progress" in releasing these activists from prison.

What we are really talking about here is that this amendment calls upon the President to delay the effective date of PNTR until we get from China an accounting of those citizens who have now been imprisoned in China because they have tried to exert their human rights to organize and bargain collectively so they can make a decent wage, so they can work under civilized working conditions, so they can support their families.

What we are talking about is we want to see some evidence that China has made substantial progress in releasing these activists from prison. We do not have an exhaustive list of all the labor activists who are now serving prison terms in China. There are many of them about whom the facts are unknown. That is one of the reasons this amendment calls on China to provide a full accounting. But I will draw from what empirical evidence I have as a Senator, a Senator who is concerned about human rights and the right of people to be able to organize their own independent unions. I will draw from two sources of information. The first is the U.S. State Department Human Rights Report which actually confirms that the Chinese Government has been persecuting and incarcerating labor activists.

According to the State Department:

Independent trade unions are illegal. . . . Following the signing of the International Covenant on Economic, Social, and Cultural Rights in 1997, a number of labor activists petitioned the Government [Chinese Government] to establish free trade unions as allowed under the Covenant. The Government has not approved the establishment of any independent unions to date.

Now I will talk about some specific examples. First, I will draw from the State Department report—our State Department report of this past year.

Two activists in January were sentenced to reeducation through labor for 18 months and 12 months, respectively. Why were they arrested? They were leading steelworkers in a protest because they had not been paid wages.

In January of this year, another activist, the founder of the short-lived Association to Protect the Rights and Interests of Laid-Off Workers, unsuccessfully appealed a 10-year prison sentence he received—10 years in prison. He had been convicted—for what? "Illegally providing intelligence to a foreign organization." What was that foreign organization? It was a Radio Free Asia reporter, and he was talking about worker protests in Hunan Province. For that, a 10-year prison sentence. Do we not care about this?

In April of this year workers announced the formation of the Chinese

Association to Protect Workers' Rights. In July, a labor activist and China Democracy Party member was arrested on subversion charges. He was arrested after taking part in a workers demonstration outside the provincial government building. He was sentenced to 6 years in prison.

In July, another labor activist was sentenced to 10 years, and two others were sentenced to 2 years in prison for subversion. What is it that they had done wrong? They were out there trying to organize workers and the family of one of these activists alleged that the police hung him by his hands in order to extract information on fellow dissidents.

In August, another labor activist in China was given a 10-year prison sentence for illegal activities in the 1980s, and more recently he was also thrown in prison because he had organized worker demonstrations. This time he was convicted for providing human rights organizations overseas with information on protests—a 10-year sentence, prison sentence, for a man who had the courage to try to organize people and who then went to human rights organizations overseas with information about worker protests in China. He is now serving 10 years in prison.

Don't you believe we could at least ask China to provide us with some credible information that they were now letting these people out of prison; that they were doing something about all of the people who have been imprisoned?

This list is compiled by the ILO—Senator MOYNIHAN talked about the ILO yesterday on the floor of the Senate. A 28-year-old worker in a Hunan Province electrical machinery factory, was sentenced in 1989 to a life sentence for hooliganism. His reduced sentence is being served in prison and he now has been told he will get out in the year 2007.

A manual worker in Shanghai and a member of the Workers Autonomous Federation was sentenced in 1993 to 9 years in Shanghai prison for organizing a counterrevolutionary group. That from the ILO—my evidence.

A worker, organizer of another Workers Autonomous Federation was sentenced to 13 years imprisonment—for hooliganism again. That is the charge any time you demonstrate, any time you try to organize people, any time you have the courage to stand alone and speak up for democracy.

Another worker in Hunan, again, Yueyang City in Hunan, organizer of the Workers Autonomous Federation, was sentenced to 15 years—same charge, hooliganism.

A 39-year-old lecturer in the Comparative Literature Department at the Language Institute in Beijing was sentenced in 1995 to 20 years in Prison No. 2 for organizing and leading a counterrevolutionary group, and for committing counterrevolutionary propaganda and incitement.

A 30-year-old medical researcher in the Department of Psychiatry at Beijing's Anding Hospital was sentenced to 17 years in Prison No. 2 in Beijing for organizing and leading a counter-revolutionary group.

A 40-year-old worker at a chemicals accelerator fluid plant in Beijing was sentenced to 13 years in Prison No. 2 for organizing and leading a counter-revolutionary group.

Another activist was sentenced to 11 years in prison for organizing and leading a counterrevolutionary group.

Colleagues, I have other names and other examples. But I think there are several reasons why we should be concerned about the persecution and imprisonment of labor activists in China.

First of all, labor rights, the right to organize, recognized by international law, are a fundamental human right. When men and women have the courage to stand up for justice at the workplace, they ought not be locked up, they ought not be treated like animals, they ought not be serving 10-, 12-, 14-year prison sentences in China, and we should speak up for them.

Labor rights have been recognized in the documents that enshrine the most basic principles of human rights. The Universal Declaration of Human Rights in 1948 states, "Everyone has the right to peaceful assembly and association. Everyone has the right to form and join trade unions for the protection of his"—and I would add "or her"—"interests."

In a speech before the Industrial Relations Research Association in Boston this past January, former World Bank chief economist Joseph Stiglitz laid out an argument that economic development needs to be seen as part of a transformation of society and that workers organizations, the right to form a union, is key to this developmental process.

Do my colleagues know what he was saying? He was saying what we know: Independent unions and the right to form an independent union means you make a better wage; it means you have people who have enough money to consume; it means you are building a middle class; it means you have more economic justice; it means you have more stability. That is what Mr. Stiglitz was trying to say.

I will give my colleagues one more example of this brutality. An April 23, 2000, story in the Washington Post reported:

The number of labor disputes in China has skyrocketed — to more than 120,000 in 1999—as workers, in unprecedented numbers get laid off, are paid late, or not paid at all and feel cheated by corrupt officials who sell state property for a pittance to friends, relatives, and colleagues.

We are talking about unsafe working conditions. We are talking about low wages. We are talking about the fundamental right of workers in China to organize and the compelling need, I believe, for us to support this right.

I will finish in a moment so we can have some votes, although I am anx-

ious to hear whether there is any response. Above and beyond the human rights question, above and beyond the fact that we should not be silent—I have said this for the last several days—above and beyond the fact that we should be willing to speak up and vote for the rights of people to organize independent unions in China, we should not let this Government with impunity put people in prison for 12, 14, or 16 years because they have done nothing more than try to speak up for themselves and form a union so they can make a decent wage and they can support their families.

There is another reason. Senator SARBANES spoke about this on the floor of the Senate the other day. It is this: What we are going to see is not necessarily more exports to China but more investment in China. If we do not speak up for the right of workers to organize in China, China will become the export platform in this new international economy that we talk about, and it will be a magnet for any kind of company that wants to go there that knows it can freely exploit workers, pay workers 3 cents an hour, 10 cents an hour, 6 cents an hour, 20 cents an hour, all of which is happening right now, working people from 8 in the morning until 10 at night with a half an hour, at most, for a break. That is what we are going to see.

I do not know how many Senators will consider this before they vote, but if you do not want to vote for this amendment for human rights for workers in China, vote for this amendment for the people you represent in your own States because I am telling you—and this is just the future I am predicting—that our failure to adopt these amendments, our failure to focus on human rights, our failure to vote on human rights, our failure to vote on religious freedom, our failure to vote on the rights of people to organize and bargain collectively is going to lead to a new international economy where China, with the size of the country and the population, will become a magnet, it will become a low-wage export platform, and the people in your States are going to say to you: Where were you when you were asked to vote for us? Now you are saying to us, Senator, that you want us to compete against people who get paid as little as 3 cents an hour under the most brutal, exploitative labor conditions, and now we are losing our jobs as companies are leaving our States to go to China, and you had a chance to vote for the right for people to organize in China so they could make a decent wage and those workers would not be played off against us, and you didn't vote for it?

My colleagues should vote for this amendment because a vote for this amendment is not only a vote for human rights in China, not only a vote for the right of people to organize in China, but, most important of all, what this amendment is really about is simply saying to the President, before

going forward with normal trade relations with China, at least—and I want to read this again—at the very minimum, the President needs to certify China has provided a full accounting of these activists who are detained or imprisoned for their labor activities.

That is all the amendment asks, and China can show it is making substantial progress in releasing these activists from prison. That is what this amendment is about.

In a broader sense, this amendment is also about the right of people to organize and bargain collectively, and this is an amendment that says why should the people we represent in our States be put in a situation where they lose their jobs and where our communities lose businesses that go to China because they know they can pay miserably low wages, where people wind up in prison if they should dare get a better job, where they can actually export products made with prison labor, and we are not voting for amendments that give the people we represent in our own States some comfort that they themselves are not going to lose their jobs because of these absolutely brutal working conditions.

I do not think it is too much to vote for an amendment that asks for only one little piece of this. We will delay the effective date of PNTR until the President can certify that the Chinese Government has provided a full accounting of those people who have been detained or imprisoned for doing nothing more than trying to organize or trying to stand up for themselves and their families, and some accounting that this Government is releasing these innocent men and women from prison who have done nothing more than protest deplorable working conditions or tried to form an independent union. That is what this amendment is about.

I conclude this way, which is the way this debate started. We are forever being told that we live in a global economy, and that is true. For some reason, too many of my colleagues do not want to recognize the implications of this. For me, if we are now working and living in a global economy, that means if we are truly concerned about human rights, we can no longer just concern ourselves with human rights at home.

If we are truly concerned about religious freedom, we can no longer only concern ourselves with religious freedom at home. If we are truly concerned about the right of workers to organize and bargain collectively, and earn a better living for themselves and their families, then we can no longer concern ourselves with labor rights only at home. If we are truly concerned about the environment, we can no longer concern ourselves with the environment only at home.

I will say it one final time: The men and women in this world, who have been engaged in human rights issues, have long understood an essential, basic truth which is this: Americans,

Senators can never be indifferent to the desperate circumstances of exploited and abused people in the far reaches of the globe. When the most basic human rights and basic freedoms of others are infringed or endangered, we are diminished by our failure to speak out.

This amendment is a test case of whether or not we are willing to speak out. I say to my colleagues, since this is my last amendment, I believe we have made a big mistake—we will see what history shows us—in the rush to pass this piece of legislation. I think we have made a mistake because I believe the consequences, over the next 2, 3, 4, 5, 6, 7, 8, 9, 10 years will be very harsh.

I believe the economics in this global economy we are all talking about will become a major axis of American politics. I believe the people that we represent are going to want to know where each of us stood. I believe we should have been making the effort to make sure this new global economy—with China being such a major actor—would be an economy not only working for big multinational corporations and big financial institutions, which I know are very interested in passing this, but it would also be a global economy that works for working people, a global economy that works for human rights, a global economy that works for children, a global economy that works for the environment.

I will say—and I am sorry because none of us can be sure we are right; and I understand that—I have not, in the course of this debate, seen very many Senators come out and present any empirical evidence to the contrary of what I have had to say about these basic rights of people. Why is it that we just turn our gaze away from this? I do not understand it.

I also think we have made a mistake in another way, I say to the Presiding Officer. I think we have made a mistake in the stampede to pass this legislation, in this rush to passage, in this argument that we dare not even pass an amendment. Even if it deals with the right of people to practice their religion, even if it puts the U.S. Senate and our country and our Government on the side of human rights, we cannot do that because then it would go to conference committee. I do not understand that argument, not when you think about what the stakes are, not when you think about this in personal terms.

Whatever happened to the voice of the Senate? Whatever happened to the strong clarion call for the Government of China, and all governments in the world, to respect the human rights of their citizens? Whatever happened to our justice voice? Whatever happened to our human rights voice? Why were these concerns trumped by this headlong stampede and rush to pass this legislation?

I conclude my remarks this way: We will see what happens in the future.

I thank my colleagues for their graciousness. I hope Senators will vote for this amendment.

I yield the floor.

(Disturbance in the galleries.)

The PRESIDING OFFICER. The galleries are advised not to show any type of approval or disapproval.

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment. I do not intend to address the merits of his proposal as a matter of U.S. labor law. Rather, my point is a far simpler one.

The current business of this body is a bill to normalize our trade relationship with China. This amendment simply does not belong on H.R. 4444 and has nothing to do with China's trade status under our law.

But, the price of adopting the amendment could be very high for every working man and woman in the United States. The reason is that the amendment could result in delay or defeat of PNTR and the grant of PNTR is the one step we absolutely must take to ensure that American workers, together with American farmers and American businesses, reap the benefits of China's market access commitments under the WTO.

What we would be sacrificing is, according to independent economic analysis, \$13 billion in additional U.S. export sales annually. Expanding our export sales, as has been reiterated a number of times already in this debate, creates new jobs. And I point out, jobs in U.S. export sectors pay 15 percent more and provide 32 percent more in benefits than average.

What that means in practical terms is that the passage of PNTR and the exports we expect to expand under the WTO agreement with the Chinese provide real, tangible benefits to workers in American society.

I ask, as a consequence, that my colleagues join me in opposing the proposed amendment.

I ask the Senator from Minnesota, are you ready to yield back time?

Mr. WELLSTONE. I have a very quick response to my colleague.

Mr. President, I ask unanimous consent that an article in the Washington Post, dated January 11, 2000, entitled "No Workers' Paradise" be printed in the RECORD.

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

[From the Washington Post, Jan. 11, 2000]

NO WORKERS' PARADISE

(By John Pomfret)

SHENZHEN, CHINA—Fei Mingli, a slight teenager from Sichuan province, came to this bustling Chinese factory town in 1998 to seek her fortune in a textile factory, cranking out bluejeans and tank tops for the Western world. Sometime after midnight July 22, she went out for a walk.

Dogs patrolling the factory grounds attacked the 17-year-old, breaking her right leg and ripping chunks from her nose, head and elbows. Fei had violated a company rule that ordered all workers locked in their dormitories by midnight. She was hospitalized for 62 days.

When her father came to Shenzhen asking for compensation, the factory bosses added insult to her injuries by firing the girl and paying only medical expenses.

Fei's case could have sunk into the oblivion of hundreds of thousands of others like hers in China, where workers' rights are routinely sacrificed at the altar of economic development. But Fei and her father beat a path to a man who has become famous for standing up for workers in a country with one of the worst occupational safety records in the world.

Lawyer Zhou Litai took the case, and late last year, after proving that the factory did not have a dog permit and that there had been six similar attacks since 1994, he won Fei a \$6,000 settlement—a big chunk of change in a country where millions of laborers barely clear \$1,000 a year.

"Lawyer Zhou is a good man," said Fei Zhongming, Mingli's father. "Without him, we would have had nothing. He won justice for us."

China once advertised itself as a socialist workers' paradise. But in its mad rush to become a modern industrialized nation in the 20 years since economic reforms opened doors to the West, China's cutthroat system has victimized average laborers. With China preparing to enter the World Trade Organization, the United States and other advanced nations have pushed for some type of binding international labor standards; this was one of the issues behind demonstrations during the WTO's meeting in Seattle in November. But China and other developing countries have opposed such standards.

In the first nine months of last year, 3,464 miners died in China—about the same as 1998—one of the worst rates per ton of minerals mined in the world. The only place where official statistics have been released for industrial accidents is Shenzhen. In 1998, 12,189 workers were seriously injured and 80 died in industrial accidents in its 9,582 factories, although the real number is believed to be much higher.

More than 90 percent of those injured lost a limb. Statistics from the state hospital in Shenzhen's Bao'an county tell a gruesome tale. In the hospital's Building 7, 47 patients have lost hands; in Building 6, 21 patients have third-degree burns; in Building 5, 42 patients have lost legs.

After a ferry sank in November, killing 280 people, China's Communist Party leadership called for a nationwide workplace safety inspection campaign and acknowledged that despite years of hand-wringing about the importance of safety, serious health and safety hazards remain.

"Since 1980, labor standards in China have gotten worse," said Anita Chan, a senior research fellow of the Australian Research Council and an expert on China's labor issues. "In the state sector, workers are losing their jobs, so labor standards are almost as bad as foreign-funded or private-sector factories in inland provinces. . . . As for foreign-funded factories, exploitation and abuses have not diminished in the 1990s. If anything, because of the Asian economic crisis, it has gotten worse."

Attempts by workers to seek help from the government usually end in failure. The Communist government only allows one union to exist—the All-China Federation of Trade Unions—and it has crushed any attempt to organize independent unions. The ACFTU is generally viewed as a mouthpiece for the Communist Party, although in recent years it has fought quietly against some policies and laws that are clearly antilabor.

Born in Sichuan 42 years ago, Zhou was yanked out of school by his parents in third grade and put to work on the land. When he was 17, his father sent him to the forbidding

Tibetan plateau as a soldier. He served for five years in some of the harshest conditions on earth.

In 1979, he returned to Sichuan but again had to leave home because his family was too poor to feed him. Zhou found work in a brick factory in Hunan province, making a few dollars a month lugging 220-pound bags of coal and handling scalding bricks that singed the skin off his hands, arms and chest.

"It was normal for the factory not to pay the workers," Zhou recalled. "People were fired for nothing. People were beaten. It was bad."

A friend encouraged Zhou to learn a skill. He took to law, perhaps, he said, because he was infuriated by the exploitation around him. In 1986, he set up shop in Kaixian, his home town, in a poor county close to the smoky metropolis of Chongqing.

Ten years later, Zhou took the first case that would catapult him into national prominence but also land him in serious debt. In May 1996, a husband and wife, both workers at the Happy Toy Factory in Shenzhen, were walking on the factory grounds when they were killed by a delivery truck. The factory denied responsibility for their deaths, leaving the couple's three young children and their aging parents penniless.

The grandparents and the children were living in Sichuan—source for most of the cheap labor that has driven the economic miracle along China's eastern coast. They came to Zhou as a last resort. No lawyer in Shenzhen would take such cases because local governments had warned them against "affecting the investment environment," Zhou said.

As an outsider, Zhou could run a risk. He sued the Happy Toy Factory and won \$40,000—marking the first time in Communist China that a court had ordered a factory to pay damages to the family of deceased workers.

Zhou's experience in Shenzhen, meeting maimed workers with tales of exploitation, 18-hour shifts, dormitory lock-downs, dog attacks and decrepit machinery, convinced him that his life's work lay not in Sichuan, but with the Sichuanese who had come to Shenzhen.

"If you don't protect your workers, it doesn't matter how good your products are," he said. "You are creating a social volcano."

Since the toy factory case, Zhou has filed 200 other lawsuits in courts around Shenzhen. He has won 30; most of the others are still pending. He sometimes works on contingency and also receives donations. Along the way, he has angered the Shenzhen city government, which tried to disbar him in 1997 but lost in court.

In late 1997, Zhou found a house in a rough-and-tumble neighborhood on the outskirts of Shenzhen. Since then, 70 injured workers, out of jobs and penniless, have lived with him.

Running the house has thrown Zhou into debt to the tune of thousands of dollars. It has not helped that some of his guests have skipped town after winning their cases without paying him for room and board.

Most of Zhou's adversaries are factories run by Taiwanese, Hong Kong or South Korean companies, which work on a contract basis for Western firms. He has yet to sue a Japanese or American company, he said, because their labor conditions are better.

Workers in Shenzhen say the most dangerous machine is a mold for plastic products called a piji. One false move and a limb can be crushed by huge metal slabs at pressures varying from 40 to 500 tons.

It was on such a machine that Peng Guangzhong lost his right arm last spring. The factory had failed to buy insurance, so

his employers fired the 20-year-old immediately. Then, because of his injury, Peng's girlfriend dumped him. He attempted suicide. An arbitration committee said the factory should pay him \$4,500. With Zhou's help, Peng sued and won \$21,000 in court.

"Lawyer Zhou saved my life," Peng said. "Without him, I'd be dead."

Mr. WELLSTONE. I will read a couple of paragraphs from the article. This was written by John Pomfret:

China once advertised itself as a socialist workers' paradise. But in its mad rush to become a modern industrialized nation in the 20 years since economic reforms opened doors to the West, China's cutthroat system has victimized average laborers.

Then it goes on to say:

"Since 1980, labor standards in China have gotten worse," said Anita Chan, a senior research fellow of the Australian Research Council and an expert on China's labor issues.

I could go on and on.

I say to my colleague from Delaware, there are three parts to his argument that trouble me. First of all, this amendment has everything in the world to do with what is going on in China. This is not an amendment about labor law reform in the United States. That is an amendment I will bring to the floor at the very beginning of the next Congress. We will have a full debate about the right of people to organize in our country.

This is about China. This is about labor conditions in China. This amendment is about people who have been imprisoned because they have done nothing more than to speak out and protest against working conditions or trying to form a union.

This amendment just says, before the President goes forward, let's certify that China is willing to let these people out of prison, and that we are going to get some certification of some progress in that area. That is all this amendment is about.

The second thing I would say to my colleague from Delaware—we have had some of this discussion before—is that even if I believed he was right—and I think he is wrong—that actually we are going to see more exports that will lead to higher wages for American citizens, I do not believe people in the United States of America would be comfortable with the proposition that is being made on the floor of the Senate, at least by some, that since there is profit to be made, and more money to be made, and maybe more workers will do better in our country—which I will question in a moment—we should, therefore, turn a blind eye, turn our gaze away from these deplorable conditions; that we should not be concerned about the persecution of people who are trying to practice their religion; that we should not be concerned about human rights; that we should not be concerned about people who are imprisoned because they are trying to form a labor union. I do not believe most people in Minnesota or people in the country believe that.

Most people in Minnesota and the country believe these issues should be

of concern to the U.S. Senators. We, after all, are representing people in our Nation. I think it is a very sad day when the United States of America refuses to speak out for human rights in any country.

Indeed, this will be a debate that will go on. What will happen is, given the fact that we have Wal-Marts paying about 13 cents an hour—and I have given examples of companies paying far less—China is going to become the export platform where people know that if they should dare to try to organize a union, they are going to be thrown in prison. So all these multinational corporations have carte blanche approval to go to China, pay hardly anything in wages, have people working under deplorable working conditions, and we are going to lose jobs.

We are not going to see a lot more exports. We will see a lot more investment. What better place to invest for some of the multinational corporations than a country where you know you don't have to worry about paying good wages, you know you don't have to worry about safe working conditions because, if people dare to protest or challenge this for the sake of themselves or their families, they wind up in prison. I see a very different economic future.

I yield back the remainder of my time.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

VOTE ON AMENDMENT NO. 4128

Mr. ROTH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the Helms amendment No. 4128.

Mr. ROTH. Has all time been yielded back on that?

The PRESIDING OFFICER. All time has expired on the amendment. There are 2 minutes prior to the vote.

Mr. ROTH. Mr. President, I ask unanimous consent to yield back the 2 minutes on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—43

Abraham	Boxer	Burns
Ashcroft	Breaux	Byrd
Bayh	Bunning	Campbell

Collins	Inhofe	Sessions
Conrad	Jeffords	Shelby
DeWine	Kerry	Smith (NH)
Dodd	Kohl	Snowe
Dorgan	Kyl	Specter
Edwards	Leahy	Thompson
Feingold	McConnell	Thurmond
Gregg	Mikulski	Voinovich
Harkin	Reed	Warner
Helms	Reid	Wellstone
Hollings	Santorum	
Hutchinson	Sarbanes	

NAYS—53

Allard	Fitzgerald	Mack
Baucus	Frist	McCain
Bennett	Graham	Miller
Biden	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Murray
Brownback	Hagel	Nickles
Bryan	Hatch	Robb
Chafee, L.	Hutchison	Roberts
Cleland	Inouye	Rockefeller
Cochran	Johnson	Roth
Craig	Kerrey	Schumer
Crapo	Landrieu	Smith (OR)
Daschle	Lautenberg	Stevens
Domenici	Levin	Thomas
Durbin	Lincoln	Thorricelli
Enzi	Lott	Wyden
Feinstein	Lugar	

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4128) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4123

The PRESIDING OFFICER. There are now 2 minutes.

Mr. ROTH. Mr. President, I ask unanimous consent that on the three remaining stacked votes, they be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, who is going to pay attention if we agree to have 10-minute votes? Does anyone want to take a bet on it? We will not defer to that request. It will still be the same old thing—15 minutes, 20 minutes, 25 minutes, 30 minutes.

I would be embarrassed. I would be embarrassed to keep this Senate waiting on me for a vote. I hope if I am ever out and the time is up, they will call it. They won't hear a peep out of me.

We ought to respect the convenience and inconvenience of our colleagues who are kept waiting here.

I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask unanimous consent that we dispense with the 2 minutes before each of the other amendments on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I object to that.

Mr. LEAHY. I object to that.

The PRESIDING OFFICER. There are 2 minutes equally divided on the Helms amendment No. 4123.

The Senator from Montana is recognized.

Mr. BAUCUS. Might I inquire of the Chair whether they are 15-minute votes or 10-minute votes?

The PRESIDING OFFICER. They are 10-minute votes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time on the Helms amendment?

Mr. ROTH. Mr. President, the Senator yields his and I yield mine. I yield the 2 minutes.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 4123.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, nays 73, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—23

Ashcroft	Hollings	Shelby
Byrd	Inhofe	Smith (NH)
Campbell	Jeffords	Snowe
Collins	Kohl	Thompson
Edwards	Lautenberg	Thurmond
Feingold	Mikulski	Torricelli
Hatch	Sarbanes	Wellstone
Helms	Sessions	

NAYS—73

Abraham	Durbin	Mack
Allard	Enzi	McCain
Baucus	Feinstein	McConnell
Bayh	Fitzgerald	Miller
Bennett	Frist	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hutchinson	Rockefeller
Bunning	Hutchison	Roth
Burns	Inouye	Santorum
Chafee, L.	Johnson	Schumer
Cleland	Kerrey	Smith (OR)
Cochran	Kerry	Specter
Conrad	Kyl	Stevens
Craig	Landrieu	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
DeWine	Lincoln	Wyden
Dodd	Lott	
Domenici	Lugar	
Dorgan		

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4123) was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Could the Chair inform the Senate as to how long that 10-minute vote took?

Mr. BYRD. Mr. President, could we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The last vote took 16 minutes.

Mr. REID. Mr. President, I say, through the Chair to my friend from West Virginia, that I agree with him. I think that if we are going to have 10-minute votes, we should have 10-minute votes. We started these votes at 6 o'clock. It is now quarter to 7. In fact, we started before 6.

I would hope we could stick to the 10-minute limit. People have all kinds of things to do rather than sit around and wait to vote.

Mr. BYRD. Mr. President, may the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

There are now 2 minutes equally divided on the Feingold amendment.

Mr. BYRD. Mr. President, the Chair can see that the Senate is not in order. May we have order.

The PRESIDING OFFICER. Will those Senators having conversations in the well please take them to the Cloakroom.

The pending amendment is the Feingold amendment.

Mr. BYRD. Mr. President, I ask that there be order in the Senate, that staff in the Senate take seats, that staff in the Senate get out of the well.

I thank the Chair.

AMENDMENT NO. 4138

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute.

Mr. FEINGOLD. Mr. President, my amendment is eminently reasonable. This body is considering a bill that is very likely to become law. We have a responsibility to take that bill seriously, to actually examine its contents.

All my amendment will do is, first, require the Congressional-Executive Commission to make recommendations in its report. Secondly, we would require the commission to report to the Senate as well as to the House. Currently, under the bill, the commission reports only to the House International Relations Committee. And third, it will create a mechanism whereby any Member of the Senate can call the commission recommendations up on the floor so that these issues are not the exclusive purview of certain committees.

The amendment will not require the commission to affirmatively approve extension of PNTR. It will not infringe on any Member's right to amend legislation on the floor.

I think it is difficult to argue that this amendment does not improve the commission and the bill. I urge my colleagues to take this process seriously. I urge them to support this amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from Delaware has 1 minute.

Mr. ROTH. Mr. President, I oppose the Feingold amendment. Congress would, in effect, once again be asked to vote on China every year regarding the commission's recommendations on a fast-track basis. I believe adoption of this amendment would unnecessarily risk the underlying bill. I urge my colleagues to vote against it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4138. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 18, nays 78, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—18

Byrd	Hollings	Reed
Collins	Hutchinson	Sarbanes
DeWine	Kohl	Smith (NH)
Feingold	Lautenberg	Snowe
Harkin	Leahy	Thompson
Helms	Mikulski	Wellstone

NAYS—78

Abraham	Durbin	Mack
Allard	Edwards	McCain
Ashcroft	Enzi	McConnell
Baucus	Feinstein	Miller
Bayh	Fitzgerald	Moynihan
Bennett	Frist	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grams	Reid
Boxer	Grassley	Robb
Breaux	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bryan	Hatch	Roth
Bunning	Hutchison	Santorum
Burns	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (OR)
Cochran	Kerrey	Specter
Conrad	Kerry	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thurmond
Daschle	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	Wyden

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4138) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are 2 minutes equally divided on the Wellstone amendment.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, may we have order in the Chamber before I start?

The PRESIDING OFFICER (Mr. ROBERTS). The Chamber will come to order.

AMENDMENT NO. 4120

Mr. WELLSTONE. Mr. President, I have cited both the State Department Report on Human Rights and the International Labor Organization report this past year of courageous men and women who have done nothing more than protest deplorable working conditions and try to organize and bargain collectively and are now in prison.

This amendment simply says that PNTR depends upon an accounting from the Chinese Government about these people who are in prison and helps Congress in releasing these people from prison. I say to my colleagues, I believe during this debate we have put human rights concerns aside; we have put the rights of people who practice religion aside. These questions dealing with human rights, whether people are free to practice their religion, or whether people are free to protest deplorable working conditions, are important concerns. Thank you for giving me the opportunity to speak out on these. I hope I will get a good vote.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, this amendment would unilaterally impose conditions on the normalization of our trade relations with China that would backfire by effectively barring access of U.S. companies to the Chinese markets on terms at least as good as other WTO members. The amendment would also eliminate the positive force that American companies can play in the Chinese market by potentially leading to the delay in PNTR and cutting off the benefit of China's market access commitment for U.S. firms.

The amendment would have the perverse effect of narrowing the private sector in China in which some limited organizing is permitted. The point of this bill is to level the playing field between the United States and China, all of which would be forfeited if this amendment passes and becomes law.

I yield the remainder of my time.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment No. 4120.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 22, nays 74, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—22

Ashcroft	Harkin	Sarbanes
Bayh	Helms	Smith (NH)
Boxer	Hollings	Snowe
Byrd	Hutchinson	Specter
Collins	Inhofe	Torricelli
Dorgan	Leahy	Wellstone
Feingold	Mikulski	
Gregg	Reed	

NAYS—74

Abraham	Enzi	McCain
Allard	Feinstein	McConnell
Baucus	Fitzgerald	Miller
Bennett	Frist	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Breaux	Grassley	Reid
Brownback	Hagel	Robb
Bryan	Hatch	Roberts
Bunning	Hutchison	Rockefeller
Burns	Inouye	Roth
Campbell	Jeffords	Santorum
Chafee, L.	Johnson	Schumer
Cleland	Kerrey	Sessions
Cochran	Kerry	Shelby
Conrad	Kohl	Smith (OR)
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Thompson
DeWine	Levin	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Durbin	Lugar	Wyden
Edwards	Mack	

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4120) was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, with the consent of my friend from Delaware, the manager of this bill, I ask unanimous consent, upon disposition of H.R. 4444, the Senate proceed to the consideration of Calendar No. 152, H.R. 1259, the Social Security lockbox bill, and that it be considered under the following time limitation: 2 hours for debate on the bill equally divided between the managers; that Senator CONRAD have a Social Security-Medicare lockbox amendment; that Senator GRAHAM of Florida have a Medicare prescription drug amendment; that other relevant first-degree amendments be in order; and that relevant second-degree amendments be in order.

Mr. CRAIG. I object.

The PRESIDING OFFICER. An objection is heard.

The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I ask consent that time on all remaining first-degree amendments be limited to no more than 1 hour, to be equally divided in the usual form, and that no second-degree amendments be in order prior to the vote, and limited to the ones described below. I further ask consent that following these amendments in the allotted time specified below, the bill be advanced to third reading and passage occur, all without any intervening action or debate. I also ask that

no motions to commit or recommit be in order.

Those remaining first-degree amendments are as follows: Feingold, regarding a commission; Hollings No. 4134; Hollings No. 4135; Hollings No. 4136; Hollings No. 4137; B. Smith No. 4129, divisions I through V.

I further ask consent that there be 6 hours equally divided between the two leaders for general debate on the bill, with the following Members recognized just prior to final vote on H.R. 4444, in the order stated: 60 minutes under the control of Senator BYRD, 30 minutes under the control of Senator HELMS, 30 minutes under the control of Senator MOYNIHAN, 30 minutes under the control of Senator ROTH, 30 minutes under the control of Senator DASCHLE, 30 minutes under the control of Senator LOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, as a result of this agreement, there will be no further votes today. However, votes can be expected throughout the day tomorrow.

Mr. REID. Mr. President, I certainly applaud and congratulate the two managers of this bill to arrive at a point of a finite number of amendments with time limits.

I say to the Senate in general, however, that just because these amendments were in order doesn't mean the Senators have to offer them, and just because all the time agreements have been listed doesn't mean people have to use that time. I hope the two leaders work toward finding a way we can finish this bill tomorrow evening. There is a tremendous amount of work still left to be done in the Senate. I hope to finally resolve this legislation sometime tomorrow.

Mr. MOYNIHAN. Mr. President, I very much support that view, and I think our indefatigable chairman might also agree.

Mr. ROTH. I assure the distinguished colleagues I want to move as expeditiously as possible toward completion of this critically important legislation.

Mr. MOYNIHAN. If I might say, these amendments get 18 votes, 22 votes; we now have a pattern.

The Senate made its decision about this legislation midday. The sooner we are in the aftermath, the better relations will be, and the Senate can go on to other business.

Mr. FEINGOLD. Mr. President, I voted in favor of the Smith amendment to H.R. 4444, the bill to extend permanent normal trade relations to the People's Republic of China. The Smith amendment would have extended the mandate of the Congressional-Executive Commission on the People's Republic of China to include responsibility for monitoring and reporting on organ harvesting in China. For years, chilling reports have emerged out of China, detailing horrific scenarios in which organs are illicitly harvested for profit from executed prisoners. It is my

understanding that the Chinese government has failed to take action to stop the criminal elements responsible for these abhorrent practices. Certainly careful monitoring and reporting on this issue is appropriate.

Mr. GORTON. Mr. President, today the Senate voted on several amendments to the bill establishing permanent normal trade relations status for the People's Republic of China. Regrettably, I was unable to register my votes on these amendments. Following are my thoughts regarding a few.

With respect to the amendment offered by Senator BYRD regarding potential import surges from China, I must state my opposition. While the Senator from West Virginia deserves credit in his effort to protect the American worker, the anti-dumping and surge protection mechanisms contained in the bilateral agreement brokered between the U.S. and China were crafted to address this very issue. Recognizing these two issues were considered "deal breakers" by U.S. trade interests, I have every reason to believe his concerns have been addressed.

I must also state my opposition to Senator BOB SMITH's amendment regarding the harvesting and transplanting of human organs. Without question, the issue of human rights and the treatment of Chinese citizens should be of upmost concern to every American. I believe the human rights provisions agreed to in H.R. 4444 were established to conquer and address such atrocities.

In particular, I would have also supported the effort to table the amendment offered by Senator THOMPSON. I have for quite some time, to the knowledge of my constituency in Washington and my colleagues here in the Senate, criticized the Clinton-Gore administration's approach to non-proliferation issues with China. However, I do not believe that Congress, by creating an entirely new sanctions policy or by establishing an additional layer of export controls, can effectively address these concerns nor strengthen U.S. national security. We must approach these measures with caution, we will approach them with a new administration, and we must recognize that when we confront China about these terribly significant issues, we will be approaching them as a trading "partner". If in the coming years China does not appropriately address the issues of non-proliferation, I assure my colleagues that I will be the first to raise concern.

Mr. JOHNSON. Mr. President, I rise today to share with my colleagues a letter from numerous agricultural producers and organizations opposing any and all amendments to the bill to grant permanent normal trade relations to the People's Republic of China. This letter specifies the dangers the pending amendment relative to Chinese non-proliferation requirements would pose to agricultural producers.

I ask unanimous consent that the letter be printed in the RECORD.

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

SEPTEMBER 12, 2000.

Hon. TRENT LOTT,
Russell Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: It is critical to American agriculture that H.R. 4444, the China Permanent Normal Trade Relations (PNTR) legislation, moves forward without amendment. Any amendments would require another vote in the House of Representatives and send China and our competitors the message that the United States is not serious about opening the China market to U.S. products.

The Thompson amendment would require the President to implement sanctions under various circumstances. Unilateral sanctions have the effect to giving U.S. markets to our competitors. While there are efforts to exempt food, medicine and agriculture from the existing language, American agricultural producers, regardless of exemptions, would be put at risk. If the United States sanctions or even threatens sanctions for any products, agriculture is often first on the other country's retaliation list.

Additionally, further consideration of the China Nonproliferation bill should not delay action on a vote for PNTR. The U.S. agriculture industry continues to face depressed prices. Agricultural producers and food manufacturers should not have to face burdens erected by their own government such as unilateral sanctions or failure to pass PNTR.

We urgently request your help in achieving a positive vote on PNTR without amendment.

Thank you for your help and we look forward to working with you on these important issues.

Sincerely,

AgriBank,
Agricultural Retailers Association,
Alabama Farmers Federation,
American Crop Protection Association,
American Farm Bureau Federation,
American Feed Industry Association,
American Meat Institute,
American Seed Trade Association,
American Soybean Association,
Animal Health Institute,
Archer Daniels Midland Company,
Biotechnology Industry Organization,
Bunge Corporation,
Cargill, Inc.,
Cenex Harvest States,
Central Soya Company; Inc.,
Crestar USA,
CF Industries, Inc.,
Chocolate Manufacturers Association,
CoBank,
Distilled Spirits Council of the United States,
DuPont,
Farmland Industries, Inc.,
Grocery Manufacturers of America,
IMC Global Inc.,
Independent Community Bankers of America,
International Dairy Foods Association,
Land O'Lakes,
Louis Dreyfus Corporation,
National Association of State Departments of Agriculture,
National Association of Wheat Growers,
National Barley Growers Association,
National Cattlemen's Beef Association,
National Chicken Council,
National Confectioners Association,
National Corn Growers Association,
National Council of Farmer Cooperatives,
National Food Processors Association,
National Grain and Feed Association,

National Grange,
 National Milk Producers Federation,
 National Oilseed Processors Association,
 National Pork Producers Council,
 National Potato Council,
 National Renderers Association,
 National Sunflower Association,
 North American Export Grain Association,
 North American Millers' Association,
 Pet Food Institute,
 Pioneer Hi-Bred International,
 Rice Millers' Association,
 Snack Food Association,
 Sunkist Growers,
 The Fertilizer Institute,
 United Egg Association,
 United Egg Producers,
 USA Poultry and Egg Export Council,
 U.S. Canola Association,
 U.S. Dairy Export Council,
 U.S. Meat Export Federation,
 U.S. Rice Producers Association,
 U.S. Rice Producers' Group,
 U.S. Wheat Associates,
 Wheat Export Trade Education Committee,
 Zeeland Farm Soya.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent there be a period of morning business for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MARRIAGE PENALTY TAX

Mrs. HUTCHISON. Mr. President, I rise today to speak on the issue of the marriage penalty. Today, the House of Representatives voted overwhelmingly, 270-158, in favor of eliminating the marriage penalty tax. Unfortunately, that doesn't mean it is going to become law because the President has vetoed the bill, and even the overwhelming margin of 270-158 is not enough to override the President's veto.

So 21 million American couples are going to have to suffer an inequity in the Tax Code again this year. They are going to have to suffer and pay \$1,400, average, in taxes just because they decided to get married. If two people, a policeman and a schoolteacher, get married, they get hit the hardest because they suffer from the marriage penalty tax.

I am very proud of the House of Representatives for trying to override the President's veto. I am proud that they spoke overwhelmingly, even though it was 20 votes shy of the two-thirds majority that was necessary. But we need to fix the marriage penalty tax. We need a President who will sign marriage penalty relief, and we need a President who will work with us to have real tax relief for the citizens of our country who are working so hard to make this economy great.

Mr. President, I yield the floor.

THE AWARDING OF THE PRESIDENTIAL MEDAL OF FREEDOM TO SENATOR GEORGE MCGOVERN

Mr. JOHNSON. Mr. President, I rise today with great pride and satisfaction to address an occasion of great significance that occurred during the Senate's August recess. On August 9, President Clinton awarded the highly prestigious Medal of Freedom to former United States Senator George McGovern. This medal is the very highest award presented to civilians by the United States Government, and is an honor that is richly deserved.

Throughout his long and remarkable career, George McGovern has distinguished himself as a scholar, a political leader, a humanitarian and a person of extraordinary integrity. A generation of American political leaders still define themselves as McGovern Democrats. At Dakota Wesleyan University in Mitchell, South Dakota, George McGovern effectively emphasized the great importance of public service and civic involvement. As President Kennedy's Director of Food for Peace he helped launch our nation's commitment to combat world hunger. On the floor of the United States Senate, McGovern was a powerful voice for rural America, for our nation's disadvantaged, as well as for an end to the Viet Nam conflict. Today, as ambassador to the United Nations Food and Agricultural Organization in Rome, Ambassador McGovern has continued his work on nutrition and has articulated a visionary plan for a world school lunch program.

As my colleagues are very aware, Senator McGovern won the Democratic nomination for President of the United States in 1972 in what turned out to be an unsuccessful presidential campaign. Historians will long ponder what the course of American history might have been if that campaign had turned out differently. But we don't have to wait for the judgment of historians to know George McGovern's life has had an incredibly important and lasting impact on America and the world. George continues to persevere and his commitment to a better planet continues to shine.

We in South Dakota understandably feel a profound pride in the life and career of George McGovern—a son of a South Dakota minister, a military hero, a national political leader, and a diplomat of the highest order. I extend my enthusiastic congratulations to Senator McGovern and wish he and his family the very best as he continues his critically important work in Rome.

VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until

we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today. September 13, 1999: Jonathan Holmes, 32, Detroit, MI; Edward Luckenbill, 51, Louisville, KY; Adrian Offutt, 19, Louisville, KY; Finnis Parron, 31, Houston, TX; Sherlyn Robinson, 37, Houston, TX; Unidentified Male, 29, Norfolk, VA; and Unidentified Male, 43, Norfolk, VA.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

MARKETING VIOLENCE TO CHILDREN

Mr. JOHNSON. Mr. President, the Senate Commerce Committee held a hearing today on the critical issue of the entertainment industry's marketing of violent material to children. While I am not a member of the Senate Commerce Committee, I appreciated Chairman McCain and Ranking Member Hollings giving me the opportunity to share my perspective as the parent of three children and some insights on the issue I have gained from a series of youth violence meetings in South Dakota.

In response to the numerous school shootings around our country, I've held a series of roundtable discussions in South Dakota with parents, students, school officials, and local law enforcement. I heard repeatedly from parents and students themselves that no one believes that explicitly violent movies, video games, or music are the sole causes for violence among our nation's youth. However, South Dakota students acknowledged that the entertainment industry has a large influence on their daily lives, and South Dakota parents specifically asked for additional resources they can use to help keep violent material out of their children's hands.

My wife, Barbara, and I recently accompanied our youngest child to her first day at college. Seeing our daughter settle into her new home in the freshman dormitory brought feelings of sadness at the inevitable passage of time. Barbara and I also were relieved, in a sense, by the fact that our daughter's first day of college also marked the successful completion of her childhood. I can sympathize with the parents of children just entering their teen years who are concerned that it will be increasingly difficult to keep objectionable material from their sons and daughters as they grow up.

That is why I am troubled by the results of the Federal Trade Commission's (FTC) Report on the Marketing

of Violent Entertainment to Children. As you know, the President asked the FTC to investigate two simple questions: Do the movie, music recording, and computer game industries market to young people products that contain violent content in a way that undermines the ratings they themselves apply to their products? If so, is that target marketing intentional? According to the recently-released FTC report, the answer to both questions appears to be yes."

The FTC report found that 80 percent of movies rated R" for violence were targeted to children under 17. A movie industry document even acknowledged that [o]ur goal was to find the elusive teen target audience and make sure everyone between the ages of 12-18 was exposed to the film." Another document spoke of using youth groups such as Boy Scouts, Girl Scouts, and 4-H Clubs in the market testing of R-rated" films.

Teenagers apparently have also been the target of the music industry's efforts to sell CDs with explicit content labels. According to the FTC report, all music recordings used in the study were in some way targeted toward children under 17. This practice included the placing advertising in media specifically aimed at a youth audience. Finally, the FTC report noted that 70 percent of all video games with "Mature" ratings for violence were targeted toward youth.

It is important to note that the FTC report also conducted studies on children's ability to access these products. The FTC found that most retailers make little effort to restrict children's access to products with violent content. Almost half of the movie theaters used in the study admitted children ages 13 to 16 to R-rated" films even when not accompanied by an adult. The FTC study also showed that unaccompanied children were able to buy explicit recordings and Mature-rated" video games 85 percent of the time.

The FTC's findings are staggering, and I am eager to hear the entertainment industry's response to the report. Clearly, the entertainment industry and its retail partners must refocus their efforts and work with the FTC and concerned members of Congress like myself to keep violent material out of the hands of children.

It is my hope that the entertainment industry will take this opportunity to help restore the faith of the American public in its voluntary ratings system. Parents in South Dakota and around the country must also have resources they can trust to help them prevent youth violence in their own communities.

I look forward to working with my Senate colleagues and members of the industry on ways to keep violent material out of the hands of children without infringing on fundamental First Amendment rights.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 12, 2000, the Federal debt stood at \$5,684,118,446,519.63, five trillion, six hundred eighty-four billion, one hundred eighteen million, four hundred forty-six thousand, five hundred nineteen dollars and sixty-three cents.

Five years ago, September 12, 1995, the Federal debt stood at \$4,964,466,000,000, four trillion, nine hundred sixty-four billion, four hundred sixty-six million.

Ten years ago, September 12, 1990, the Federal debt stood at \$3,232,127,000,000, three trillion, two hundred thirty-two billion, one hundred twenty-seven million.

Fifteen years ago, September 12, 1985, the Federal debt stood at \$1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million.

Twenty-five years ago, September 12, 1975, the Federal debt stood at \$549,340,000,000, five hundred forty-nine billion, three hundred forty million, which reflects a debt increase of more than \$5 trillion—\$5,134,778,446,519.63, five trillion, one hundred thirty-four billion, seven hundred seventy-eight million, four hundred forty-six thousand, five hundred nineteen dollars and sixty-three cents, during the past 25 years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF MS. EMILY E. ROME

• Mr. TORRICELLI. Mr. President, I hereby recognize Ms. Emily E. Rome of the Paterson School District as the 2000-2001 Passaic County Teacher of the Year. For the past 50 years, Ms. Rome has served as a physical education teacher and has received numerous awards and accolades along the way. Her accomplishments range from prestigious recognition by the U.S. Congress and the Governor of New Jersey to various awards granted by the New Jersey Education Association and the National Education Association.

However, the effectiveness of her service reaches far beyond the view of the public eye. In the classroom, Ms. Rome has dedicated herself to creating a supportive and productive environment for the youth of Passaic County. As an educator, she has helped to shape the mind and spirit of these individuals during a crucial stage of development in their lives. Further, as a member of the community, Ms. Rome has demonstrated the high level of service and commitment that we all should strive to achieve.

Ms. Rome's accomplishments and accolades reflect only a small portion of the many contributions she has made to those she has served. Her efforts have spanned from the children of Passaic County to a variety of young individ-

uals who aspire to follow in her footsteps and education and service in the future. She is an exemplar of the professionalism that we hope to find in our educators, and the type of citizen that we hope to find in our communities. Ms. Rome is a representative of excellence, and her dedication to the world both inside and outside of the classroom is to be commended.●

TRIBUTE TO ROBERT CRESANTI

• Mr. BENNETT. Mr. President, I rise today to pay tribute to one of my employees, Robert Cresanti. Robert has worked as my staff director on the Special Committee which addressed the Y2K problem which I chaired and has also served as a subcommittee staff director and counsel on the Banking Committee where I sit. Robert is a wonderful example of an outstanding man who has given much of his time and talents to the U.S. Senate and the American people. He has developed excellent skills in the legislative process and in the ways of Washington. I know he will be successful in his future endeavors. As he leaves the Senate to go into the private sector I express my great appreciation to him for his 8 years of loyal service and wish him the very best as he starts his new professional opportunity.●

TRIBUTE TO BENJAMIN HILL III OF FLORIDA

• Mr. GRAHAM. Today I offer a tribute to a great Floridian who has advanced the cause of quality judicial appointments to an independent Federal judiciary: Mr. Benjamin Hill III of Tampa.

For four years, Mr. Hill has served as chairman of Florida's non-partisan Federal Judicial Nominating Commission, which screens candidates for federal judgeships. Mr. Hill has done an outstanding job of leading the Commission and saluting the principle that those appointed to the federal judiciary should be among the best in the legal profession.

This year the United States Senate has confirmed six new federal judges for Florida; five in the Middle District and one in the Southern District. The investiture ceremony for two of those new judges, the Honorable James Moody and the Honorable James David Whittemore, will be held September 18, 2000, in Tampa, Florida, followed by other investitures elsewhere in our state. The federal judiciary, the legal profession and the public welcome these new federal judges.

As we applaud new jurists, we also recognize the tireless work of Mr. Hill in managing a judicial-selection process focused on meritorious appointments. A leader in his community, his church and his profession, Mr. Hill is a past president of the Florida Bar and a current member of the Board of Governors Executive Committee of the American Bar Association.

The United States Constitution specifies that one of the functions of

the United States Senate is to offer "advice and consent" on the executive branch's nominations, which includes the nomination of federal judges for our independent judiciary.

Perhaps the most visible aspect of the advise-and-consent clause is the Senate's power to confirm nominations or reject them, thus denying consent. There are myriad ways to offer advice to the executive branch; here's a brief description of our process in Florida.

Florida's Federal Judicial Nominating Commission, a diverse non-political panel comprised of attorneys and lay persons, receives and reviews applications from prospective federal judges. The Commission forwards top candidates to my attention. This screening process evolved so that Senator CONNIE MACK and I jointly interviewed leading applicants and made joint recommendations to the White House.

During the period that Mr. Hill has served as chairman of this Commission, the United States Senate has confirmed the nominations of the following Floridians to serve as United States District Court judges:

MIDDLE DISTRICT

The Honorable John Antoon II
The Honorable Richard Lazzara
The Honorable James Moody
The Honorable Gregory Presnell
The Honorable John Steele
The Honorable James David Whittemore

NORTHERN DISTRICT

The Honorable Stephan Mickle

SOUTHERN DISTRICT

The Honorable William P. Dimitrouleas
The Honorable Alan Gold
The Honorable Paul C. Huck
The Honorable Adalberto Jordan
The Honorable Donald Middlebrooks
The Honorable Patricia A. Seitz

By any measure, this is an impressive list. We express our appreciation to the Senate Judiciary Committee and its chairman, Senator ORRIN HATCH, for prompt and thorough review of nominees from Florida.

As we approach the end of the 106th Congress, we salute the citizen involvement of the dedicated men and women who serve on Florida's Federal Judicial Nominating Commission. Its members and its chairman, Mr. Benjamin Hill III, personify public service.●

TRIBUTE TO JOE DINI

● Mr. BRYAN. Mr. President, the Speaker of the House of the Nevada State Assembly is one of Nevada's treasures and he happens to be a very close personal friend of mine.

I have been privileged to know Joe Dini since I first served with him in the state assembly during the 1969 legislative session and I continue to value his friendship.

Joe Dini was born and raised in the small town of Yerington, NV, he attended the University of Nevada and returned to the community of his birth to work along side his father in the family business.

In 1966 he was elected to the Nevada State Assembly, the first of his 17 terms; a record unrivaled since our state entered the union in 1864.

As a legislator, he has become the legislature's leading authority on western water issues. He served on the Western States Water Council and chaired the Water Policy Committee of the Council of State Governments-West.

In 1973, he was selected by his colleagues to serve a Speaker Pro Tempore and the following session, in 1975, as Majority Leader.

During his long and distinguished tenure, the State of Nevada has undergone dramatic changes. The state's population has increased by more than five fold. Nevada has become more urban and most of the state's population growth has been in Southern Nevada which now accounts for two-thirds of the state's population.

Not only is Joe Dini the longest serving member of the Assembly, but he has also been elected by his peers as the Speaker of the Nevada State Assembly an unprecedented eight times. Another record unparalleled in our state's history.

This extraordinary accomplishment is even more remarkable when one considers that rural Nevada, Joe Dini's political base, today represents just 15 percent of the state's over all population. He is a Nevada treasure, the likes of which we will surely not see again.

Now in the twilight of his career of public service, he is being showered with the honors and recognition he so richly deserves.

As with so many of us who have pursued a life of public service, Joe's family, his wife and his children have sacrificed much to make his service possible. Nevadans owe a debt of gratitude to Joe Dini's family as well.

I am pleased to join with Joe's many friends in paying my respect, to my friend—the much loved and respected, and Pizen Switch's number one citizen, Joe Dini.●

TRIBUTE TO ROGER SANT

● Mrs. FEINSTEIN. Mr. President, it is my privilege to recognize the truly world-changing efforts of Roger Sant, a distinguished and successful businessman who, in his six years as Chairman of World Wildlife Fund, has brought profound changes to the way conservation is accomplished here in the United States and, indeed, around the world.

Having taught corporate finance at Stanford University's Graduate School of Business early in his career, Mr. Sant moved east to lead the Ford Administration's energy conservation efforts as head of the energy conservation program at the Federal Energy Administration. In 1981, he founded AES Corporation, a publicly held global power company characterized by its innovative approaches to energy production. Throughout his career, culmi-

nating in his chairmanship of WWF, Mr. Sant has been committed to conservation in all its aspects, inspired by the imperative of leaving a living planet to future generations.

As the involved and inspiring chairman of World Wildlife Fund, Mr. Sant has encouraged the organization to think big, working to achieve conservation results at a new ecoregional, landscape scale. He has applied his business acumen as well as a range of skills and approaches honed through his work in government, academia, and the nonprofit world to make a compelling case for conservation to decision makers around the world, from heads of state to government leaders in the United States. Encouraging partnerships, he has supported significant and innovative cooperative arrangements between conservation organizations, governments and private entrepreneurs, and among governments, all with the goal of advancing conservation priorities at a scale that can achieve lasting results. His personal support of conservation initiatives has made a world of difference.

As Roger Sant steps down on September 19 after six years as WWF Chairman, he continues his personal commitment to conserving the world's endangered species and spaces. Based on his track record, we all can give thanks for his substantial conservation achievements as well as for all we know he will achieve for conservation in the coming years.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House has passed the following bill, without amendment:

S. 1374. An act to authorize the development and maintenance of a multiagency campus project in the town of Jackson, Wyoming.

The message further announced that the House has passed the following bill, with an amendment:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 755. An act to establish the Guam War Claims Review Commission.

H.R. 1460. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo Tribe.

H.R. 1775. An act to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

H.R. 2090. An act to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

H.R. 3222. An act to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program.

H.R. 3378. An act to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region.

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

H.R. 4104. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and environmental restoration projects for the Mississippi Sound, Mississippi, and for other purposes.

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.R. 4840. An act to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5123. An act to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 368. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

H. Con. Res. 394. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374.

ENROLLED BILLS SIGNED

At 7:49 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 755. An act to establish the Guam War Claims Review Commission; to the Committee on Energy and Natural Resources.

H.R. 1460. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe; to the Committee on Indian Affairs.

H.R. 1755. An act to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3222. An act to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3378. An act to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region; to the Committee on Environment and Public Works.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4104. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and environmental restoration projects for the Mississippi Sound, Mississippi, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4318. An act to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Energy and Natural Resources.

H.R. 4840. An act to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act; to the Committee on Commerce, Science, and Transportation.

H.R. 5123. An act to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines; to the Committee on Health, Education, Labor, and Pensions.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 368. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2090. An act to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10703. A communication from the Director of the Office of Regulations Management, Office of Resolution Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled

"Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN2900-AJ11) received on September 8, 2000; to the Committee on Veterans' Affairs.

EC-10704. A communication from the Director of the Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Appeal Regulations: Title for Members of the Board of Veterans' Appeals" (RIN2900-AK14) received on September 11, 2000; to the Committee on Veterans' Affairs.

EC-10705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (12); amdt. No. 2008; [8/24-9/7]" (RIN2120-AA65) (2000-0043) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (60); amdt. No. 2006; [8/24-9/7]" (RIN2120-AA65) (2000-0044) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (50); amdt. No. 2005; [8/10-9/7]" (RIN2120-AA65) (2000-0045) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (61); amdt. No. 2003; [8/10-9/7]" (RIN2120-AA65) (2000-0046) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9, Model MD-90-30, Model 717-200, and Model MD-88 Airplanes; docket no. 2000-NM-89 [8-8/9-7]" (RIN2120-AA64) (2000-0436) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F .28 Mark 0100 Series; docket no. 2000-NM-02 [8-29/9-7]" (RIN2120-AA64) (2000-0437) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model BAe 146 and Model Avro 146-RJ; docket no. 99-NM-35 [8-29/9-7]" (RIN2120-AA64) (2000-0439) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 and 767 Series Airplanes Equipped with GE CF6-80C2 Series Engines; docket no. 2000-NM-24 [8-31/9-7]" (RIN2120-AA64) (2000-0440) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace HP137 Mkl, Jetstream Series 200, 3101, and 3201 Airplanes; docket no. 98-CE-117 [8-21/9-7]" (RIN2120-AA64) (2000-0441) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Franc Model EC120B Helicopters; docket no. 2000-SW-33 [8-28/9-7]" (RIN2120-AA64) (2000-0445) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GMBH Model Bo 105A, 105C, 105 C-2, 105, CB2, BO105, CB4 BO 105S, BO 105 CS-2, BO105 CBS-2, CBS-4 and BO 105LS A1 Helicopters; docket no. 99-SW-66 [8-28/9-7]" (RIN2120-AA64) (2000-0446) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200 and 300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental type Certificate SA2969SO; docket no. 2000-NM-277 [8-25/9-7]" (RIN2120-AA64) (2000-0448) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, 200C Series Airplanes; docket no. 2000-NM-288 [8-25/9-7]" (RIN2120-AA64) (2000-0449) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, and 300F Series Airplanes; docket no. 2000-NM-289 [8-25/9-7]" (RIN2120-AA64) (2000-0450) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10719. A communication from the Program Assistant of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions; Amends Class D Airspace, Cocoa Patrick AFB, FL, and Class E5 Airspace, Melbourne, FL Docket No. 00-ASO-22 [11-30-9-11-00]" (2120-AA66) (2000-0220) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10720. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Interpretive rule; Court of Competent Jurisdiction; [8-20/9-7]" (2120-ZZ28) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10721. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Final Rule public Meeting; Changed Product Rule Meeting [8-2/9-7]" (2120-ZZ29) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10722. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Cocoa Beach, FL; docket no. 00-ASO-31 [8-24/9-7]" (2120-AA66) (2000-0210) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10723. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Simmons Army Airfield, NC, and Class E4; Airspace, Key West FL; docket no. 00-ASO-30 [8-24/9-7]" (2120-AA66) (2000-0211) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10724. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Melbourne, FL and Cocoa Patrick AFB, FL; docket no. 00-ASO-27 [8-21/9-7]" (2120-AA66) (2000-0212) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10725. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marquette. <Correction; docket no. 00-AGL-02 [8-23/9-7]" (2120-AA66) (2000-0213) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10726. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Pratt, KS; Correction; docket no. 00-ACE-14 [8-29/9-7]" (2120-AA66) (2000-0214) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10727. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Coffeyville, KS; docket no. 00-ACE-15 [8-29/9-7]" (2120-AA66) (2000-0215) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10728. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Soldiers Grove, WI; docket no. 00-AGL-19 [8-25/9-7]" (2120-AA66) (2000-0216) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10729. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Modification of Class E Airspace; Frankfort, MI; docket no. 00-AGL-18 [8-28/9-7]" (2120-AA66) (2000-0217) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10730. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Dickinson, ND; docket no. 00-AGL-17 [8-28/9-7]" (2120-AA66) (2000-0218) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10731. A communication from the Comptroller General, transmitting, pursuant to law, the report entitled "Reports, Testimony, Correspondence, and Other Publications: July 2000"; to the Committee on Governmental Affairs.

EC-10732. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 8, 2000; to the Committee on Governmental Affairs.

EC-10733. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2000-2001 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018-AG01) received on September 8, 2000; to the Committee on Environment and Public Works.

EC-10734. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to Wickiup Dam, Deschutes Project, Oregon; to the Committee on Environment and Public Works.

EC-10735. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, three rules entitled "Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District and Bay Area Air Quality Management District" (FRL #6850-1), "Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District" (FRL #6852-7), and "Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District" (FRL #6868-9) received on September 11, 2000; to the Committee on Environment and Public Works.

EC-10736. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the national intelligent transportation systems five-year program plan; to the Committee on Environment and Public Works.

EC-10737. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Topical Antifungal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph" (RIN0910-AA01) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10738. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Substances Approved for Use in Preparation of Meat and Poultry Products" (RIN0910-AA58) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10739. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Serv-

ices, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket No. 98F-0484) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10740. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Biological Products Regulated Under Section 351 of the Public Health Service Act; Implementation of the Biologics License; Elimination of Establishment License and Product License; Technical Amendment" (Docket No. 98N-0144) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10741. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers" (Docket No. 99F-0127) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10742. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Requirements Applicable to Albumin (Human), Plasma Protein Fraction (Human), and Immune Globulin (Human)" (Docket No. 98N-0608) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10743. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment of Various Device Regulations to Reflect Current American Society for Testing and Materials Citations, Confirmation in Part and Technical Amendment; Correction" (Docket No. 99N-4955) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10744. A communication from the Secretary of Defense, transmitting a notice relative to three retirements; to the Committee on Armed Services.

EC-10745. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, a report relative to animal welfare enforcement; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10746. A communication from the Regulatory Management Staff, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Actbenzolar-S-Methyl; Pesticide Tolerance" (FRL #6737-6) and "Fosetyl-Al; Pesticide Tolerance" (FRL #6599-4) received on August 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10747. A communication from the Small Advocacy Chair, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Coumaphos; Pesticide Tolerances for Emergency Exemptions" (FRL #6738-3), "Mancozeb; Pesticide Tolerance Technical Correction" (FRL #6736-4), "Propiconazole; Extension of Tolerances for Emergency Exemptions" (FRL #6737-1), and "Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions" (FRL #6598-9) received on August 15, 2000; to the Com-

mittee on Agriculture, Nutrition, and Forestry.

EC-10748. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox Compensation" (Docket #00-035-1) received on September 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10749. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Interest Rate Applicable To Late Payment Or Underpayment Of Monies Due On Solid Minerals And Geothermal Leases" received on September 7, 2000; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-621. A petition from the Republic of the Marshall Islands relative to nuclear testing; to the Committee on Energy and Natural Resources.

PETITION

As provided by Congress in Article IX of the nuclear test claims settlement enacted in law under Title II, Section 177(c) of the Compact of Free Association Act of 1985 [P.L. 99-239], the Republic of the Marshall Islands respectfully submits this Changed Circumstances Petition to the Congress of the United States. The Government of the Republic of Marshall Islands hereby notifies the Congress of its determination that the criteria have been satisfied under applicable U.S. federal law for further measures to provide adequately for injuries to persons and property in the Marshall Islands that have arisen, been discovered, or adjudicated since the Compact took effect on October 21, 1986.

Section 177 of the Compact of Free Association provides that "The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands . . . for loss or damage to property and person . . . resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958."

As detailed herein, injuries and damages resulting from the United States Nuclear Testing Program have arisen, been discovered, or have been adjudicated in the Marshall Islands since the Compact took effect. These injuries and damages could not reasonably have been discovered, or could not have been determined, prior to the effective date of the Compact. Such injuries, damages and adjudication render the terms of the Section 177 Agreement manifestly inadequate to provide just and adequate compensation for injuries to Marshallese people and for damage to or loss of land resulting from the U.S. Nuclear Testing Program.

The terms of Section 177 represent a politically determined settlement (Attachment I, Hills testimony) rather than either a good faith assessment of personal injury or property claims, a legally adjudicated determination of actual damages, or monetary award for such damages. As a political settlement, Section 177 of the Compact requires that the U.S. provide \$150 million to the RMI to create a Fund that, over a 15-year period of the Compact, was intended to generate \$270 million in proceeds for disbursement "as a means to address past, present and future

consequences of the U.S. Nuclear Testing Program, including the resolution of resultant claims" [Preamble of the 177 Agreement].

In lieu of an assessment of damages by the Federal courts, the government of the Marshall Islands accepted the U.S. proposal that it espouse and settle the claims of the Marshallese people arising from the nuclear testing program conducted by the U.S. in conjunction with the establishment of a Claims Tribunal. The U.S. expressly recognized that its technical assessment of radiological damage to persons and property in the RMI was limited to a "best effort" at the time of the Compact (Attachment II, Scientific Analysis), and was based on a limited disclosure of available information and incomplete scientific knowledge. As a result, further adjudication of claims by an internal RMI Nuclear Claims Tribunal was agreed to by the United States.

In addition to creating the Tribunal, the U.S. agreed, in exchange for the RMI espousing and settling its citizens claims, to adopt a "Changed Circumstances" procedure, through which Congress accepted the authority and responsibility at a later date to determine the adequacy of the measures adopted under the 177 Agreement to compensate for the injuries and damages caused by the U.S. Nuclear Testing Program. Accordingly, in approving the Section 177 Agreement, Congress accepted the responsibility to determine if further measures are required to provide just and adequate compensation in light of the awards that have been made by the Tribunal, as well as the injuries and damages that have become known or been discovered since the settlement was ratified.

For the RMI to seek and ask for the Congress to provide additional funding is consistent with the commitment of the United States to provide just and adequate compensation for the nuclear claims. Indeed, such funding is contemplated by the Agreement and is the political process intended by Congress as a means to seek just and adequate compensation—if possible without further litigation. Under relevant federal court decisions, it is possible that claims could be recommended in U.S. courts based on failure of the agreement to provide just and adequate compensation (Attachment III, Legal Analysis).

The settlement specifically authorizes direct access to the Congress of the United States by the RMI if "Changed Circumstances" were discovered or developed after the Agreement took effect, and render the provisions of the Agreement manifestly inadequate. As more knowledge and information emerges about the damages and injuries wrought by the testing program, the manifest inadequacy of Section 177 has become clear. As confirmed in Attachments IV, V, and VI, the most immediate needs resulting from inadequacies of the Agreement are funding to award personal injury claims through the Tribunal, funding to satisfy the Tribunal awards for property damage claims, and funding to address the gross inability of the 177 medical program to effectively address the health consequences of the U.S. Nuclear Testing Program.

PAYMENT OF PERSONAL INJURY AWARDS MADE BY THE CLAIMS TRIBUNAL

As of August 15, 2000, the Nuclear Claims Tribunal established pursuant to the 177 Agreement had awarded \$72,634,750 for personal injuries, an amount \$26.9 million more than the \$45.75 million total available under Article II, Section 6(c) for payment of all awards, including property damage, over the Compact period. To date, at least 712 of these awardees (42%) have died without receiving their full award (Attachment IV, Decisions of the Nuclear Claims Tribunal).

PAYMENT OF PROPERTY DAMAGE AWARDS MADE BY THE CLAIMS TRIBUNAL

The Claims Tribunal awarded the Enewetak people compensation for damages they suffered as a result of the U.S. nuclear testing at Enewetak. The compensation included awards for loss of use of their land, for restoration (nuclear cleanup, soil rehabilitation and revegetation), and for hardship (for suffering the Enewetak people endured while being exiled to Ujelang Atoll for a 33 year period). The Tribunal fully deducted the compensation the Enewetak people received, or are to receive, under the Compact. The Tribunal determined that the net amount of \$386 million is required to provide the Enewetak people with the just compensation to which they are entitled. The Tribunal does not have the funds to pay the \$386 million award to the Enewetak people (Attachment V, Enewetak Land Claim).

GROSS INABILITY OF THE 177 MEDICAL PROGRAM TO EFFECTIVELY ADDRESS HEALTH CONSEQUENCES

One of the measures adopted under the Section 177 Agreement to compensate the people and government of the Marshall Islands was a health care program for four of the atoll populations impacted by the testing program, including those who were downwind of one or more tests, and the awardees of personal injury claims from the Tribunal. The medical surveillance and health care program established under the Section 177 Agreement has proven to be manifestly inadequate given the health care needs of the affected communities. The 177 Health Care Program was asked to deliver appropriate health care services within an RMI health infrastructure that was not prepared or equipped to deliver the necessary level of health care. Funding provided under Article II, Section 1(a) of the 177 Agreement has remained at a constant \$2 million per year. As a result of this underfunding, the 177 Health Care Program has only \$14 per person per month as compared to an average U.S. expenditure of \$230 per person per month for similar services (Attachment VI, Medical Analysis).

It is imperative that a new medical program be implemented, with adequate funding that empowers the affected downwind and other exposed communities to provide primary, secondary, and tertiary healthcare for their citizens in a manner compatible and coordinated with RMI and U.S. health care programs and policies.

Based on the inadequacy of funds for personal injury claims, property damage claims, and health consequences from the U.S. Nuclear Testing Program, the RMI Government respectfully requests Congress to:

1. Authorize and appropriate \$26.9 million so the Claims Tribunal can complete full payment of the personal injury awards made as of August 15, 2000. Of this amount, approximately \$21 million is needed to pay off the estates of the 712 individuals known to have died. An additional \$5.9 million is needed to make full payments of awards to individuals who are still alive; approximately half of that amount is needed to pay 80 or more individuals who presently suffer from a compensable condition which is likely to result in their death and the remaining half is owed to other living awardees (Attachment IV, Decisions of the Nuclear Claims Tribunal).

2. Authorize and appropriate \$386 million to satisfy the Claims Tribunal award to the Enewetak people (Attachment V, Enewetak Land Claim).

3. Authorize and appropriate \$50 million in initial capitol costs to build and supply the infrastructure necessary to provide adequate primary and secondary medical care to the

populations exposed to radiation from the U.S. Weapons Testing Program (Attachment VI, Medical Analysis).

4. Authorize and appropriate \$45 million each year for 50 years for a 177 Health Care Program to provide a health care program for those individuals recognized by the U.S. Government as having been exposed to high levels of radiation during or after the testing program, including those who were downwind for one or more tests, and the awardees of personal injury claims from the Tribunal (Attachment VI, Medical Analysis).

5. Extend the U.S. Department of Energy medical monitoring program for exposed populations to any groups that can demonstrate high levels of radiation exposure to the U.S. Congress (Attachment II, Scientific Analysis, issue #6).

Beyond the five immediate changed circumstances, the RMI Government will present information to the U.S. Congress in the future regarding several other areas of changed circumstances. Some of these areas include:

PAYMENT OF PROPERTY DAMAGE AWARDS MADE BY THE CLAIMS TRIBUNAL

In April 2000, the Claims Tribunal issued its first award for property damage to the people of Enewetak Atoll. The full award of \$386 million addresses the claims of the Enewetak people for loss of use of their land, for costs of restoration, and for hardship suffered while in exile for a 33 year period. Additionally, the Claims Tribunal is expected to make an award for property damage to the people of Bikini. Two other property damage claims in the process of being developed include one by Rongelap, Alinginae, and Rongerik and, one by Utrik, Taka, Tongai/Bokaak. These claims will be presented to the Tribunal in the near future. The pending cases will better define the level of compensation that will ultimately be required to fully repair damage to all islands, including those not currently being rehabilitated for resettlement, and to provide for adjudication of all other claims.

FUNDING OF ENVIRONMENTAL REHABILITATION AND RESETTLEMENT

The U.S. Congress has recognized the need for environmental restoration to reduce radioactive contamination to acceptable levels at Bikini, Enewetak, and Rongelap atolls by establishing resettlement trust funds for those atolls. The Enewetak trust fund for the rehabilitation and resettlement of Enjebi Island is only \$10 million while evidence present before the Claims Tribunal demonstrated that over \$148 million is required for environmental restoration of the atoll and resettlement of a portion of its population, the Enjebi people. Similarly, preliminary estimates for cleanup costs at Bikini and Rongelap atolls (approximately \$205–505 million for Bikini Atoll and \$100 million for just one island on Rongelap, Rongelap Island) exceed the funding levels currently provided. No rehabilitation and resettlement trust fund presently exists for Utrik.

SUPPORT FOR FURTHER MEDICAL SURVEILLANCE AND RADIOLOGICAL MONITORING ACTIVITIES, INCLUDING TRACER CHEMICALS AND TOXIC MATERIALS

Under Article II, Section 1 (a) of the 177 Agreement, \$3 million was provided to the RMI for medical surveillance and radiological monitoring activities. Those funds were used to conduct a nationwide radiological survey, a medical examination program in the outer islands, and a thyroid study on Ebeye Island. While valuable information was obtained from these activities, such as identification and treatment for radiogenic illnesses, the surveys indicate that thyroid and other radiation related illnesses are evident in populations that are

presently unmonitored, yet the funds for medical surveillance are exhausted.

The health consequences of the U.S. Nuclear Testing Program are greater than originally suspected. Additionally, radiation from the testing program reached every corner of the Marshall Islands. Medical surveillance should have been, and should be targeted at monitoring frequencies of all real and potential health consequences of the testing program in a longitudinal fashion. It is only in this manner that a complete understanding of health trends and associations of specific illness and radiation can be appreciated. An onsite national health surveillance system needs to be developed, implemented, and sustained to monitor all health consequences of the nuclear weapons testing program for the next fifty years.

OCCUPATIONAL SAFETY PROGRAM

Section 177 does not include an occupational safety program for Marshallese and other workers involved in environmental remediation or cleanup programs. As a result, Marshallese and other workers are exposed to occupational sources of radiation. Medical screening of past and present radiation workers is greatly needed to reduce the risk of further illness and claims.

COMMUNITY EDUCATION AND DEVELOPMENT PROGRAMS

Section 177 provides no means to educate Marshallese citizens in radiation related fields or to build local capacity to undertake research, archive relevant information, or educate the public about the consequences of the U.S. Nuclear Testing Program in the Marshall Islands.

NUCLEAR STEWARDSHIP PROGRAM

Section 177 does not provide programs for communities to develop strategies for safely containing radiation and living near radioactive waste storage areas.

The inadequacies presented in this petition "could not reasonably have been identified" in the 177 Agreement [Article IX] both because the full extent of the damages caused by the testing program had never been assessed and because scientific and medical developments since the settlement was consummated would have rendered any prior assessment not just manifestly inadequate, but null and void. What might have been acknowledged by the Government of the United States in 1983 as "damages resulting from the Nuclear Testing Program" is only a small portion of what such injuries and damages are now known to be.

The 67 atomic and thermonuclear weapons detonated in the Marshall Islands allowed the United States Government to achieve its aim of world peace through a deterrence policy. The Marshallese people subsidized this nuclear détente with their lands, health, lives, and future. "As an ally and strategic partner, the Republic of the Marshall Islands has paid a uniquely high price to define its national interest in a manner that also has been compatible with vital U.S. national interests" (H. Con. Res. 92—Sponsored by the Honorable Benjamin Gilman and the Honorable Don Young). As a strategic partner and friend of the United States, the RMI remains hopeful that Congress will take action to address the inadequacies of the 177 Agreement. The Government of the Republic of the Marshall Islands looks forward to working closely with the Congress of the United States to respond to changed circumstances in the Marshall Islands.

REPORTS OF COMMITTEES

The following reports of committees were submitted on September 12, 2000:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 1066: A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes (Rept. No. 106-407).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1762: A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws (Rept. No. 106-408).

The following reports of committees were submitted today:

By Mrs. HUTCHISON, from the Committee on Appropriations, without amendment:

S. 3041: An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes. (Rept. No. 106-409).

By Mr. BOND, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4635: A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106-410).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1102: A bill to provide for pension reform, and for other purposes (Rept. No. 106-411).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON (for himself, Mr. KOHL, Mr. ABRAHAM, Mr. TORRICELLI, Mr. VOINOVICH, Mrs. LINCOLN, Mr. ROTH, Mr. GREGG, Mr. HUTCHINSON, Ms. COLLINS, Mr. DEWINE, Mr. LEVIN, Ms. LANDRIEU, and Mr. STEVENS):

S. 3040. A bill to establish the Commission for the Comprehensive Study of Privacy Protection, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON:

S. 3041. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. ASHCROFT:

S. 3042. A bill to protect citizens against becoming victims of Internet fraud, to provide stiff penalties against those who target senior citizens, and to educate senior citizens on how to avoid being victimized by Internet or telemarketing fraud; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 3043. A bill to close loopholes in the firearms laws which allow the unregulated man-

ufacture, assembly, shipment, or transportation of firearms or firearm parts, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 3044. A bill to establish the Las Cienegas National Conservation Area in the State of Arizona; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 356. A resolution to authorize documentary production by the Select Committee on Intelligence; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. WELLSTONE):

S. Res. 357. A resolution welcoming Prime Minister Atal Bihari Vajpayee, Prime Minister of India, upon his first official visit to the United States, and for other purposes; considered and agreed to.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. DEWINE, Mr. HARKIN, Mr. ENZI, Ms. MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. HAGEL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. FRIST, and Mr. HUTCHINSON):

S. Con. Res. 135. A concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. THOMPSON (for himself, Mr. KOHL, Mr. ABRAHAM, Mr. TORRICELLI, Mr. VOINOVICH, Mrs. LINCOLN, Mr. ROTH, Mr. GREGG, Mr. HUTCHINSON, Ms. COLLINS, Mr. DEWINE, Mr. LEVIN, Ms. LANDRIEU, and Mr. STEVENS):

S. 3040. A bill to establish the Commission for the Comprehensive Study of Privacy Protection, and for other purposes; to the Committee on Governmental Affairs.

PRIVACY COMMISSION ACT

Mr. THOMPSON. Mr. President, I rise today to introduce the "Privacy Commission Act." This legislation would establish a 17-member commission to examine the complex issue of personal privacy and to make recommendations to Congress as we consider how to map out privacy protections for the future. The Commission for the Comprehensive Study of Privacy Protection, whose members would include experts with a diversity of experiences, would look at the spectrum of privacy, from protecting citizens' health and financial information to ensuring their security on web sites.

As we all know, Americans are increasingly concerned that their personal information is not as secure as they once believed. A recent NBC News/Wall Street Journal poll found that

loss of privacy was the greatest concern that Americans have as we enter this new century. In these times of rapidly changing technology, people are uncertain and fearful about who has access to their personal information and how that information is being used. It seems that as fast as new communications technologies appear, so do new capabilities for diverting information in unintended ways.

The increasing popularity of the Internet and e-mail as a primary means of communicating and disseminating information is one of the major reasons for the rising concerns about personal privacy. Consumer information such as drivers' license numbers, educational records and purchase records has always been available in some capacity. Before the advent of the Internet, however, the time and effort required to accumulate such information often was prohibitive. Now, the use of information-gathering devices on the Internet makes building consumer information databases relatively cost-free, and using and sharing them extremely profitable.

Some data privacy experts have shown how combining information from separate so-called "anonymous" public databases can not only identify those people included in the database but can reveal private information as well, including detailed medical and financial records. The increased sharing of information between medical practitioners, pharmaceutical companies, insurance entities and employers has made consumers more aware of the lack of confidentiality in the physician-patient relationship. Breakthroughs in genetic testing have made the potential consequences of such sharing even more serious.

The first federal privacy commission, which operated from 1975 to 1977, faced the same basic question that is being posed today: "What is the correct balance between protecting personal privacy and allowing appropriate uses of information?" But in the past 25 years, there have been enormous leaps in technology. Today, a few keystrokes on a computer hooked up to the Internet can produce a quantity of information that was unimaginable in 1975. This freedom of information can be beneficial, by helping people to get loans quickly or by personalizing consumer services. But the same information in the hands of bad actors can cause harm, resulting in nightmarish situations such as identity theft. It is crucial that we act soon to protect the American people from crimes like these, without overregulating so much that we stunt the growth of our booming economy.

The Privacy Commission is the key to finding the balance between protecting the privacy of individuals and permitting specific and appropriate uses of personal information for beneficial purposes. The Commission would be directed to study a wide variety of issues relating to personal privacy, in-

cluding the monitoring, collection, distribution and use of personal information by government and private entities; current legislative and self-regulatory efforts to respond to privacy problems; and the practices and policies of employers with respect to the personal financial and health information of their employees. In the course of its examination of these issues, the Commission would also be required to hold at least 3 field hearings around the country and to set up a website to facilitate public participation and public comment. By December 31, 2001, the Commission would submit a report to Congress on its findings, including any recommendations for legislation to reform or augment current laws.

There is great deal of interest in legislating on privacy. Everyone is trying to establish the appropriate level of privacy protection that the American people want and need. But there are many different answers being proposed. On the state level, approximately 7000 bills about privacy were introduced just last year. Here in Congress, scores of proposals have been introduced on a wide range of privacy issues, and we undoubtedly will consider many of these proposals in the next Congress. The Privacy Commission Act will help us to understand the complex issue of privacy and to map responsible protections, without delaying action where consensus is reached. The final report of the Privacy Commission would be available by the second session of the new Congress. In the meanwhile, if consensus can be reached on any substantive privacy legislation, nothing in the Privacy Commission Act would impede movement on those bills. To the contrary, the bill contains a provision specifying that it is not intended to delay any other privacy legislation.

I would like to thank my colleagues in the House, particularly Congressmen ASA HUTCHINSON and JIM MORAN, who sponsored H.R. 4049. They and their staffs have worked diligently on the Privacy Commission Act. They held three days of hearings on this legislation, and the House Government Reform Committee passed the Hutchinson-Moran bill by voice vote on June 29th. I also want to thank my cosponsors, particularly Senators KOHL and TORRICELLI, who have worked on a privacy commission bill for some time, as well as Senators ABRAHAM, LINCOLN, VOINOVICH, ROTH, GREGG, HUTCHINSON, COLLINS, DEWINE, LEVIN and LANDRIEU.

It is my hope that we can all work together to pass the Privacy Commission Act to help us make informed and thoughtful decisions to protect the privacy of the American people. I urge my colleagues to support this much-needed legislation. I ask unanimous consent that the "Privacy Commission Act" be printed in the RECORD following my remarks.

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

S. 3040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Privacy Commission Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Americans are increasingly concerned about their civil liberties and the security and use of their personal information, including medical records, educational records, library records, magazine subscription records, records of purchases of goods and other payments, and driver's license numbers.

(2) The shift from an industry-focused economy to an information-focused economy calls for a reassessment of the most effective way to balance personal privacy and information use, keeping in mind the potential for unintended effects on technology development, innovation, the marketplace, and privacy needs.

(3) This Act shall not be construed to prohibit the enactment of legislation on privacy issues by Congress during the existence of the Commission. It is the responsibility of Congress to act to protect the privacy of individuals, including individuals' medical and financial information. Various committees of Congress are currently reviewing legislation in the area of medical and financial privacy. Further study by the Commission established by this Act should not be considered a prerequisite for further consideration or enactment of financial or medical privacy legislation by Congress.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Commission for the Comprehensive Study of Privacy Protection" (in this Act referred to as the "Commission").

SEC. 4. DUTIES OF COMMISSION.

(a) **STUDY.**—The Commission shall conduct a study of issues relating to protection of individual privacy and the appropriate balance to be achieved between protecting individual privacy and allowing appropriate uses of information, including the following:

(1) The monitoring, collection, and distribution of personal information by Federal, State, and local governments.

(2) Current efforts to address the monitoring, collection, and distribution of personal information by Federal and State governments, individuals, or entities, including—

(A) existing statutes and regulations relating to the protection of individual privacy, such as section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) legislation pending before the Congress;

(C) privacy protection efforts undertaken by the Federal Government, State governments, foreign governments, and international governing bodies;

(D) privacy protection efforts undertaken by the private sector; and

(E) self-regulatory efforts initiated by the private sector to respond to privacy issues.

(3) The monitoring, collection, and distribution of personal information by individuals or entities, including access to and use of medical records, financial records (including credit cards, automated teller machine cards, bank accounts, and Internet transactions), personal information provided to on-line sites accessible through the Internet, Social Security numbers, insurance records, education records, and driver's license numbers.

(4) Employer practices and policies with respect to the financial and health information of employees, including—

(A) whether employers use or disclose employee financial or health information for marketing, employment, or insurance underwriting purposes;

(B) what restrictions employers place on disclosure or use of employee financial or health information;

(C) employee rights to access, copy, and amend their own health records and financial information;

(D) what type of notice employers provide to employees regarding employer practices with respect to employee financial and health information; and

(E) practices of employer medical departments with respect to disclosing employee health information to administrative or other personnel of the employer.

(5) The extent to which individuals in the United States can obtain redress for privacy violations.

(6) The extent to which older individuals and disabled individuals are subject to exploitation involving the disclosure or use of their financial information.

(b) **FIELD HEARINGS.**—The Commission shall conduct at least 3 field hearings in different geographical regions of the United States.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than December 31, 2001—

(A) a majority of the members of the Commission shall approve a report; and

(B) the Commission shall submit the approved report to the Congress and the President.

(2) **CONTENTS.**—The report shall include a detailed statement of findings, conclusions, and recommendations, including the following:

(A) Findings on potential threats posed to individual privacy.

(B) Analysis of purposes for which sharing of information is appropriate and beneficial to consumers.

(C) Analysis of the effectiveness of existing statutes, regulations, private sector self-regulatory efforts, technology advances, and market forces in protecting individual privacy.

(D) Recommendations on whether additional legislation is necessary, and if so, specific suggestions on proposals to reform or augment current laws and regulations relating to individual privacy.

(E) Analysis of purposes for which additional regulations may impose undue costs or burdens, or cause unintended consequences in other policy areas, such as security, law enforcement, medical research, employee benefits, or critical infrastructure protection.

(F) Cost analysis of legislative or regulatory changes proposed in the report.

(G) Recommendations on non-legislative solutions to individual privacy concerns, including education, market-based measures, industry best practices, and new technology.

(H) Review of the effectiveness and utility of third-party verification, including specifically with respect to existing private sector self-regulatory efforts.

(d) **ADDITIONAL REPORT.**—Together with the report under subsection (c), the Commission shall submit to the Congress and the President any additional report of dissenting opinions or minority views by a member of the Commission.

(e) **INTERIM REPORT.**—The Commission may submit to the Congress and the President an interim report approved by a majority of the members of the Commission.

SEC. 5. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 17 members appointed as follows:

(1) 4 members appointed by the President.

(2) 4 members appointed by the majority leader of the Senate.

(3) 2 members appointed by the minority leader of the Senate.

(4) 4 members appointed by the Speaker of the House of Representatives.

(5) 2 members appointed by the minority leader of the House of Representatives.

(6) 1 member, who shall serve as Chairperson of the Commission, appointed jointly by the President, the majority leader of the Senate, and the Speaker of the House of Representatives.

(b) **DIVERSITY OF VIEWS.**—The appointing authorities under subsection (a) shall seek to ensure that the membership of the Commission has a diversity of views and experiences on the issues to be studied by the Commission, such as views and experiences of Federal, State, and local governments, the media, the academic community, consumer groups, public policy groups and other advocacy organizations, business and industry (including small business), the medical community, the health care industry, civil liberties experts, and the financial services industry.

(c) **DATE OF APPOINTMENT.**—The appointment of the members of the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(d) **TERMS.**—Each member of the Commission shall be appointed for the life of the Commission.

(e) **VACANCIES.**—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(f) **COMPENSATION; TRAVEL EXPENSES.**—Members of the Commission shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(h) **MEETINGS.**—

(1) **IN GENERAL.**—The Commission shall meet at the call of the Chairperson or a majority of its members.

(2) **INITIAL MEETING.**—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold its initial meeting.

SEC. 6. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.

(a) **DIRECTOR.**—

(1) **IN GENERAL.**—Not later than 40 days after the date of enactment of this Act, the Chairperson of the Commission shall appoint a Director without regard to the provisions of title 5, United States Code, governing appointments to the competitive service.

(2) **PAY.**—The Director shall be paid at the rate payable for level III of the Executive Schedule established under section 5314 of such title.

(b) **STAFF.**—The Director may appoint staff as the Director determines appropriate.

(c) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—

(1) **IN GENERAL.**—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) **PAY.**—The staff of the Commission shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS-15 of the General Schedule under section 5332 of that title.

(d) **EXPERTS AND CONSULTANTS.**—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) **STAFF OF FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out this Act.

(2) **NOTIFICATION.**—Before making a request under this subsection, the Director shall give notice of the request to each member of the Commission.

SEC. 7. POWERS OF COMMISSION.

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) **OBTAINING OFFICIAL INFORMATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), if the Chairperson of the Commission submits a request to a Federal department or agency for information necessary to enable the Commission to carry out this Act, the head of that department or agency shall furnish that information to the Commission.

(2) **EXCEPTION FOR NATIONAL SECURITY.**—If the head of that department or agency determines that it is necessary to guard that information from disclosure to protect the national security interests of the United States, the head shall not furnish that information to the Commission.

(d) **WEBSITE.**—The Commission shall establish a website to facilitate public participation and the submission of public comments.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Director, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out this Act.

(g) **GIFTS AND DONATIONS.**—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this Act, but only to the extent or in the amounts provided in advance in appropriation Acts.

(h) **CONTRACTS.**—The Commission may contract with and compensate persons and government agencies for supplies and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(i) **SUBPOENA POWER.**—

(1) **IN GENERAL.**—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate by section 4. The attendance of witnesses and the production of evidence may be required by such subpoena from any place within the United States and at any specified place of hearing within the United States.

(2) **FAILURE TO OBEY A SUBPOENA.**—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under

investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) **SERVICE OF SUBPOENAS.**—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) **SERVICE OF PROCESS.**—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

SEC. 8. PRIVACY PROTECTIONS.

(a) **DESTRUCTION OR RETURN OF INFORMATION REQUIRED.**—Upon the conclusion of the matter or need for which individually identifiable information was disclosed to the Commission, the Commission shall either destroy the individually identifiable information or return it to the person or entity from which it was obtained, unless the individual that is the subject of the individually identifiable information has authorized its disclosure.

(b) **DISCLOSURE OF INFORMATION PROHIBITED.**—The Commission—

(1) shall protect individually identifiable information from improper use; and

(2) may not disclose such information to any person, including the Congress or the President, unless the individual that is the subject of the information has authorized such a disclosure.

(c) **PROPRIETARY BUSINESS INFORMATION AND FINANCIAL INFORMATION.**—The Commission shall protect from improper use, and may not disclose to any person, proprietary business information and proprietary financial information that may be viewed or obtained by the Commission in the course of carrying out its duties under this Act.

(d) **INDIVIDUALLY IDENTIFIABLE INFORMATION DEFINED.**—For the purposes of this Act, the term “individually identifiable information” means any information, whether oral or recorded in any form or medium, that identifies an individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

SEC. 9. BUDGET ACT COMPLIANCE.

Any new contract authority authorized by this Act shall be effective only to the extent or in the amounts provided in advance in appropriation Acts.

SEC. 10. TERMINATION.

The Commission shall terminate 30 days after submitting a report under section 4(c).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Commission \$5,000,000 to carry out this Act.

(b) **AVAILABILITY.**—Any sums appropriated pursuant to the authorization in subsection (a) shall remain available until expended.

Mr. KOHL. Mr. President, I rise today to introduce the “Privacy Commission Act” with my colleagues Senator THOMPSON and Senator TORRICELLI. This legislation addresses privacy protection by creating an expert Commission charged with the duty to explore privacy concerns. We cannot underestimate the importance of this issue. Privacy matters, and it will continue to matter more and more in this information age of high speed data, Internet transactions, and lightning-quick technological advances.

Last November, Senator TORRICELLI and I introduced the “Privacy Protec-

tion Study Commission Act of 1999,” the first major piece of privacy legislation introduced in the 106th Congress. Our hope then, as now, was to gain a better informed understanding of the numerous privacy issues facing a high tech culture. Now, almost a year later, the privacy issue has grown in importance and public concern. As a result, I am pleased to renew my effort in this area with another privacy commission proposal.

There exists a massive wealth of information in today’s world, which is increasingly stored electronically. In fact, experts estimate that the average American is “profiled” in up to 150 commercial electronic databases. That means that there is a great deal of data—in some cases, very detailed and personal—out there and easily accessible courtesy of the Internet revolution. With the click of a button it is possible to examine all sorts of personal information, be it an address, a criminal record, a credit history, a shopping preference, or even a medical file.

Generally, the uses of this data are benign, even beneficial. Occasionally, however, personal information is obtained surreptitiously, and even peddled to third parties for profit or other uses. This is especially troubling when, in many cases, people do not even know that their own personal information is being “shopped.”

Two schools of thought exist on how we should address these privacy concerns. There are some who insist that we must do something and do it quickly. Others urge us to rely entirely on “self-regulation”—according to them most companies will act reasonably and, if not, consumers will demand privacy protection as a condition for their continued business.

Both approaches have some merit, but also some problems. It is never beneficial to legislate by anecdote or on the basis of a few bad actors. In deed, enacting “knee-jerk,” “quick-fix” legislation could do more harm than good. By the same token, however, the longer Congress waits to enact legislation, the more frequent the anecdotes until they reach a point of critical mass. We are quickly reaching the point when Congress must act with or without the benefits of a study.

A privacy commission still has merit. The streamlined time frame—it could still be a bit shorter—helps ensure that the Commission will not interrupt other legislative privacy efforts, and the breadth of experts that it relies upon suggests that the commission’s report will still be timely and worthwhile.

I commend Senator THOMPSON for his efforts and hope our proposal becomes law and Commission members are appointed before the end of this year.

Mr. ASHCROFT:

S. 3042. A bill to protect citizens against becoming victims of Internet fraud, to provide stiff penalties against

those who target senior citizens, and to educate senior citizens on how to avoid being victimized by Internet or telemarketing fraud; to the Committee on the Judiciary.

AN ACT TO PREVENT INTERNET FRAUD AND FRAUD AGAINST THE ELDERLY

Mr. ASHCROFT. Mr. President, E-commerce is growing at an unprecedented rate—\$8 billion last year. With this increase in online purchases, we have made more products and services available to Americans—regardless of where they live. We are working to bridge the digital divide so all Americans, even low income and rural Americans can benefit from the opportunities the Internet provides. However, one thing we don’t want to make ubiquitous is Internet fraud. Along with convenience, easy price comparisons, and limitless selection—this new medium also has provided a new opportunity to those who make their living defrauding the public. Fraud over the Internet, just as fraud over telephone lines and mail, is an increasing problem.

In 1998, Congress passed the Telemarketing Fraud Prevention Act. I, like the rest of my colleagues recognized this problem and supported that effort. That law builds upon other federal laws that deal directly with telemarketing fraud. The 1998 law stiffened penalties for telemarketing fraud by toughening the sentencing guidelines—especially for crimes against the elderly. It requires criminal forfeiture to ensure the fruits of telemarketing crime are not used to commit further fraud, mandates victim restitution to ensure victims are the first ones compensated, adds conspiracy language to the list of telemarketing fraud penalties, and helps law enforcement zero in on quick-strike fraud operations by giving them the authority to move more quickly against suspected fraud.

While I supported that law, I believe we need to do more. According to the National Consumers League, consumers lost over \$3.2 million to Internet fraud last year. This is a 38 percent increase from 1998. The actual figure probably is much higher, since this number reflects only those who reported incidents to the National Consumer League’s Fraud Watch. While it is true consumer protection laws under the jurisdiction of the Federal Trade Commission have been interpreted to cover Internet fraud—those laws are inadequate. Therefore, today, I am introducing a bill, An Act to Prevent Internet Fraud and Fraud Against the Elderly, to ensure that Internet fraud also is covered by federal criminal laws. It is important to me that the stiffer penalties contained in the Telemarketing Fraud Prevention Act for those targeting the elderly also cover fraud perpetrated over the Internet.

Through work I have done over the last year, I have seen first hand the tragic results of schemes targeting our elderly. I held a hearing in the Commerce Committee’s Subcommittee on

Consumer Affairs and heard heart breaking testimony about scam artists—targeting the elderly—who are maybe the worst criminals on the planet. They target people, who in the twilight of their lives may lose their life savings, their independence and their dignity. I held events in Missouri, with the regional director of the Federal Trade Commission, educating those most venerable to these schemes on how to avoid becoming a victim. According to the National Consumers League, seniors are the target for more than 20 percent of Internet fraud. Although this is lower than the 56 percent of seniors targeted by unscrupulous telemarketers, the number will only increase as more and more of our seniors begin to use the Internet.

I strongly believe that education is crucial. That is why this bill also containing provisions giving the FTC the charge of educating our elderly. They currently have the largest network of information on fraud schemes. Through their Sentinel website, they have connected law enforcement agencies all over the world—giving them the ability to act quickly. In addition, they currently have the network in place designed to educate consumers on all areas of consumer protection law.

The bill I am introducing today will expand current law to include the same crimes committed over the Internet. As now, fraud cases would be divided between the Federal Trade Commission (FTC) and the Department of Justice.

Mr. President. We cannot allow the criminals to stay ahead of the law. Internet crimes are being quickly developed and identified. We must make sure they are just as quickly stopped. We must provide the legal framework to insist that these criminals do not slip through the system due to a loophole.

By Mr. TORRICELLI:

S. 3043. A bill to close loopholes in the firearms laws which allow the unregulated manufacture, assembly, shipment, or transportation of firearms or firearm parts, and for other purposes; to the Committee on the Judiciary.

GUN PARTS TRAFFICKING ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to introduce the Gun Parts Trafficking Act of 2000.

For years, I have fought along with many of my colleagues against the gun violence that has plagued America. We have sought to keep firearms from the hands of children and those who would use them to do harm. After long debate, we succeeded in enacting a ban on assault weapons as well as the Brady bill requiring a criminal background check at the time of a firearms purchase—positive steps in the effort to protect our communities from gun violence.

Gun violence, however, continues to have a devastating impact on our nation. The statistics have been well documented, but bear repeating. In 1997 alone, more than 32,000 Americans were

shot and killed. Fourteen children die from gunfire every day. The economic toll of firearms deaths and injuries on our country—\$33 billion each year—is astronomical.

In light of these staggering figures it seems obvious that we must do more, including regulating guns like any other consumer product. But while we look forward, we must also be mindful of attempts by some to subvert the progress we have made.

Gun dealers are exploiting a loophole in current law that allows them to sell, through the US mail, gun kits containing virtually every single item needed to build an automatic weapon. When we enacted a ban on these deadly automatic weapons, we exempted automatic weapons legally owned prior to the ban. We also allowed replacement parts to be legally sold so that these grand-fathered weapons could be repaired by their owners, and we allowed these parts to be shipped through the mail.

These provisions, however, have been exploited and replacement part kits that can convert a legally owned firearm into an illegal automatic weapon are readily available and heavily advertised in numerous publications. Some of these kits even go so far as to provide a template that shows how to make this conversion. This is a flagrant effort to evade the laws of the United States. This activity must be stopped in order to maintain the integrity of our ban on assault weapons and protect our communities from gun violence. Legislation is needed that provides simple, common-sense measures to remedy the glaring loopholes in current law.

To that end, I am introducing the Gun Parts Trafficking Act of 2000, legislation designed to close the loopholes in existing law and end the sale of kits designed to convert legally owned firearms into illegal automatic weapons. The bill will expand the definition of “firearm” to include the main components of the weapon and will prohibit the manufacture or assembly of guns by an individual who does not have a license to do so.

I urge my colleagues to join me in support of the Gun Parts Trafficking Act and ask unanimous consent that the full text of the legislation be printed in the RECORD following my statement.

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

S. 3043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gun Parts Trafficking Act of 2000”.

SEC. 2. PROHIBITION AGAINST SHIPMENT OR TRANSPORTATION OF FIREARM PARTS, WITH CERTAIN EXCEPTIONS.

Section 921(a)(3) of title 18, United States Code, is amended by striking “or (D) any destructive device.” and inserting “(D) any destructive device; or (E) any parts or com-

bination of parts that when assembled on a frame or receiver would constitute a firearm, as defined in this paragraph.”.

SEC. 3. PROHIBITION AGAINST MANUFACTURE OR ASSEMBLY OF FIREARMS BY PERSONS OTHER THAN LICENSED MANUFACTURERS.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

“(z) It shall be unlawful for any person other than a licensed manufacturer to manufacture or assemble a firearm.”.

SEC. 4. INCREASE IN FEE FOR LICENSE TO MANUFACTURE FIREARMS.

Section 923(a)(1)(B) of title 18, United States Code, is amended by striking “\$50” and inserting “\$500”.

SEC. 5. PROHIBITION AGAINST POSSESSION OR TRANSFER OF CERTAIN COMBINATIONS OF MACHINEGUN REPLACEMENT PARTS.

Section 5845(b) of the Internal Revenue Code of 1986 (National Firearms Act) is amended in the 2nd sentence by striking “designed and intended solely and exclusively, or combination of parts designed and intended,” and inserting “or combination of parts designed and intended”.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to conduct engaged in after the 60-day period that begins with the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 317

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 512

At the request of Mr. GORTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Maine (Ms.

COLLINS), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. GRASSLEY), the Senator from Washington (Mrs. MURRAY), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1729

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2341

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2413

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2528

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2644

At the request of Mr. GORTON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2700

At the request of Mr. L. CHAFEE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2758

At the request of Mr. GRAHAM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2758, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2835

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2835, a bill to provide an appropriate transition from the interim payment system for home health services to the prospective payment system for such services under the medicare program.

S. 2874

At the request of Mr. MOYNIHAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2874, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 2894

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2894, a bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets.

S. 2936

At the request of Mr. ROBB, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2936, a bill to provide incentives for new markets and community development, and for other purposes.

S. 3007

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3016

At the request of Mr. ROTH, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Virginia

(Mr. ROBB), the Senator from Kentucky (Mr. BUNNING), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3021

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 3021, a bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

S. 3035

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 3035, a bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net.

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 355

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KERRY), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. Res. 355, a resolution commending and congratulating Middlebury College.

SENATE CONCURRENT RESOLUTION 135—RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. DEWINE, Mr. HARKIN, Mr. ENZI, Ms. MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. HAGEL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. FRIST, and Mr. HUTCHINSON) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 135

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94-

142) was signed into law 25 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476) renamed the statute as the Individuals with Disabilities Education Act (IDEA);

Whereas IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age;

Whereas IDEA has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA has raised the Nation's expectations about the abilities of children with disabilities by requiring access to the general education curriculum;

Whereas improvements to IDEA made in 1997 changed the focus of a child's individualized education program from procedural requirements placed upon teachers and related services personnel to educational results for that child, thus improving academic achievement;

Whereas changes made in 1997 also addressed the need to implement behavioral assessments and intervention strategies for children whose behavior impedes learning to ensure that they receive appropriate supports in order to receive a quality education;

Whereas IDEA ensures full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas IDEA has supported the classrooms of this Nation by providing Federal resources to the States and local schools to help meet their obligation to educate all children with disabilities;

Whereas, while the Federal Government has not yet met its commitment to fund part B of IDEA at 40 percent of the average per pupil expenditure, it has made significant increases in part B funding by increasing the appropriation by 115 percent since 1995, which is an increase of over \$2,600,000,000;

Whereas the 1997 amendments to IDEA increased the amount of Federal funds that have a direct impact on students through improvements such as capping allowable State administrative expenses, which ensures that nearly 99 percent of funding increases directly reach local schools, and requiring mediation upon request by parents in order to reduce costly litigation;

Whereas such amendments also ensured that students whose schools cannot serve them appropriately and students who choose to attend private, parochial, and charter schools have greater access to free appropriate services outside of traditional public schools;

Whereas IDEA has supported, through its discretionary programs, more than two decades of research, demonstration, and training in effective practices for educating children with disabilities, enabling teachers, related services personnel, and administrators effectively to meet the instructional needs of children with disabilities of all ages;

Whereas Federal and State governments can support effective practices in the classroom to ensure appropriate and effective services for children with disabilities; and

Whereas IDEA has succeeded in marshaling the resources of this Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities, their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education.

Mr. JEFFORDS. Mr. President, I rise to introduce a resolution commemorating the 25th anniversary of the signing of the Education for All Handicapped Children Act—known today as the Individuals with Disabilities Education Act, or IDEA. I am joined in this effort by many of my colleagues in the Senate and by Chairman GOODLING and others in the House, who are proposing a companion resolution today.

On November 29, 1975, President Gerald Ford signed landmark legislation which became Public Law 94-142. With the stroke of his pen, he opened the doors of our public schools to millions of children with disabilities. Public Law 94-142 serves as the foundation of our national commitment to assuring that children with disabilities have the same opportunity as all other American children to develop their talents, share their gifts, and contribute to their communities. Over the years, we have built upon this foundation by expanding its reach to pre-school children through early intervention programs.

This anniversary holds a special meaning for me. I am one of the few members now in this body who were present at the time the Education for All Handicapped Children Act was approved. It was one of the first pieces of legislation I worked on as a freshman member of the House of Representatives. At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a public education.

I was an original sponsor of Public Law 94-142 and had the opportunity to serve on the House-Senate conference committee which developed the final bill. Since then, I have actively supported the improvements made to the legislation over the past quarter century. I take great satisfaction in the extraordinary record of success this Act has built.

IDEA currently serves an estimated two hundred thousand infants and toddlers; six hundred thousand preschoolers; and almost 5.5 million children aged 6 to 21. The drop-out rate for this population has decreased, while the graduation rate has increased substantially. The number of young adults with disabilities enrolling in college has more than tripled. The number of children with developmental disabilities who live in state institutions, away from their families, has also been dramatically reduced.

Each one of these numbers represents a child whose life has been improved because we recognized the value of educating all our children. The contribution we made through legislation is an important one, but the real credit belongs to the people on the front lines who have seen to it that our goals have become realities. Teachers, related services personnel, administrators, professional and advocacy organizations, parents of children with disabilities, and the children themselves work each day to assure the promise of IDEA burns brightly.

Today we celebrate the progress that we have made in special education since 1975. It is also an appropriate time to consider the challenges and opportunities which lie ahead. I cannot talk about IDEA without mentioning yet again our unfulfilled promise. In 1975, Congress promised our 16,000 school districts that we would provide special education funding at 40% of the national average per pupil expenditure. As we all know, IDEA has never been funded at that level. We have improved our record in recent years, with large increases in appropriations. Even with this infusion of funds, the federal government provides less than 13% of the cost of special education services. We need to do more, and now is the time to do it.

The knowledge base we have developed over the past 25 years, coupled with continued advances in technology, hold the promise for astonishing progress in the future for students with disabilities. These students can now communicate, explore the world through the internet, and be mobile in ways we could not have imagined in 1975. If we are willing to commit the necessary resources, there is virtually no limit to the advances we could see over the next 25 years. I urge all my colleagues to join in supporting this resolution and in reaffirming the values and principles underlying IDEA.

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of the Resolution Commemorating the 25th Anniversary of the Individuals with Disabilities Education Act. This law has had a very positive impact on the lives of millions of disabled Americans. In fact, since its enactment, the number of children with disabilities who complete high school has grown significantly, and the number who enroll in college has more than tripled. Academic achievement is increasing, along with

the nation's expectations about the abilities of children with disabilities. Our commitment to a quality education for everybody now extends to America's six million students with disabilities.

We know that special education is not a "place" or a "label," but a set of services that allow children to succeed in school, go on to lead productive lives, and enter the world of work. This is something that matters to me because it means so much to the people in Maine who have been able to lead productive lives because the Individuals with Disabilities Education Act afforded them the quality education they deserved.

This is why we need to increase consistently the Federal financial support for the Individuals with Disabilities Education Act—so that the Federal Government does, in fact, pay each school in America 40 percent of the national average per pupil expenditure for every special education student enrolled. Washington made that promise to our local communities when it passed IDEA.

For example, this year in Maine, local schools will receive only \$702 per special education student under IDEA—\$1698 per student less than the \$2400 it would receive if the Federal Government paid its share. In total, Maine will receive \$60 million less than it was promised. According to the U.S. Department of Education, the unmet amount stands at an astounding \$11 billion nationally. We cannot continue to shift this burden to our local communities. We must meet the Federal commitment to help pay for special education costs.

Let us take the 25th anniversary of the Individuals with Disabilities Education Act to recognize the positive impact this law has on every community in the United States, but let us not forget our Federal commitment of 40 percent to help our schools and communities implement the Individuals with Disabilities Education Act.

SENATE RESOLUTION 356—TO AUTHORIZE DOCUMENTARY PRODUCTION BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 356

Whereas, the Federal Bureau of Investigation has requested that the Senate Select Committee on Intelligence provide it with a certified copy of the testimony of former Director of Central Intelligence John M. Deutch during its closed February 22, 2000 hearing, in connection with a pending inquiry into the alleged improper handling of classified information by Mr. Deutch;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate; Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the Federal Bureau of Investigation, under appropriate security procedures, a certified copy of the transcript of its closed February 22, 2000 hearing.

SENATE RESOLUTION 357—WELCOMING PRIME MINISTER ATAL BIHARI VAJPAYEE, PRIME MINISTER OF INDIA, UPON HIS FIRST OFFICIAL VISIT TO THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. BROWNBACK (for himself and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 357

Whereas the United States and India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship and commerce and, increasingly, of kinship among our people;

Whereas the million-strong Indian-American community in the United States has enriched and enlivened the societies of both the United States and India, and this community provides a strong bond between India and the United States and is playing an important role in deepening and strengthening cooperation between India and the United States; and

Whereas the visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step in the broadening and strengthening of relations between the United States and India: Now, therefore, be it

Resolved, That the Senate hereby—

(1) welcomes the Prime Minister of India, Atal Bihari Vajpayee, upon his first official visit to the United States;

(2) pledges its commitment to the expansion of ties between the United States and India, to the mutual benefit of both countries; and

(3) recognizes that the visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step towards broadening and deepening the friendship and cooperation between the United States and India.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Prime Minister of India, Atal Bihari Vajpayee.

AMENDMENTS SUBMITTED

U.S.-CHINA RELATIONS ACT OF 2000

FEINGOLD AMENDMENT NO. 4138

Mr. FEINGOLD proposed an amendment to the bill, H.R. 4444, to authorize extension of non-discriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China; as follows:

On page 44, beginning on line 4, strike all through page 45, line 12, and insert the following:

(g) ANNUAL REPORTS.—The Commission shall issue a report to the President and the Congress not later than 12 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c). The Commission's report shall contain recommendations for legislative or executive action, including recommendations indicating whether or not a change in China's trade status is merited.

(h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under subsection (g) shall include specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs.

(i) CONGRESSIONAL PRIORITY PROCEDURES.—(1) INTRODUCTION AND REFERRAL OF RESOLUTIONS.—

(A) IN GENERAL.—Not later than 10 session days after receipt of the Commission's report by a House of Congress, the Majority Leader of that House shall introduce a joint resolution in that House providing for the implementation of such recommendations of the Commission's report as require statutory implementation. In the case of the Senate, such resolution shall be referred to the Committee on Foreign Relations and, in the case of the House of Representatives, such resolution shall be referred to the Committee on International Relations. In the consideration of resolutions referred under this subparagraph, such committees shall hold hearings on the contents of the Commission's report and the recommendations contained therein for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committees deem advisable.

(B) SESSION DAY DEFINED.—The term "session day" means, with respect to a House of Congress, any day on which the House of Congress is in session.

(2) PROCEDURE FOR DISCHARGE OF COMMITTEES.—If the committee to which is referred such resolution has not reported such resolution at the end of 15 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(3) MOTION TO PROCEED.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (2)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or

precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(4) The provisions of paragraphs (1) through (3) are enacted by

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

CRAIG (AND WYDEN) AMENDMENT NO. 4139

Mr. CRAIG (for himself, and Mr. WYDEN) proposed an amendment to the bill, S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Secure Rural Schools and Community Self-Determination Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Conforming Amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

- Sec. 101. Determination of full payment amount for eligible States and counties.
- Sec. 102. Payments to States from Forest Service lands for use by counties to benefit public education and transportation.
- Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

- Sec. 201. Definitions.

Sec. 202. General limitation on use of project funds.

Sec. 203. Submission of project proposals.

Sec. 204. Evaluation and approval of projects by Secretary concerned.

Sec. 205. Resource advisory committees.

Sec. 206. Use of project funds.

Sec. 207. Availability of project funds.

Sec. 208. Allocation of proceeds.

Sec. 209. Termination of authority.

TITLE III—COUNTY PROJECTS

Sec. 301. Definitions.

Sec. 302. Use of County Funds.

Sec. 303. Termination of Authority.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.

Sec. 402. Treatment of funds and revenues.

Sec. 403. Regulations.

Sec. 404. Conforming amendments.

TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

Sec. 501. Short Title.

Sec. 502. Findings.

Sec. 503. Amendment of the Mineral Leasing Act.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as re-vested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the re-vested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has

been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to stabilize and make permanent payments to counties to provide funding for schools and roads;

(2) to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to:

(A) Road, trail, and infrastructure maintenance or obliteration;

(B) Soil productivity improvement;

(C) Improvements in forest ecosystem health;

(D) Watershed restoration and maintenance;

(E) Restoration, maintenance and improvement of wildlife and fish habitat;

(F) Control of noxious and exotic weeds; and

(G) Reestablishment of native species;

(3) to improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) **FEDERAL LANDS.**—The term “Federal lands” means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–10912); and

(B) Such portions of the re-vested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the

Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in 43 U.S.C. 1181c of this title, for permanent forest production.

(2) **ELIGIBILITY PERIOD.**—The term “eligibility period” means fiscal year 1986 through fiscal year 1999.

(3) **ELIGIBLE COUNTY.**—The term “eligible county” means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State’s 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) **ELIGIBLE STATE.**—The term “eligible State” means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) **FULL PAYMENT AMOUNT.**—The term “full payment amount” means the amount calculated for each eligible State and eligible county under section 101.

(6) **25-PERCENT PAYMENTS.**—The term “25-percent payments” means the payments to States required by the sixth paragraph under the heading of “FOREST SERVICE” in the Act of May 23, 1908 as amended (16 U.S.C. 500).

(7) **50-PERCENT PAYMENTS.**—The term “50-percent payments” means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

(8) **SAFETY NET PAYMENTS.**—The term “safety net payments” means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by adding after “(16 U.S.C. 500)” the following: “or the Secure Rural Schools and Community Self-Determination Act of 2000”.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) **CALCULATION REQUIRED.**—

(1) **ELIGIBLE STATES.**—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) **BLM COUNTIES.**—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) **ANNUAL ADJUSTMENT.**—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible

State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) **PAYMENT AMOUNTS.**—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908, as amended (16 U.S.C. 500), or

(2) The full payment amount in place of the 25-percent payment.

(b) **ELECTION TO RECEIVE PAYMENT AMOUNT.**—

(1) The election to receive either the full payment amount or the 25 percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) A county election to receive the 25-percent payment shall be effective for two fiscal years.

(3) When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(4) The payment to an eligible State under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in subsection 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) **DISTRIBUTION AND EXPENDITURE OF PAYMENTS.**—

(1) **DISTRIBUTION METHOD.**—A State that receives a payment under subsection (b) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908 as amended.

(2) **EXPENDITURE PURPOSES.**—Subject to subsection (d), payments received by a State under subsection (b) and distributed to eligible counties shall be expended as required by 16 U.S.C. 500.

(d) **EXPENDITURE RULES FOR ELIGIBLE COUNTIES.**—

(1) **IN GENERAL.**—If an eligible county elects to receive its share of the full payment amount—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall:

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) **Distribution of Funds.**—

(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) **ELECTION.**—

(A) **IN GENERAL.**—An eligible county shall notify the Secretary of Agriculture of its

election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under subsection (b) in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) **COUNTIES WITH MINOR DISTRIBUTIONS.**—Notwithstanding any adjustment made pursuant to Section 101(b) in the case of each eligible county to which less than \$100,000 is distributed for any fiscal year pursuant to subsection (b), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937, as amended (43 U.S.C. 1181f) or the Act of May 24, 1939 (43 U.S.C. 1181f-1) as appropriate, or

(2) the full payment amount in place of the 50-percent payment.

(b) **ELECTION TO RECEIVE PAYMENT AMOUNT.**—

(1) The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal Lands described in subsection 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) **EXPENDITURE RULES FOR ELIGIBLE COUNTIES.**—

(1) **IN GENERAL.**—Of the funds to be paid to an eligible county pursuant to subsection (b)—

(A) Not less than 80 percent but not more than 85 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended; and

(B) At the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall:

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) **DISTRIBUTION OF FUNDS.**—

(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) **ELECTION.**—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year under subsection (b). If the eligible county fails to

make an election by that date, the county is deemed to have elected to expend 85 percent on the funds received under subsection (b) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) **PARTICIPATING COUNTY.**—The term ‘participating county’ means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under sections 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of those funds in accordance with this title.

(2) **PROJECT FUNDS.**—The term ‘project funds’ means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) **RESOURCE ADVISORY COMMITTEE.**—The term ‘resource advisory committee’ means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) **RESOURCE MANAGEMENT PLAN.**—The term ‘resource management plan’ means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) **SECRETARY CONCERNED.**—The term ‘Secretary concerned’ means the Secretary of the Interior or his designee with respect to the Federal lands described in section 3(1)(B) and the Secretary of Agriculture or his designee with respect to the Federal lands described in section 3(1)(A).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing federal agencies, state and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) **SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.**—

(1) **PROJECTS FUNDED USING PROJECT FUNDS.**—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved.

(2) **PROJECTS FUNDED USING OTHER FUNDS.**—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from state or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) **JOINT PROJECTS.**—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) **REQUIRED DESCRIPTION OF PROJECTS.**—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) **AUTHORIZED PROJECTS.**—Projects proposed under subsection (a) shall be consistent with section 2(b).

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) **CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.**—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) **ENVIRONMENTAL REVIEWS.**—

(1) **PAYMENT OF REVIEW COSTS.**—

(A) **REQUEST FOR PAYMENT BY COUNTY.**—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee

agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with federal law and regulations.

(B) **EFFECT OF REFUSAL TO PAY.**—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) **DECISIONS OF SECRETARY CONCERNED.**—

(1) **REJECTION OF PROJECTS.**—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) **NOTICE OF PROJECT APPROVAL.**—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) **SOURCE AND CONDUCT OF PROJECT.**—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a federal action for all purposes.

(e) **IMPLEMENTATION OF APPROVED PROJECTS.**—

(1) **COOPERATION.**—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) **BEST VALUE CONTRACTING.**—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) **MERCHANTABLE MATERIALS SALES CONTRACTING PILOT PROJECTS.**—

(A) **ESTABLISHMENT.**—The Secretary concerned shall establish a pilot program regarding the sale of merchantable material under this title. Such a program shall ensure that, on an annual basis, no less than 75 percent of all projects involving merchantable material shall be implemented using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) **DURATION AND EXTENT.**—

(i) The Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2001, no less than 75 percent of projects involving merchantable material shall be included in the pilot program.

(ii) Not later than September 30, 2003, the Government Accounting Office (GAO) shall

submit a report to the Senate Energy and Natural Resources Committee, the House of Representatives Agriculture Committee and the House of Representatives Resources Committee assessing the pilot program.

(iii) If the GAO determines that the pilot program is ineffective at that time, then the Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2004, no less than 50 percent of projects involving merchantable material shall be implemented using separate contracts.

(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated to the following purposes:

- (1) road maintenance, decommissioning or obliteration; and
- (2) restoration of streams and watersheds.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain a resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of the title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of part 1780, subpart 1784 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed under this title and under title III by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203 and to the participating county under title III;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title and title III; and

(4) provide frequent opportunities for citizens, organizations, Tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title and title III.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following three categories:

- (A) 5 persons who—
 - (i) represent organized labor;
 - (ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;
 - (iii) represent energy and mineral development interests;
 - (iv) represent the commercial timber industry; or
 - (v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.
- (B) 5 persons representing—
 - (i) nationally recognized environmental organizations;
 - (ii) regionally or locally recognized environmental organizations;
 - (iii) dispersed recreational activities;
 - (iv) archeological and historical interests; or
 - (v) nationally or regionally recognized wild horse and burro interest groups.
- (C) 5 persons who—
 - (i) hold state elected office or their designee,
 - (ii) hold county or local elected office;
 - (iii) represent American Indian tribes within or adjacent to the area for which the committee is organized.
 - (iv) are school officials or teachers; or
 - (v) represent the affected public at large.

(3) BALANCED REPRESENTATION.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the state in which the committee has geographic jurisdiction.

(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) APPROVAL PROCEDURES.—

(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title and the participating county under title III. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), or to the participating county under section 302, if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local news-

paper of record and shall be open to the public.

(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multi-year project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multi-year project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTI-YEAR PROJECTS.—For the second and subsequent fiscal years of a multi-year project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent years fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section

203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) **USE OR TRANSFER OF UNOBLIGATED FUNDS.**—Subject to Section 209, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) **EFFECT OF REJECTION OF PROJECTS.**—Subject to Section 209, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) **EFFECT OF COURT ORDERS.**—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall use unobligated project funds related to that project in the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B) or 103(c)(1)(B), whichever applies to the funds involved.

SEC. 208. ALLOCATION OF PROCEEDS.

The proceeds from any joint project under section 203(a)(3) using both federal and non-federal funds shall be equitably divided between the Treasury of the United States and the nonfederal funding source in direct proportion to the contribution of funds to the overall cost of the project.

SEC. 209. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

SEC. 301. DEFINITIONS.

In this title:

(1) **PARTICIPATING COUNTY.**—The term “participating county” means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under sections 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of those funds in accordance with this title.

(2) **COUNTY FUNDS.**—The term “county funds” means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

SEC. 302. USE OF COUNTY FUNDS.

(a) **LIMITATION OF COUNTY FUND USE.**—County funds shall be expended solely on projects that meet the requirements of this title and section 205 of this Act; except that: the projects shall be approved by the participating county rather than the Secretary concerned.

(b) **AUTHORIZED USES.**—

(1) **SEARCH, RESCUE, AND EMERGENCY SERVICES.**—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) **COMMUNITY SERVICE WORK CAMPS.**—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) **EASEMENT PURCHASES.**—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for non-motorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) **FOREST RELATED EDUCATIONAL OPPORTUNITIES.**—A county may use these funds to establish and conduct forest-related after school programs.

(5) **FIRE PREVENTION AND COUNTY PLANNING.**—A county may use these funds for:

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent federal lands and to increase the protection of people and property from wildfires.

(6) **COMMUNITY FORESTRY.**—A county may use these funds towards non Federal cost-share provisions of the Section 9 of the Cooperative Forestry Assistance Act (Public Law 95-313).

SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in Section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) All revenues generated from projects pursuant to Title II, any funds remitted by counties pursuant to section 102 (d)(1)(B) or section 103(c)(1)(B), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181note) are repealed.

TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

SEC. 501. SHORT TITLE.

This Act may be cited as the “The Mineral Revenue Payments Clarification Act of 2000”.

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Subtitle C of title X of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) changed the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues “50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of

all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws. . . .”

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November, 1997, the Inspector General of the Department of the Interior found that “the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions.”.

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. sec. 191(b)) is amended to read as follows: “(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.”

Amend the title so as to read: “A bill to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of federal lands.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 13, 2000, to conduct a symposium on circulating coin design.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 13, 2000, at 9:30 a.m. on marketing violence to children.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROTH. Mr. President I ask unanimous consent that the Committee on

Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 13, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 13, 2000 at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 13, 2000 at 9:00 a.m. for a hearing to consider the nominations of Gerald Fisher and John Ramsey Johnson to be Associate Judges of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to hold a business meeting on September 13, 2000, in the Russell Senate Office Building room number 485, immediately following the 2:30 p.m. hearing on S. 2899, where S. 2920, a bill to amend the Indian Gaming Regulatory Act; S. 2688, a bill to amend the Native American Languages Act; and S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, will be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, September 13, 2000, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building to hold a roundtable entitled "What Is Contract Bundling?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. ROTH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, September 13, 2000 from 10:30 a.m.-12:30 p.m. in Dirksen 608 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROTH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 13, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Wednesday, September 13, 9:30 a.m. to conduct a hearing to receive testimony on the Draft Biological Opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 13, at 2:15 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2873, a bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; H.R. 3676, a bill to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; and its companion, S. 2784, a bill entitled, "Santa Rosa and San Jacinto Mountains National Monument Act of 2000"; S. 2865, a bill to designate certain land of the National Forest System located in the State of Virginia as wilderness; S. 2956 and its companion bill, H.R. 4275, a bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; and S. 2977, a bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

Mr. CRAIG. Mr. President, I am pleased my colleague from Oregon has joined with me on the floor as we now consider, by unanimous consent, a key piece of legislation on which he, Senator WYDEN, and I have been working.

I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 520, S. 1608.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1608) to provide annual payments to the States and counties from National

Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominantly by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Secure Rural Schools and Community Self-Determination Act of 2000".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

- Sec. 101. Determination of full payment amount for eligible States and counties.
- Sec. 102. Payments to States from Forest Service lands for use by counties to benefit public education and transportation.
- Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

- Sec. 201. Definitions.
- Sec. 202. General limitation on use of project funds.
- Sec. 203. Submission of project proposals.
- Sec. 204. Evaluation and approval of projects by Secretary concerned.
- Sec. 205. Resource advisory committees.
- Sec. 206. Use of project funds.
- Sec. 207. Availability of project funds.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Authorization of appropriations.
- Sec. 302. Treatment of funds and revenues.
- Sec. 303. Regulations.
- Sec. 304. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSE.

(a) *FINDINGS.*—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as re-vested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such

as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the reverted and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are—

(1) to stabilize and make permanent payments to counties to provide funding for schools and roads;

(2) to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to:

- (A) Road, trail, and infrastructure maintenance or obliteration;
- (B) Soil productivity improvement;
- (C) Improvements in forest ecosystem health;
- (D) Watershed restoration and maintenance;

(E) Restoration, maintenance and improvement of wildlife and fish habitat;

(F) Control of noxious and exotic weeds;

(G) Reestablishment of native species; and

(H) General resource stewardship.

(3) to improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term “Federal lands” means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–10912); and

(B) the Oregon and California Railroad grant lands vested in the United States by the Act of June 9, 1916 (chapter 137; 39 Stat. 218), Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919 (chapter 47; 40 Stat. 1179), and subsequent additions to such lands.

(2) ELIGIBILITY PERIOD.—The term “eligibility period” means fiscal year 1984 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term “eligible county” means a county or borough that received 50-percent payments for one or more fiscal years of the eligibility period or a county or borough that received a portion of an eligible State’s 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county or borough established after the date of the enactment of this Act so long as the county or borough includes all or a portion of a county or borough described in the preceding sentence.

(4) ELIGIBLE STATE.—The term “eligible State” means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term “full payment amount” means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENTS.—The term “25-percent payments” means the payments to States required by the sixth paragraph under the heading of “FOREST SERVICE” in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) 50-PERCENT PAYMENTS.—The term “50-percent payments” means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term “safety net payments” means the payments to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—The Secretary of the Treasury shall calculate for each eligible State an amount equal to the average of the three highest 25-percent payments and safety net payments made to the eligible counties in that State for fiscal years of the eligibility period,

(2) BLM COUNTIES.—The Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments

and safety net payments made to that eligible county for fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE STATES.—The Secretary of the Treasury shall make to each eligible State a payment in accordance with subsection (b) for each fiscal year beginning in fiscal year 2000. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—Except as provided in subsection (c), the payment to an eligible State for a fiscal year shall consist of the 25-percent payment applicable to that State for that fiscal year as described in section 3(6).

(c) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) An eligible State may elect to receive the full payment amount as described in sections 101(a)(1) and 101(b), in lieu of the payment described in subsection (b). The election shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State. Each such county election shall be effective for two fiscal years.

(2) Except that, when a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years.

(3) The payment to an eligible State under this subsection for a fiscal year shall be derived first from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in subsection 3(1)(A) and/or secondly, as determined by the Secretary of the Treasury, from any funds in the Treasury not otherwise appropriated.

(d) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—An eligible State that elects to receive a payment under subsection (c) shall distribute the payment among all eligible counties in the State, with each eligible county receiving the amount calculated for that county in Section 101(a).

(2) EXPENDITURE PURPOSES.—Subject to subsection (e), payments received by eligible States under subsection (a) and distributed to eligible counties shall be expended in the same manner in which 25-percent payments are required to be expended.

(e) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subsection (d)—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall either be reserved for projects in accordance with title II, or remitted to the fund created by section 302(b).

(2) DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.—Funds reserved by an eligible county under paragraph (1) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(3) ELECTION.—

(A) GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under subsection (c) in the same manner in which the 25-percent payments are required to be expended, and remitted the balance to the fund created by Section 302(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding the expenditure rules in this subsection, in the case of each eligible county to which less than \$100,000 is distributed for any fiscal year pursuant to subsection (c), the eligible county may elect to expend all such funds in accordance with subsection (d).

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE COUNTIES.—The Secretary of the Treasury shall make to each eligible county that received a 50-percent payment during the eligibility period a payment in accordance with subsection (b) for each of fiscal year in fiscal year 2000. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—Except as provided in subsection (c), the payments to an eligible county for a fiscal year shall consist of the 50-percent payment applicable to that county for that fiscal year as described in section 3(7).

(c) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) An eligible county may elect to receive the full payment amount, as described in sections 101(a)(2) and 101(b) in lieu of the payment described in subsection (b). The election shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived first from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Bureau of Land Management on the Federal Lands described in subsection 3(1)(B) and/or secondly, as determined by the Secretary of the Treasury, from any funds in the Treasury not otherwise appropriated.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subsection (d)—

(A) Not less than 80 percent but not more than 85 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended; and

(B) At the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall either be reserved for projects in accordance with title II, or remitted to the fund created by section 302(b).

(2) DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.—Funds reserved by an eligible county under paragraph (1) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year under subsection (d). If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent on the funds received under

subsection (c) in the same manner in which the 50-percent payments are required to be expended and remitted the balance to the fund created by section 302(b).

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term “participating county” means an eligible county that—

(A) receives Federal funds pursuant to section 102 or 103; and

(B) elects under sections 102(e)(3) or 103(d)(3) to expend a portion of those funds in accordance with sections 102(e)(1)(B) or 103(d)(3).

(2) PROJECT FUNDS.—The term “project funds” means all funds an eligible county elects under sections 102(e)(3) and 103(d)(3) to reserve for expenditure under sections 102(e)(1)(B) or 103(d)(2) for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term “resource advisory committee” means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term “resource management plan” means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term “Secretary concerned” means the Secretary of the Interior or his designee with respect to the Federal lands described in section 3(1)(B) and the Secretary of Agriculture or his designee with respect to the Federal lands described in section 3(1)(A).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on public or private land or both that benefit these resources within the watershed.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year, each resource advisory committee established under section 205 shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved.

(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, from the private sector, or funds held by the Secretary concerned pursuant to section 302(b), other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to

a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks project effectiveness, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: whether or not the project created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—

(1) IN GENERAL.—Projects proposed under subsection (a) shall be consistent with section 2(b).

(2) SEARCH, RESCUE, AND EMERGENCY SERVICES.—Notwithstanding paragraph (1), a resource advisory committee may submit as a proposed project under subsection (a) a proposal that the participating county or sheriff's department receive reimbursement for search and rescue and other emergency services performed on Federal lands and paid for by the county. The source of funding for an approved project of this type must be the fund created by section 302(b).

(3) COMMUNITY SERVICE WORK CAMPS.—Notwithstanding paragraph (1), a resource advisory committee may submit as a proposed project under subsection (a) a proposal that the participating county receive reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to

pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) **EFFECT OF REFUSAL TO PAY.**—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(C) **DECISIONS OF SECRETARY CONCERNED.**—

(1) **REJECTION OF PROJECTS.**—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) **NOTICE OF PROJECT APPROVAL.**—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) **SOURCE AND CONDUCT OF PROJECT.**—Once the Secretary concerned accepts a project for review under section 204, it shall be deemed a Federal action for all purposes.

(e) **IMPLEMENTATION OF APPROVED PROJECTS.**—

(1) **COOPERATION.**—Notwithstanding chapter 63 of title 31, United States Code, the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) **BEST VALUE CONTRACTING.**—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) **MERCHANTABLE MATERIALS SALES CONTRACTING PILOT PROJECTS.**—Until September 30, 2004, for a portion of the contracts issued under this paragraph, the Secretary concerned shall provide for the disposal of the forest products under a separate contract. Within one year of the completion of the contracts authorized under this paragraph, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee of Resources of the United States House of Representatives on the environmental and fiscal results of these projects.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) **ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.**—

(1) **ESTABLISHMENT.**—The Secretary concerned shall establish and maintain a resource advisory committee to perform the duties in subsection (b), except as provided in paragraphs (3) and (4).

(2) **PURPOSE.**—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) **ACCESS TO RESOURCE ADVISORY COMMITTEES.**—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) **EXISTING ADVISORY COMMITTEES.**—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of the title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of part 1780, subpart 1784 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) **DUTIES.**—A resource advisory committee shall—

(1) review projects proposed by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act; and

(4) provide frequent opportunities for citizens, organizations, Tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process.

(c) **APPOINTMENT BY THE SECRETARY.**—

(1) **APPOINTMENT AND TERM.**—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) **BASIC REQUIREMENTS.**—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) **INITIAL APPOINTMENT.**—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) **VACANCIES.**—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) **COMPENSATION.**—Members of the resource advisory committees shall not receive any compensation.

(d) **COMPOSITION OF ADVISORY COMMITTEE.**—

(1) **NUMBER.**—Each resource advisory committee shall be comprised of 15 members.

(2) **COMMUNITY INTERESTS REPRESENTED.**—

Committee members shall be representative of the interests of the following categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry;

or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold state elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) **BALANCED REPRESENTATION.**—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) **GEOGRAPHIC DISTRIBUTION.**—The members of a resource advisory committee shall reside within the State in which the committee has geographic jurisdiction.

(5) **CHAIRPERSON.**—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) **APPROVAL PROCEDURES.**—

(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for defining a quorum and proposing projects to the Secretary concerned. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a) if it has been approved by a majority of members of the committee from each of the three categories in subsection (c)(2).

(f) **OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.**—

(1) **STAFF ASSISTANCE.**—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) **MEETINGS.**—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) **RECORDS.**—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) **AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.**—

(1) **AGREEMENT BETWEEN PARTIES.**—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multi-year project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) **LIMITED USE OF FEDERAL FUNDS.**—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) **TRANSFER OF PROJECT FUNDS.**—

(1) **INITIAL TRANSFER REQUIRED.**—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using projects funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest Systems lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multi-year project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) **CONDITION ON PROJECT COMMENCEMENT.**—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) **SUBSEQUENT TRANSFERS FOR MULTI-YEAR PROJECTS.**—For the second and subsequent fiscal years of a multi-year project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent years fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) **SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.**—By the end of each fiscal year, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) **USE OR TRANSFER OF UNOBLIGATED FUNDS.**—

(1) If a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(2) Any funds not used because a county fails to elect under section 102(e)(3) or section 103(d)(3) to expend monies for local projects shall be remitted to the fund created by section 302(b).

(c) **EFFECT OF REJECTION OF PROJECTS.**—Any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) **EFFECT OF COURT ORDERS.**—If an approved project is enjoined or prohibited by a Federal court under this Act, the Secretary concerned shall use unobligated project funds related to that project in the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(e)(1)(B) or 103(d)(1)(B), whichever applies to the funds involved.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as are necessary to carry out this Act for fiscal years 2001 through 2007.

SEC. 302. TREATMENT OF FUNDS AND REVENUES.

(a) Funds appropriated pursuant to the authorization of appropriations in section 301 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) Any and all revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(e)(1)(B) or section 103(d)(1)(B), and any interest accrued

from any such funds shall be deposited and retained without further appropriation in a national fund and available to the Secretary concerned to fund projects authorized pursuant to section 203. The Secretary concerned shall prioritize expenditures from this fund and shall identify, in an annual report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, all projects receiving funds pursuant to this subsection.

SEC. 303. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 304. CONFORMING AMENDMENTS.

Section 13982 of the Omnibus Budget Reconciliation Act of 1993 (116 U.S.C. 500 note) is repealed. Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) is repealed.

Mr. CRAIG. Mr. President, S. 1608, the Secure Rural Schools and Community Self-Determination Act of 1999, solves a severe crisis in America's rural, forest counties driven by the precipitous decline in federal timber receipts over the last decade. The bill provides vital payments to schools and counties, while providing option to direct a portion of the payments to the development of local projects to address the needs of our families and forests.

S. 1608 provides equity and increased educational opportunities for rural school children. States that are dominated by federally owned lands are facing a dual economic and educational crisis.

Our nation contains almost 800 forest counties; 2,000 forest school districts; 600,000 rural families, and more than 4 million school children who depend upon rural public schools for their education. These children deserve the same educational opportunities as their counterparts in urban areas.

Mosr urban areas across America witnessed unprecedented prosperity throughout the 1990s. However, in our rural forest counties, the decade has been a one-way slide toward poverty, unemployment, and a lower standard of living for communities, families and children.

And it is our children who have borne the brunt of the harm. Rural children have been faced with:

School closings; school days and weeks shortened; class sizes increased due to teacher layoffs; classroom aides eliminated; counseling, nursing, and psychological services cut or eliminated; music, art, athletic, and academic enrichment programs eliminated; and student transportation services and winter road maintenance scaled back or eliminated.

The bill's guaranteed payments will provide critical resources for our children. It will allow our teachers to once again provide them with a quality education.

In crafting S. 1608, Senator WYDEN and I were assisted by local community representatives who work, live, and represent thousands of rural citizens.

The bill is supported by a unique coalition of more than 1000 organizations across 50 states including county officials, educators, teachers unions, labor unions, and local businesses. This bill is truly a community-based solution to a national crisis. It is very, very rare indeed, to bring a bill to the Senate floor that enjoys the breadth of support represented by the groups in favor of S. 1608.

S. 1608 also provides funds to invest in collaborative improvement projects to address high priority forest management needs such as: infrastructure improvement, fuel and fire reduction, ecosystem restoration, stewardship projects and watershed protection and restoration. In addition, these cooperative county projects will contribute to local community economic self-sufficiency and family social stability. As reported, S. 1608 is a win-win solution for all of rural America; our school children, our educators, our working families, our counties, and our forestlands.

Mr. WYDEN. Mr. President, many folks in rural Oregon and other parts of rural America believe the Federal Government has abandoned them. They think Washington, D.C. has reneged on a decades-long commitment to support their schools and roads with revenue from timber harvested on Federal lands. People in timber-dependent rural America think they are being left behind to live in economic sacrifice zones.

Policy changes in Washington, DC., affecting logging on national forest across this country have caused timber receipts to fall an average of 70 percent over the last 15 years, and by as much as 90 percent in some areas. As timber receipts disappeared, roads fell deeper into disrepair, school programs were cut to the bone, and some schools even had to close their doors at least 1 day a week. Our fellow citizens who live in rural America should not be just an afterthought in our warp-speed world. The legislation before us, the Secure Rural Schools and Community Self-Determination Act, will renew the compact with timber-dependent communities without compromising our commitment to environmentally sound stewardship of our forests. It will give people in rural counties the financial predictability they need to step into the 21st century.

Since 1908, people in rural counties across this country have lived by a compact with the Federal Government. As compensation for paying no property taxes, the Federal Government would give the counties a quarter of the timber revenue. For decades, this arrangement provide adequate funds to sustain schools, roads and other basic county services, like emergency rescue. But when timber harvests began to drop off and timber jobs were lost, little effort was made to help offset the shortfall, and citizens in rural counties felt betrayed by the government in Washington, DC. We are not talking

about a few isolated communities in remote areas of America. Timber-dependent communities are found in 709 counties in 42 states. Some 800,000 school children and millions of people live in these counties. Thirty-one of 36 counties in my State of Oregon receive timber payments. Counties in the western part of Oregon have been able to survive because of Spotted Owl safety net payments, but no such safety net exists for those in eastern Oregon. There, Grant County, has lost 90 percent of its timber receipts, from more than \$12 million down to \$1 million, and the county has turned to such cost-cutting measures as a 4-day school week.

Under this legislation, Oregon counties will get a total of \$261 million a year—an increase of \$115 million, or 79 percent. Of the \$261 million, \$222 million would be available for schools and roads and \$39 million will remain for the counties either to invest in their backyard national forests or in forest-related county services.

The purpose of S. 1608 is to help rural communities adapt to changing national forest management policies by creating a funding formula alternative to timber receipts. The legislation will ensure that the future relationship between the people living in the 709 affected rural counties and the Federal Government does not depend on how many trees are cut. Rural communities will be connected to Federal lands through stewardship projects, maintenance of existing forest infrastructure, ecosystem restoration and improvement of land and water quality. Counties will choose how to spend the Federal payment, and projects will be developed by broad-based groups of local citizens. Collaboration with Federal land managers will help ensure projects comply with all existing environmental laws and regulations. The legislation would restore stability to the 25 percent payments compact by ensuring a predictable payment level to forest communities for six years. The amount going toward schools and roads would represent 80–85 percent of the three-year average of the highest payment years from 1985 to the present. Unlike today's system, a county will receive its payment from the general Treasury, regardless of whether a single tree is cut from national forests.

Counties will decide for themselves how to invest the remaining 15-to-20 percent of the average amount described above for projects recommended by local community advisory committees if those projects are approved by the appropriate Federal land management agency. Although locally-conceived, every project must comply with all environmental laws and regulations, as well as all applicable forest plans. Counties might also opt to pursue projects related to the forest—rather than in the forest—through Title III. These projects might include fire prevention, the purchase of easements or forest-related after-school programs. In addition, each

project must—and I quote from the bill here—“improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality” on the national forests.

County choice is critical to the bill. Counties that opt not to join the program—such as those anticipating higher timber receipts in the immediate future—will continue to receive payments based on the existing formula, and they also have the option of joining the program two years down the road. Counties that opt to join the program will get stable payments based on a new formula.

There is no doubt about it. This legislation will change the traditional dynamic between logging and Federal payments to schools and counties. But altering the link between timber harvest and county payments does not mean we seek to sever the ties between people and land. S. 1608 will strengthen the bond between communities and neighboring Federal forests. The projects that would be authorized by S. 1608 are a way for the Federal government to recognize—without relaxing or compromising our environmental commitments—that timber towns grow not just trees, but people, too.

When this debate began, the issues were highly polarized. On the one side were those who would punish the Forest Service for not cutting enough trees; on the other were those who, unintentionally, would punish our rural communities and school children by not providing them the funding they so desperately need. After listening to both sides and after many long discussions, Senator CRAIG and I rejected the extremes and sought out a middle path that would break the gridlock. The legislation we bring to the Senate will establish a foundation to move rural communities beyond this time of crisis, and, with the forest ecosystem restoration projects, put them on a path toward sustainability in this new century.

One of my goals for this legislation was to assure the counties have as much choice as possible, and I believe this goal has been met. As I said earlier, first, counties can choose whether they would like to be part of this program and receive a stable payment. If they choose not to be part of the program, they may revisit this decision every 2 years. Second, a county that chooses to be part of the program and receive stable payments must decide the type of projects they want to invest in: projects in the forest, like stream and watershed restoration; or projects related to the forests, such as wildfire prevention or afterschool programs for their children. Also, a county can opt simply to have the money sent back to the U.S. Treasury without pursuing projects. Finally, these choices may be revisited every year.

The ecological health of the forests is a key to survival for many of these

communities, making forest restoration a cornerstone of the bill. Counties have choices as to how and how much they receive so they are able to determine the best allocation of funds: whether to support forest health, job creation, ecosystem restoration or a combination of these. Whatever the choice, it is an investment in both the future of the forest and the community. This legislation is the product of many months of painstaking work. Since the beginning, it has been a bipartisan effort. The Energy and Natural Resources Committee reported the legislation by voice vote last April, and through negotiations with many other interested Senators, we have a managers' amendment that represents a further refinement of the bill.

I particularly want to thank Senators CRAIG and BINGAMAN, the Chair and ranking member of the Energy Committee. Without their dedication and willingness to put long hours into this effort, we would not have such a solid piece of legislation. I would also like to make special note of the help of Senator BAUCUS in crafting Title III and bringing a strong focus on wildfire prevention. I would also like to acknowledge the work of the staff on S. 1608. In particular, Jose Kardon, my chief of staff, and Sarah Bittleman, my Natural Resources counsel, have done yeoman's work on this legislation. Carole Grunberg, my legislative director, and Jeff Gagne, my Education advisor, also contributed to the effort. Special thanks also goes to Mark Rey of the Energy Committee staff, whose steady hand and creativity helped resolve so many problems successfully; to Bob Simon and Kira Finkler, of the Energy Committee Democratic staff; and to Brian Kuehl with Senator BAUCUS and Sara Barth with Senator BOXER.

S. 1608 is supported by thousands of groups, hundreds of counties, labor organizations and school groups including the National Education Association, National Association of Counties, the American Federation of State, County and Municipal Employees, as well as the AFL-CIO.

I urge my colleagues to support this legislation.

AMENDMENT NO. 4139

Mr. CRAIG. Mr. President, there is a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself and Mr. WYDEN, proposes an amendment numbered 4139.

Mr. CRAIG. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. CRAIG. Mr. President, in conjunction with the administration, and

the members of the Budget Committee, we have made a series of technical changes to S. 1608 as it was reported by the committee. These changes are designed to: (1) respond to the concerns of some members with the bill as reported; (2) address some additional issues raised by the Administration; (3) rectify technical problems with the bill; as well as (4) bring the bill's costs in line with the amount provided in fiscal year 2001 budget resolution. Let me briefly describe the most important changes for the benefit of the Senate. We have modified the formula used to calculate the "full payment amount" to which states are entitled from the Forest Service under this bill. Rather than having this payment calculated on the average of the three highest 25 percent payments for each eligible county within each state, the calculations will be based upon the average of the three highest 25 percent payments for each state during the fiscal years of the eligible years period. We also reduced the annual adjustment for inflation. These changes will reduce the cost of the bill as estimated by the Congressional Budget Office from \$1.46 billion over a 5-year period to around \$1.1 billion over the same period.

In section 102(a) and section 103(a), we clarify that the duration of the bill will be fiscal year 2001 through fiscal year 2006. It is the manager's intent that this bill be sunsetted after six years. This language, and new language in section 209 and section 303 added by the manager's amendment emphasizes this for the purpose of clarity. We made a minor change to clarify that eligible counties that receive less than \$100,000 in payments for fiscal year 2001 may elect to expend all of this money for schools and roads, whether or not the payment increases slightly in out-years as a result of the inflation adjustment. This change will assist counties with small revenue distributions.

In section 202, we clarify that projects funded under this bill can be conducted on public or private lands as long as there is a benefit to federally managed resources. The committee bill was not sufficiently precise in this regard. In section 203(b)(6), we added language to more fully describe the kind of monitoring plans that we would like to see associated with projects approved under the bill. In section 204(e)(3), we elected to put some quantitative targets on the pilot projects that the bill authorizes for merchantable materials, with an out-year adjustment based upon the results of a GAO audit. We are hopeful that the administration will move aggressively to implement this pilot project, and report on its progress promptly and thoroughly to Congress. In section 401, we clarified that the bill authorizes appropriations for fiscal year 2001 through 2006. This is to emphasize that this is a six-year bill.

In section 402(b), we specify that any revenues generated by projected funded by monies authorized under this bill

should be returned to the Treasury, except in the single case where a project is jointly funded by both project and non-federal revenues. The portion of revenues associated with funds provided by this bill would be retained by the appropriate Secretary. The proportion of revenues associated with funds provided by non-federal sources would be shared with those sources. This change is designed to address the concern that allowing revenues generated by projects to be retained by federal agencies would create an unwelcome incentive to focus exclusively on revenue-generating projects. Our amendment addresses this concern in an equitable fashion.

With regard to the projects funded under this bill, we added language in section 204 to assure that projects will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, or restore and improve land health and water quality. We also specify that fifty percent of the project money shall be used for projects that involve road maintenance or obliteration, or the restoration of streams and watersheds. These changes are designed to encourage the development of projects that foster resource stewardship. To provide the counties that elect to participate in projects a wider range of choices, we have added a title III to the bill. Under the provisions of title III, counties may choose to invest their project money in a list of authorized uses including: (1) search, rescue, and emergency services; (2) community service work camps; (3) easement purchases from willing sellers to provide access to public lands; (4) forest related educational programs; (5) local fire prevention and fire risk reduction planning activities; and (6) community forestry projects. These projects would still be developed and recommended through the local resource advisory committees established in title II of the bill. They will function much as they do in title II, except that the projects will not require the approval of the Secretary, as would title II projects. Also, under the specific terms of section 102(d)(1)(B) and section 102(c)(1)(B) counties could split their project funds between titles II and III as they choose.

We have also added a new title V to the bill to remedy a serious problem caused by the Omnibus Budget Reconciliation Act of 1993 involving the sharing with the states of onshore mineral revenues and revenues from geothermal steam. Prior to the 1993 act the federal government and the states split these revenues on a fifty-fifty basis. The 1993 act requires that the federal government deduct its previous years expenses for administering these programs from the receipts before the fifty-fifty split is made. This requirement has proven very difficult to implement due to general sloppiness of federal accounting systems. The federal agencies and the states have be-

come involved in numerous disputes over the federal government's calculation of its administrative expenses. In light of these problems, with the advice and the assistance of Senators DOMENICI and BINGAMAN, we propose to return to the pre-1993 system of calculating shared receipts.

Finally, we have added a conforming amendment in section 4 of the bill. This amendment specifies that payments required by this bill would be included in the calculation of the payment in lieu of taxes (PILT) payments that each state receives. This change will result in payments under this act being treated in the same fashion as other natural resource payments to the states.

I appreciate the cooperation of several of my colleagues in developing the changes that went into the manager's amendment. I particularly want to thank Senator DOMENICI and Senator BINGAMAN and their staffs for their assistance in putting together the manager's amendment. The bill is a much better product because of their contribution.

Mr. MURKOWSKI. Mr. President, I rise today to support passage of S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000.

This bill will restore the financial and resource management links between the rural communities of America and our natural resource agencies.

The precipitous drop in financial support for education and infrastructure needs of our rural counties will be restored by S. 1608.

These payments will now be steady and reliable. This bill also reverses the inward turning, and belt-way centered, thinking of resource managers by creating collaborative processes for natural resources management in our rural communities.

S. 1608 will provide rural communities and their public lands managers the opportunity to work together to improve the ecosystems by investing in the public lands.

I would like to express my appreciation for the months of work that have been put in on this bill by my fellow members of the Energy Committee: Senator CRAIG and Senator WYDEN.

Bringing this bill to the floor today is the result of countless hours of briefings, dialog and negotiation with Senator CRAIG, Senator WYDEN, their staff, the National Forest County & Schools Coalition, and all the other groups that have expended time and effort to assure that the educational needs of the kids in rural communities would not be neglected.

I would also like to express my appreciation to the Forest Service, Department of Agriculture, and others in the Administration who have been helpful in coming to the final product we see here today.

In closing I thank all those who have contributed to crafting S. 1608 for their hard work.

I urge my colleagues to vote for this bill.

And finally I look forward to the federal government reestablishing its support to the rural communities of this country so that they can maintain their school systems and provide other needed county services.

Mr. SMITH of Oregon. Mr. President, I am pleased to speak to the Senate today in strong support of S. 1608, the Secure Rural Schools and Community Self-determination Act of 2000. As an original co-sponsor of this legislation, I commend Senator CRAIG and Senator WYDEN for their leadership in crafting a bill which brings all sides of the issue together. I want to take a minute to salute Oregon's county commissioners, who kept this issue on top of their priority list, and who made frequent trips to meetings in Oregon and here in Washington, D.C. to make sure this legislation moved forward. Oregon is a remarkably diverse state, but as I have traveled throughout Oregon, I hear the same thing in each of our 36 counties—and that's the fact that passage of S. 1608 is their number one priority. I also want to thank President Clinton for his statement that he will sign this legislation when it reaches his desk.

S. 1608 re-establishes the federal government's compact with rural communities—one that dates back to the early days of settlement in the West—while providing much needed funding for environmentally sound, locally developed projects to restore the health of federal watersheds and forests. Perhaps more importantly, this bill will ensure that the federal government provides fair compensation to local governments so that they in turn will be able to meet their communities' needs for schools and roads. I want to make sure my colleagues understand why this legislation is needed, and how the counties in my State, as well as nearly 800 other rural counties in 41 other States, will suffer if we do not pass S. 1608 today.

Nearly a century ago, the "forest reserves", precursors of our national forests, were transferred from the Department of the Interior to the Department of Agriculture. At that time, the Congress understood that placing these forest reserves in the federal government's trust would have very negative effects on the property taxes local governments and local school systems could collect. To remedy this, Congress passed a law in 1908 to share 25 percent of the Forest Service's gross receipts with the counties to partially compensate the counties for the lost taxes. In addition, Congress designated these funds to be spent on schools and county roads. Having directed the Forest Service to pay very close attention to the needs of the local citizens and industries in the "1905 Transfer Act," coupled with the passage of the "1908 25 Percent Payment Act," Congress had developed a fair and workable compact with rural communities and counties. It was a compact that worked very well for nearly 90 years.

Over the last ten years, however, as federal timber sales have declined by

nearly 70 percent across the nation, rural counties in many states began to see serious short-falls in their annual 25 percent payments. In Oregon, where federal timber sales have declined by an even greater margin, these short-falls have been truly devastating for local governments.

As Federal lands have increasingly been declared "off limits" in recent years, rural communities have worked hard to diversify their economies. While tourism has flourished in certain pockets, to this point it has not been a substitute for the family wage jobs the timber industry once offered. Ultimately, there is only so much that local governments can do when 70 percent, 80 percent, or even more, of the land is tied up in federal holdings. The fact that local governments are no longer being adequately compensated for federal land ownership only adds to the burdens of rural communities trying to bring in new industries, provide education and health services, and bridge the digital divide. This is what we are trying to address with S. 1608.

Lane County, Oregon, for example, has seen receipts from federal lands shrink by 65 percent over the last ten years. This has created a gaping \$7 million hole in the resources the County uses to provide families with basic needs, including public health and safety services, strong education systems, and safe roads and highways. If S. 1608 is not passed, Lane County faces the prospect of slashing its public works engineering staff by 50 percent, leaving roads and bridges threatened with disrepair.

Perhaps Grant County in eastern Oregon makes an even more compelling case for the passage of S. 1608. There, the local government has been forced to cut back to four day school weeks to make up for the shortfall in 25 percent payments. It is outrageous that the educational opportunities for children in rural areas of this country are being put in jeopardy by the decline of federal timber receipts.

Throughout my state and in communities in many other states with forest counties, sports and extra curricular activities have been dropped, and special programs for gifted and talented students have been sharply cut back. These communities have been forced to make heart-breaking decisions over whether to cut back social service programs or school funding, or to sharply reduce sheriffs' patrols and close jails, or to cut out all extra curricular activities at their schools. We have an opportunity today to answer the call of rural America by passing this legislation and show our support for education and rural communities. The vote we cast today is not just a vote for or against legislation, it is a vote for or against the future of rural schools, roads, and children.

Now let me turn briefly to the objections raised by some in the environmental community regarding the resource projects authorized by this bill.

Apparently, the special interest groups that oppose S. 1608 over this issue would prefer that the historic relationship between the local community and the management of their neighboring federal lands be severed completely. Of course, if we were to sever the long-standing relationship between federal lands and the communities that host them, these same special interest groups would merely have to hold sway over the land management bureaucracy in Washington or the federal courts, never having to face the people most affected by their policies.

Some of these groups have gone so far as to run slick attack ads against my colleague from Oregon, Senator WYDEN, implying that the resource projects authorized by S. 1608 would open the door to clearcutting on our national forests. Colleagues, please don't be fooled by the Washington tactics being employed by the national environmental interest groups in opposition to S. 1608. This bill makes clear that these projects must be in compliance with federal environmental protection laws and that they must be formulated by a Resource Advisory Committee made up of interested stakeholders, including environmentalists.

S. 1608 is supported by the National Forest Counties and Schools Coalition, a coalition of educators, county governmental officials, private companies, and many of the unions who represent people who live, work, and teach in or near our federal forests. It is a Coalition of over 1,000 organizations that represents over 25 million people. In supporting S. 1608, I am choosing to stand with those 25 million people, to stand with thousands of rural communities in States stretching across America.

In closing, Mr. President, I ask my colleagues to put themselves in the position of a local government official from a small town in a county dominated by federal forest lands. We have many of them in my state. Towns like John Day, Oakridge, and Riddle. Perhaps you have counties with towns like these in your state. Imagine that your major resource-based industries have largely been shut down by various federal actions over the last decade. Too many of the young people are having to move away to find jobs. As a local government leader you try and build up your community and yet you find—because your community is surrounded by federal lands—that you often can't expand the land under development to bring in new industry, you often can't build roads or recreation sites to bring in more tourism, nor can you tax federal forest lands to help pay for the kind of infrastructure or human resources you need to attract high tech companies to your area. What would you do? How would you try and turn around the local economy with the federal government turning a blind eye to the economic consequences of its actions? That is what we are trying to remedy today.

Shutting down our public lands in the name of the public good comes with a price—and it should not be rural America alone that has to pay it. It is long past time the federal government lived up to its financial obligation to these rural communities. A vote for S. 1608 is a step toward that end. I thank my colleagues for joining us in this effort today.

Mr. BAUCUS. Mr. President, I rise in support of Senate bill 1608, the Secure Rural Schools and Community Self-Determination Act of 2000. I would like to begin my comments today by drawing attention to the determined efforts of my friend and colleague from Oregon, Senator RON WYDEN, on behalf of rural counties. Senator WYDEN has worked tirelessly to ensure that counties with federal lands get a fair deal. He has not been alone in his efforts. Senator CRAIG from Idaho has been a vocal champion of this legislation. And many other senators, notably Senator BOXER of California, have offered constructive input that has greatly improved the legislation now before us.

As we all know, counties containing large amounts of public lands are not able to raise sufficient revenues from taxes since the federal government is not required to pay state or local taxes. Montana has one of the highest percentages of federally owned land of any state. This has a very significant impact on the tax base of our counties, and they have suffered because of it. As revenues from our national forests have decreased, so too have the payments to counties. Fortunately, Senator WYDEN stepped in with a creative solution that ensures that counties have the option to receive much more steady funding. S. 1608 recognizes both the value of these public lands and the needs of the affected counties. It is a wise compromise which allows counties the freedom to choose the plan that best serves their needs.

Mr. President, I would like to say just a few comments about title III of S. 1608. I felt that it was very important that counties have flexibility, not only in how their funding is determined but also in how it is spent. This is why I proposed title III of this bill, and I am very pleased that the sponsors of the bill have accepted it.

Under this bill, each year counties may spend 15–20 percent of their funding on either title II projects or on title III projects. As originally drafted, S. 1608 focused primarily on activities occurring on federal lands. Title III was an effort to give counties the option to focus on activities that are not necessarily “on” federal lands, but that clearly relate to federal lands.

First, under title III, counties may use the funds as reimbursement for search, rescue and emergency services, including fire fighting performed on federal lands and paid for by the county. Mr. President, after the ravages of the recent fires in Montana, many of which are still burning, it is abundantly clear that counties desperately

need this funding for both fire prevention and fire fighting. Counties that are stretching to make ends meet for basic services, such as road building and funding schools, simply can't afford to suddenly incur the massive costs associated with fighting wildfires.

I can't impress upon you enough the catastrophic impact that this summer's fires have had upon my state. The fires have raged out of control on our federal lands, such as the fire picture here (in the Beaverhead-Deerlodge National Forest which covered nearly 85,000 acres and has not yet been contained. Cities have spent weeks under a cloud of smoke, as you can see in this photo of Helena. People, houses, and wildlife have all been threatened, and it is thanks only to the heroic efforts of our firefighters that so few lives and structures have been lost. I was honored to spend some time with these courageous individuals, and I can tell you, you have never met a more hard-working, determined crowd of folks. We owe them a heartfelt thank you, and I would like to express my personal gratitude for everything they have done.

The process of rehabilitation and clean-up has only begun, and the work we do now will be critical to ensuring the full recovery of our lands and our communities. For all of these reasons, I am very pleased that we were able to change this bill to make sure that counties in Montana and across the West could get much-needed funds for firefighting and related efforts this year and in future years.

It has also become clear that we need to do more to prevent danger from fires before they start. I've heard from many counties in Montana who have said that they could prevent loss of life and property if they had funding available to educate new homebuilders about where to build or not build their houses to reduce their exposure to wildfires and to make sure that emergency equipment can get to their homes. Homeowners need to know that a house built in the woods, especially if trees are not cleared away from the building, as shown, will be very difficult to save from fires. If the right materials are used in construction, however, homes can be made much less vulnerable. Under title III, counties will have the funding to do this kind of education. They will also be able to fund county planning efforts to increase the protection of people and property from wildfires.

Some of you may be under the mistaken impression that the entire state of Montana was on fire this summer, but let me assure you—the fires have not destroyed the beauty and value of our public lands. Under title III, counties can use funds to acquire easements to provide for nonmotorized access to public lands for hunting, fishing and other recreational purposes and to acquire conservation easements. These options are very important in states

like Montana where growth is gradually shutting off access to public lands and eliminating important fish and wildlife habitat. These provisions will give counties the tools to make sure that we are able to pass the West's outdoor heritage on to our children and grandchildren.

This photo here is of Eric and Brit-tany Sharpe, children of Terry and Craig Sharpe of Helena. Eric and Brit-tany's dad is the head of the Montana Wildlife Federation, an organization that works non-stop to try to make sure that our children will be able to enjoy Montana's great fish and wildlife resource just as we do today.

Mr. President, let us never lose sight of the real reason we do the work we do. Let us never lose sight of the children or ever forget for even a moment that we have a moral obligation to pass this place on to them in as good a shape or better than we found it.

Finally, counties may also use funds to establish and conduct forest-related after school programs. Mr. President, the Washington Post recently reported that 20 percent of all children in America are left unattended after school. In Montana, which has one of the highest incidents of parents having to work multiple jobs just to make ends meet, this number may be even higher. What is clear is that children are less likely to get into trouble, less likely to commit acts of violence, if they are involved in after school programs. In my mind, this provision gives us a tremendous opportunity to work with our most precious asset—the youth—and to give them opportunities to learn about our forests and to gain hands-on experience in working on matters relating to our forests.

I was very pleased to be able to add these important options to a bill that is critically needed to ensure the fair treatment of our rural counties. I urge my colleagues in the Senate to acknowledge the vital importance of these efforts and to give this bill, and the rural counties of America, their full support.

Mr. President, before I close, I want to take a moment to elaborate on two issues that were addressed in a colloquy between myself, Senator WYDEN and Senator BOXER.

First is the question of whether a county can choose to allocate funds to both title II and title III in the same year. As should be clear from that colloquy, the bill has been drafted so that counties may choose to send their funds to either title II or title III in any given year, but not to both.

Mr. President, I submit for the RECORD a legal memorandum from Janet A. Poling, Associate General Counsel for the U.S. Forest Service, which reaches the same conclusion about the effect of the language in S. 1608 as modified by the managers amendment. I ask unanimous consent that a copy of this legal memorandum be printed in the RECORD following this statement.

Second is the question of the role of the Resource Advisory Committees in administering funds that a county wishes to expend under title III. As should be abundantly clear from the language of S. 1608 as amended and from the colloquy between myself, Senator WYDEN and Senator BOXER, the Resource Advisory Committees are intended to have only an advisory role on projects under title III. In short, counties are to have full discretion to spend title III funds for the purposes enumerated under title III without any restrictions or limitations placed upon them by the Resource Advisory Committees.

Mr. President, a second legal memorandum from the Associate General Counsel for the U.S. Forest Service reaches this conclusion based on the plain reading of S. 1608 as modified by the managers amendment. Mr. President, I ask unanimous consent that a copy of this legal memorandum be printed in the RECORD following the first legal memorandum that I submitted for the RECORD.

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

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 12, 2000.
Informational Memorandum for Anne Keys,
Deputy Under Secretary for NRE
From: Janet A. Poling, Associate General
Counsel, Natural Resources.
Subject: Request for Legal Interpretation of
Section 102(d)(1)(B) in the Manager's
Amendment dated September 8, 2000, for
S. 1608, the "Secure Rural Schools and
Community Self-Determination Act of
2000."

Issue: This memorandum responds to your request for our legal interpretation of section 102(d)(1)(B) in the manager's amendment dated September 8, 2000, for S. 1608. You have asked whether an eligible county can elect to use the balance of its funds for a combination of the listed purposes or whether an eligible county can use the funds for only one of the listed purposes.

Discussion: Section 102(d)(1)(B) of the subject manager's amendment provides:

"(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subparagraph (c)—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall—

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 302(b)."

We interpret subparagraph (B) as allowing an eligible county to choose to use the balance of its funds for only one of the three listed purposes. The provision would not allow counties to use the funds for a combination of the purposes. For example, an eligible county could elect to reserve the funds for projects in accordance with title II or to spend the funds in accordance with title III, but could not allocate funds for both purposes.

Summary: Section 102(d)(1)(B) would allow an eligible county to choose to use the balance of its funds for only one of the three listed purposes.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 13, 2000.
Informational Memorandum for Anne Keys,
Deputy Under Secretary for NRE,
From: Janet A. Poling, Associate General
Counsel, Natural Resources.

Subject: Request for Legal Interpretation of
Section 302(a) in the Manager's Amend-
ment dated September 8, 2000, for S. 1608,
the "Secure Rural Schools and Commu-
nity Self-Determination Act of 2000."

Issue: This memorandum responds to your request for our legal interpretation of section 302(a) in the manager's amendment dated September 8, 2000, for S. 1608. You have asked whether a participating county may use county funds under the Title III on projects that have not been recommended by a resource advisory committee.

Discussion: Section 302(a) provides:
"(a) LIMITATION OF COUNTY FUND USE.—
County funds shall be expended solely on
projects that meet the requirements of this
title and section 205 of this Act except that:
the projects shall be approved by the partici-
pating county rather than the Secretary
concerned."

Section 302(b) provides for the authorized uses of "county funds" as that term is defined in section 301(2). Section 303 terminates the authority to initiate projects using county funds at the end of fiscal year 2006.

Section 302(a) also limits the use of county funds to projects that meet the requirements of section 205. Although the reference to section 205 is ambiguous, section 302(a) is most reasonably interpreted as requiring participating counties to submit their proposals for the use of county funds to the appropriate resource advisory committee for review in accordance with section 205(b)(1). We see nothing in the bill that requires approval of a proposed project by a resource advisory committee as a prerequisite for the use of county funds by a participating county. Our interpretation is based in part on the proviso in section 302(a) that places the final decision making authority for the use of county funds with the participating county. Additionally, Title III does not contain procedures similar to those in Title II regarding projects recommended by resource advisory committees.

Summary: We see nothing in the bill that requires approval of a proposed project by a resource advisory committee as a prerequisite for the use of county funds by a participating county.

Mr. BAUCUS. Mr. President, in closing, let me thank the bill's sponsors and all of the Senators who have exerted so much effort on the behalf of our rural counties. Especially, let me thank Senators WYDEN and CRAIG who have worked so hard to answer concerns that were raised by me and by other Senators, and who should receive full credit for the passage of this fine legislation.

Mr. President, I would like to draw attention to the determined efforts of my friend and colleague from Oregon, Senator RON WYDEN, on behalf of rural counties. Senator WYDEN has worked tirelessly to ensure that counties with federal lands get a fair deal. As we all know, counties containing large amounts of public lands are not able to raise sufficient revenues from taxes

since the federal government is not required to pay state or local taxes. Recognizing that this is fundamentally unfair to these counties, Congress has tried for some time to rectify this situation by providing funding from revenue generated on our public lands from payments in lieu of taxes in an effort to make the counties financially whole.

Unfortunately, as revenue from our national forests has decreased, so too have the payments to counties. This has been seriously disruptive to counties across the West. Fortunately, Senator WYDEN stepped in with a creative solution that insures that counties have the option to receive much more steady funding. The bill now before us, S. 1608, recognizes both the value of these public lands and the needs of the affected counties. It is a wise compromise which allows counties the freedom to choose the plan that best serves their needs.

Mr. WYDEN. Thank you for your very kind words, Senator BAUCUS. The compromise legislation before us would not have been achieved without the wise counsel and experience of the senior Senator from Montana, my good friend, Senator BAUCUS. He has made substantial contributions to this bill, particularly in developing title III and in championing the need for adequate funding for the prevention and fighting of wildfires, like those that have ravaged the West and his own State of Montana this summer.

Mr. BAUCUS. I thank my distinguished colleague from Oregon. Mr. President, I would like to say just a few comments about title III of S. 1608. Senators WYDEN and CRAIG agreed to include title III in this bill at my request. I felt that it was very important that counties have flexibility, not only in how their funding is determined but also in how it is spent. This is why I proposed title III of this bill, and I am very pleased that the sponsors of the bill have accepted it.

As explained by my colleague Senator WYDEN, under this bill, each year, counties may spend 15-20 percent of their funding either on title II projects or on title III projects. There has been some debate about whether counties should be able to "mix" funds in a given year between title II and title III. Regardless of whether it would be a better policy to allow such mixing to occur or to maintain the current separation between titles II and III, it is clear that, as drafted, S. 1608 will not allow such mixing to occur. And while this may not be a perfect solution, rarely is any legislation passed by Congress that could be characterized as "perfect."

Mr. WYDEN. Again, let me thank the senior Senator from Montana for his work on title III, and add that I agree with his interpretation of the separation between titles II and III. I would also express my willingness to continue to work with him to assure the effective implementation of this legislation, particularly of titles II and III.

This is just one of countless issues that we have grappled with as we have strived to make this bill as fair and responsive as possible to the needs of our rural counties. We have made giant strides in improving this legislation, and I thank all the Members who have been willing to put aside their differences and work in a bipartisan effort to make this possible.

Mr. BAUCUS. Mr. President, let me talk for a moment about the purposes of title III. As originally drafted, S. 1608 focused primarily on activities occurring on federal lands. Title III was an effort to give counties the option to focus on activities that are not necessarily "on" federal lands, but that clearly relate to federal lands.

First, under title III, counties may use the funds as reimbursement for search, rescue and emergency services, including firefighting performed on federal lands and paid for by the county. Mr. President, after the ravages of the recent fires in Montana, some of which are still burning, it is abundantly clear that counties desperately need this funding for both fire prevention and fire fighting. Counties that are stretching to make ends meet for basic services, such as road building and funding schools, simply can't afford to suddenly incur the massive costs associated with fighting wildfires. I am pleased that we were able to change this bill to make sure that counties in Montana and across the West could get much-needed funds for firefighting this year and in future years.

For similar reasons, I drafted title III to allow counties to use the funds to reimburse their expenses for search and rescue operations performed on federal lands and for the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on public lands.

Second, under title III, counties may use the funds to acquire easements to provide for nonmotorized access to public lands for hunting, fishing and other recreational purposes and to acquire conservation easements. These options are very important in states like Montana where growth is gradually shutting off access to public lands and eliminating important fish and wildlife habitat. These provisions will give counties the tools to make sure that we are able to pass the West's outdoor heritage on to our children and grandchildren.

Third, counties may use funds to establish and conduct forest-related after school programs. Mr. President, the Washington Post recently reported that 20 percent of all children in America are left unattended after school. In Montana, which has one of the highest incidents of parents having to work multiple jobs just to make ends meet, this number may be even higher. What is clear is that children are less likely to get into trouble, less likely to commit acts of violence, if they are in-

involved in after school programs. In my mind, this provision gives us a tremendous opportunity to work with our most precious asset—the youth—and to give them opportunities to learn about our forests and to gain hands-on experience in working on matters relating to our forests.

Finally, under title III, counties can use the funds for fire prevention and county planning.

These activities are vitally important. I've heard from many counties in Montana who have said that they could prevent loss of life and property if they had funding available to educate new homebuilders about where to build or not build their houses to reduce their exposure to wildfires and to make sure that emergency equipment can get to their homes. And the same thing is true with respect to the materials that homes are built out of and the manner in which homes are landscaped. Homeowners need to know that a house built in the woods should have a roof made out of tin or some other material that won't burn. Seemingly aesthetic decisions can make the difference between a home and ashes during a year like this one, and counties need funding to expand this type of awareness.

The same basic reasoning applies to county planning. Counties should have the funds available if they want to pass an ordinance requiring homeowners to clear brush away from their homes. This can help protect lives not only of homeowners, but also of the firefighters who will be called in to extinguish burning structure fires. This can allow counties to focus their emergency crews on problems that could not have been prevented. As written, this provision will also allow counties to fund other planning and zoning efforts to minimize the impact that unfettered development can have on our forests and streams. By providing local communities with the tools to address these types of problems, it is my sincere hope that this title will diminish the conflicts that occur around our public lands and will help ensure that our children and grandchildren can continue to enjoy these lands and the fish and wildlife that they support well in to the future.

Mr. WYDEN. I thank the senior Senator from Montana for his thorough explanation of the provisions he helped craft, which became title III of the bill.

Mr. BAUCUS. Mr. President, before I conclude, I just want to say a brief comment about the relationship between title III and the Resource Advisory Committees formed under title II. Unlike the projects in title II, the projects in title III are essentially local concerns. While they relate to the lands that are held in trust for the American people, the title III projects are not in any sense "federal" projects. Items such as county planning and zoning have always been seen as local matters and it is not the intent of this legislation to change that framework.

For that reason we have not given the Resource Advisory Committees the

same role in title III as they have in title II. Under Section 204(a) of the bill, the Secretary may make a decision to approve a project only if it is submitted to the Secretary by the Resource Advisory Committee. By contrast, under title III, the counties approve the projects and the Resource Advisory Committee serves in an advisory capacity.

Mrs. BOXER. Senator WYDEN, it is my understanding, along with our colleague from Montana, that under section 302(a), counties must meet the purposes of title III and section 205. You will note that section 205 explicitly does not give the Resource Advisory Committees the power to either "approve" or "disapprove" projects. Rather, under section 205, the Resource Advisory Committees are given the power to "review" and "propose" projects. This is critical distinction. Because, while we want the Resource Advisory Committees to be involved—as indeed we want all members of the interested public involved—we do not wish for the Resource Advisory Committees to in any sense "drive" or "control" or "limit" the use of title III funds. These funds are set aside for the counties and the counties should use them in their best discretion.

Mr. WYDEN, would you agree that this is the intent of the bill?

Mr. WYDEN. Yes, that is the correct interpretation of the bill's language and intent. The purpose of S. 1608 is to increase both county funding and county choice. Unlike projects under title II, the role of the Resource Advisory Committees is much more limited under title III and is limited to an advisory role.

Mrs. BOXER. Because the legislation does not specify the timing for Resource Advisory Committee review of projects, is it the intent of the Senator from Oregon that the Resource Advisory Committee review projects in a timely manner?

Mr. WYDEN. That is correct. It is my intent that a Resource Advisory Committee would review projects in as expeditious a manner as possible, but that in any event, the failure of a Resource Advisory Committee to review a project in a timely manner would not under this bill be grounds for denying a county the ability to move forward with it.

Mrs. BOXER. And is it also your intent, Senator WYDEN, that projects under title III may be submitted by the Resource Advisory Committees, the public or the county itself?

Mr. WYDEN. Yes, that is correct. No one is excluded from submitting projects under this bill.

Mr. BAUCUS. Thank you, Senator WYDEN, for those responses to the questions from the Senator from California.

In closing I would like to reiterate my admiration for the valiant efforts of the senior Senator from Oregon on behalf of this bill and rural counties. He has spent countless hours working to create this legislation and to ensure

that it passes through the Senate, and should be recognized as a true hero to rural America. I urge my colleagues in the Senate to acknowledge the critical importance of this work and to give this bill, and the rural counties of America, their full support.

Mr. LOTT. Mr. President, I would like to begin my comments by commending the determined efforts of my friends from Oregon, Senator RON WYDEN, and my friend from Idaho, Senator LARRY CRAIG, on Behalf of rural counties. I would like to ask my colleague from Idaho a few questions about S. 1608. First, I am concerned about the composition of the resource advisory committees in section 205(d) of the bill. The bill identifies 3 groups of community interests that must be represented, and provides examples in each group. Is it the managers' intent that the Secretary concerned will pick a representative from each example interest if that interest resides in the local area served by the advisory committee?

Mr. CRAIG. Yes it is our intent that the Secretary would select an individual from each example group in each of the three categories of community interests listed in section 205(d) when representatives of that group are interested in the management of the public lands overseen by a particular advisory committee.

Mr. LOTT. Let me ask a second question. Is it your view that the language of section 102(d)(1)(B) and section 102(c)(1)(B) allows the counties to divide their project funds between title II and title III projects as they choose?

Mr. CRAIG. The plain language of these sections provides such flexibility. I agree with some who have stated that would be the best policy, and the language would provide such an opportunity. I will leave it to the implementing agencies to decide how to best express the flexibility provided by these sections of statute.

Mr. LOTT. Thank you. Now I have a final question. Do the advisory committees function in much the same way in reviewing title II and title III projects?

Mr. CRAIG. The bill language in titles II and III provides that they will function in much the same way, with a few differences. First, they are advisory to the Secretary in title II and to the relevant county in title III. In neither case do they actually approve projects, but their recommendation is required. If there is no recommendation under title II the money will ultimately be returned to Treasury under the terms of section 209. If there is no recommendation under title III, the counties can ultimately spend the money on title III projects under the terms of section 303. It is my expectation that the authority of neither of these sections will be required. I believe that the resource advisory committees will find consensus in developing and recommending title II and title III projects with the respective

Secretaries or counties as the case may be.

Mr. LOTT. I thank the Senator for these clarifications, and hope that the affected agencies will implement this law accordingly.

Mr. DASCHLE. Mr. President, today the Senate is passing S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000. This legislation will provide counties dependent upon the federal timber program with critically-needed funding to support education, road-building and other county programs.

I want to commend Senator WYDEN in particular for his leadership and hard work on this legislation. He tirelessly engaged in months of discussions with our Republican counterparts, the administration and fellow Democrats to develop a bipartisan, compromise piece of legislation that will provide stability to timber-dependent counties for years to come.

Since early in the last century, counties with significant federal land-holdings have received 25 percent of the revenue earned from timber sales on those lands. Since federal lands cannot be taxed, these funds provide counties with a critical source of revenue to maintain schools and roads.

Over the past decade, it has become clear that counties can no longer depend upon these funds. In many areas, the timber program has declined or ceased altogether, reducing revenue that counties depend upon to make ends meet. As a result, many counties have had to cut educational programs for children significantly. While counties in the Black Hills of South Dakota continue to receive adequate funding under existing laws, recent challenges to the timber program in South Dakota and elsewhere have made it clear that we must have a safety net for all timber-dependent counties.

No child's education should be dependent upon the federal timber program. S. 1608 severs that link by providing counties with the option of choosing a set payment based upon timber revenues they received in the past or continuing with the current formula. This choice will provide counties with the continuity and funding they need to provide a quality education for children in their schools.

I'd like to take a few minutes to highlight some important provisions of this bill. Like any product of compromise, it is not perfect, and there are sections that I would like to see changed. Nonetheless, we cannot continue to sacrifice the education of schoolchildren while we debate this bill. We need to move forward.

First, 85 percent of the funds made available by this bill go directly to counties to fund roads and schools. These funds are generally equivalent, or greater to, the amount of funding that counties receive today. Additionally, it gives counties a choice of how to spend the remaining 15 percent. Remaining funds can either be used by

counties to fund projects on federal lands, as described in Title II, or to fund county projects described in Title III such as search and rescue programs. If neither of these two options is chosen, the funds are returned to the Treasury.

While I am pleased that counties will have a choice of how to use the remaining 15 percent of funds, I have some reservations about the requirements on the use of Title III funds. Given the fact that these funds are used for programs normally carried out by counties, such as education and search and rescue operations, it would be preferable to leave these responsibilities in the hands of county commissioners who are elected to make these decisions. Therefore, if this issue is considered in the future, I hope that we can take another look at the process for approving Title III projects.

Once again, I'd like to commend Senator WYDEN, Senator CRAIG, Senator BAUCUS, Senator BINGAMAN, Senator BOXER and Senator TORRICELLI for their thoughtful consideration of this legislation.

Mr. LOTT. Mr. President, today marks the passage of S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000.

This bill is a promising example of bipartisanship and what can be accomplished when members of this body work together. Senator WYDEN and Senator CRAIG have worked furiously over the past year to put together a bill that gives relief to communities in economic stress due to changes in management on our Federal lands. Our national forests need the involvement of Federal, State, and local interests to restore ecosystems, provide stewardship opportunities and maintain forest infrastructure. This bill attempts to bring people together to solve land management issues, working to create healthy forests and healthy communities.

S. 1608 will create resource advisory committees with representatives from across the spectrum, to develop stewardship projects on their surrounding Federal lands. These projects, after approval from the Secretary, will create jobs for local people, and healthy forests for all.

As we watch our forests go up in smoke all over the west, and parts of the south, we are reminded how important healthy forests are to all of us. S. 1608 provides resources for healthy communities and forests.

By providing the mechanism, and the stable payments for counties to fund their local infrastructure, roads will be maintained, fire departments will be staffed and prepared, and rural communities will once again feel secure in knowing their families will be protected, because their community infrastructure is in place and has a stable source of funding.

S. 1608, the Secure Rural Schools and Community Self-Determination Act is a critical step toward guaranteeing

adequate educational funding for forest communities, while ensuring a stable, consistent source of general treasury funding for ecosystem restoration, forest infrastructure maintenance and stewardship projects on our national forest land. Parents will see a substantial increase in the amount of money directed toward education in public schools. We have counties in this country who have been forced to reduce the school week to 4 days, eliminate after-school activities like band and athletics, because of a lack of money to fund the schools. S. 1608 works to remedy this problem by sending more money to these counties for the education of their children. In my home state of Mississippi, the timber industry is the lifeblood of many of these small counties.

We hear people say everyday that our children are our future. I will say it again today—our children are our future, and S. 1608 secures the education of our children in many of the communities in desperate need of help.

I care deeply about the health of this country's communities, schools, and forests, and therefore, I commend the valiant efforts of Senator CRAIG and Senator WYDEN for their work on S. 1608. I yield the floor.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements related to the bill be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4139) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1608), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The title was amended so as to read: "A bill to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of federal lands."

The PRESIDING OFFICER. The distinguished Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I thank my colleagues, particularly Chairman CRAIG, Senator GORDON SMITH, who was so extraordinarily helpful, Senator BINGAMAN, Senator BAUCUS, Senator BOXER, and many of our colleagues who put in a great many hours on this legislation.

Frankly, 18 months ago, they said it could not be done. This legislation 18 months ago was an ideological magnet for those who wanted to debate natural

resources policy. Senator CRAIG and I said this legislation, which funds basic services in rural America for schools, roads, and other essential services, was beyond that kind of discussion. It was too important to try to settle all of the divisive issues about natural resources on this legislation.

I am very pleased this bipartisan legislation has been passed because this legislation sends a strong message that it is not right for Federal policies to turn rural communities into economic sacrifice zones. I believe this reinvents the relationship between local communities and the Federal lands that are so important to them. It will ensure that we can provide for the economic livelihood of folks in rural communities, but also it ensures that in the future we are going to focus on watershed restoration and conservation easements and a wide variety of measures that are going to protect ecosystems.

I thank my colleague who is on the floor, Chairman CRAIG. As I said, 18 months ago no one would have thought that we could be here tonight with this extraordinarily important legislation for rural America.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for no more than 1 minute. I want to respond to my colleague.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. CRAIG. Mr. President, I will briefly respond to my colleague from Oregon in relation to the legislation about which he has just spoken. I certainly agree with him. He and I, working together—I as chairman of the Forestry Subcommittee, he as the ranking member—saw and recognized a crisis in the rural communities of America that were once named timber dependent because they had derived a share of their revenue to fund their schools, roads, and bridge funds from the revenue of timber receipts which have faded dramatically. We began to work together on a resolution of the problem, and tonight we have brought that to the floor.

I certainly agree with Senator WYDEN. It was contentious at times, but we saw the need to respond to what literally had become a national crisis in rural resource-dependent communities across our country.

Well over 4,000 school districts and nearly 50,000 children were victimized by actions or policies that failed to recognize that we had to adjust law and/or change policy or we were simply going to find these school districts beyond their capacities not only to fund but to educate. It was also true with counties' roads and bridge funds.

The legislation that has just passed the Senate tonight sets us in a direction of resolving that problem and bringing about a resolution through a collaborative process at the local level

between so many stakeholders who have legitimate concerns and interests as to how the natural resources of our public lands be managed.

I am so pleased that we could work toward an end that we have arrived at tonight that is embodied in S. 1608. We still have work to do in adjusting our public policies to bring about the kind of balance we need.

As the Presiding Officer well understands, rural America, be it agricultural policy or resource policy, finds itself with very real problems today. It is going to be incumbent upon some of us in this body to try to address those problems, both in the adjustment of policy and certainly in the recognition of the necessary resources to help these communities. Tonight, in part, we will have responded to that need.

AUTHORIZATION OF DOCUMENT PRODUCTION

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Senate Resolution No. 356 submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 356) to authorize documentary production by Select Committee on Intelligence.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. LOTT. Mr. President, the Select Committee on Intelligence has received a request from the Federal Bureau of Investigation for a certified copy of the testimony of former Director of Central Intelligence John M. Deutch during a February 22, 2000 closed committee hearing, in connection with the Bureau's pending inquiry into the alleged improper handling of classified information by Mr. Deutch.

This resolution would authorize the chairman and vice chairman of the Intelligence Committee, acting jointly, to provide the certified copy of the closed hearing transcript in response to this request, utilizing appropriate security procedures.

Mr. CRAIG. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 356) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 356

Whereas, the Federal Bureau of Investigation has requested that the Senate Select Committee on Intelligence provide it with a certified copy of the testimony of former Director of Central Intelligence John M.

Deutch during its closed February 22, 2000 hearing, in connection with a pending inquiry into the alleged improper handling of classified information by Mr. Deutch;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the Federal Bureau of Investigation, under appropriate security procedures, a certified copy of the transcript of its closed February 22, 2000 hearing.

ADRIAN A. SPEARS JUDICIAL
TRAINING CENTER

PAMELA B. GWIN HALL

KIKI DE LA GARZA UNITED
STATES BORDER STATION

JAMES H. QUILLEN UNITED
STATES COURTHOUSE

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed en bloc to consider the following naming bills reported by the Environment and Public Works Committee: Calendar No. 719, H.R. 1959; Calendar No. 720, H.R. 1729; Calendar No. 721, H.R. 1901; Calendar No. 722, H.R. 4608.

I further ask consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, that any statements relating to any of these bills appear in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 1959, H.R. 1729, H.R. 1901, and H.R. 4608) were read the third time, and passed.

WELCOMING THE PRIME MINISTER OF INDIA

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 357, submitted earlier by Senator BROWNBAC and Senator WELLSTONE.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 357) welcoming Prime Minister Atal Bihari Vajpayee, Prime Minister of India, upon his first official visit to the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally any statements relating to the resolution be printed in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 357) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. 357

Whereas the United States and India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship and commerce and, increasingly, of kinship among our people;

Whereas the million-strong Indian-American community in the United States has enriched and enlivened the societies of both the United States and India, and this community provides a strong bond between India and the United States and is playing an important role in deepening and strengthening cooperation between India and the United States; and

Whereas the visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step in the broadening and strengthening of relations between the United States and India: Now, therefore, be it

Resolved, That the Senate hereby—

(1) welcomes the Prime Minister of India, Atal Bihari Vajpayee, upon his first official visit to the United States;

(2) pledges its commitment to the expansion of ties between the United States and India, to the mutual benefit of both countries; and

(3) recognizes that the visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step towards broadening and deepening the friendship and cooperation between the United States and India.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Prime Minister of India, Atal Bihari Vajpayee.

AUTHORIZATION FOR APPOINTMENT BY THE PRESIDENT PRO TEMPORE

Mr. CRAIG. Mr. President, I ask unanimous consent the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Prime Minister of India into the House Chamber for the joint meeting on Thursday, September 14, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-48

Mr. CRAIG. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on September 13, 2000, by the President of the United States: Joint Convention on the Safety of Spent Fuel and Radioactive Waste Management (Treaty Document No. 106-48); I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997. Also transmitted for the information of the Senate is the report of the Department of State concerning the Convention.

This Convention was adopted by a Diplomatic Conference convened by the International Atomic Energy Agency (IAEA) in September 1997 and was opened for signature in Vienna on September 5, 1997, during the IAEA General Conference, on which date Secretary of Energy Federico Peña signed the Convention for the United States.

The Convention is an important part of the effort to raise the level of nuclear safety around the world. It is companion to and structured similarly to the Convention on Nuclear Safety (CNS), to which the Senate gave its advice and consent on March 25, 1999, and which entered into force for the United States on July 10, 1999. The Convention establishes a series of broad commitments with respect to the safe management of spent fuel and radioactive waste. The Convention does not delineate detailed mandatory standards the Parties must meet, but instead Parties are to take appropriate steps to bring their activities into compliance with the general obligations of the Convention.

The Convention includes safety requirements for spent fuel management when the spent fuel results from the operation of civilian nuclear reactors and radioactive waste management for wastes resulting from civilian applications.

The Convention does not apply to a Party's military radioactive waste or spent nuclear fuel unless the Party declares it as spent nuclear fuel or radioactive waste for the purposes of the Convention, or if and when such waste material is permanently transferred to

and managed within exclusively civilian programs. The Convention contains provisions to ensure that national security is not compromised and that Parties have absolute discretion as to what information is reported on material from military sources.

The United States has initiated many steps to improve nuclear safety worldwide in accordance with its long-standing policy to make safety an absolute priority in the use of nuclear energy, and has supported the effort to develop both the CNS and this Convention. The Convention should encourage countries to improve the management of spent fuel and radioactive waste domestically and thus result in an increase in nuclear safety worldwide.

Consultations were held with representatives from States and the nuclear industry. There are no significant new burdens or unfunded mandates for the State or industry that should result from the Convention. Costs for implementation of the proposed Convention will be absorbed within the existing budgets of affected agencies.

I urge the Senate to act expeditiously in giving its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, September 13, 2000.

ORDERS FOR THURSDAY, SEPTEMBER 14, 2000

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 11 a.m. on Thursday, September 14. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 444, the PNTR China legislation as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I further ask unanimous consent the two leaders have an extra 10 minutes each for purposes of morning business during tomorrow's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. For the information of all Senators, at 11 a.m. tomorrow the Senate will resume consideration of the China PNTR legislation. Under the order, there are 10 amendments remaining for debate and up to 6 hours of general debate remaining on the bill. Those Senators with amendments in order are encouraged to work with the bill managers on a time to debate those amendments. Senators should be aware that votes will occur throughout the day.

As a reminder, Senators should be in the Senate Chamber by 9:30 a.m. tomorrow to proceed as a body to the

Hall of the House of Representatives at 9:40 to hear an address by the Indian Prime Minister.

ORDER FOR ADJOURNMENT

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand adjourned under the previous order, following the remarks of up to 10 minutes of Senator GRASSLEY and up to 60 minutes of Senator JACK REED on the subject of China.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 2090

Mr. CRAIG. Mr. President, I understand H.R. 2090 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2090) to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanographic program.

Mr. CRAIG. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

TECHNICAL CORRECTIONS TO S. 1374

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 394, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 394) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 394) was agreed to.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

MARKETING OF VIOLENT FILMS AND VIDEOS

Mr. GRASSLEY. Mr. President, today the Commerce Committee had an oversight hearing on violence mar-

keted to children by the entertainment industry. This oversight is long overdue. I congratulate Senator MCCAIN for holding such a hearing.

The purpose of the hearing was to look at the FTC study that just came out that charged the entertainment industry with marketing of violent films and videos to children.

The bottom line is that as we have heard President Clinton and Vice President Gore respond to the FTC rulings, there is an inconsistency in their responses and how they have generally interacted with Hollywood over the last 8 years.

I establish as a basis for my remarks some quotes from the various newspapers of the recent month and a half. For instance, on September 12, the Washington Post, commenting on this, said:

In separate time zones, but with one message, President Clinton and Vice President Gore delivered a joint threat to the entertainment industry today that harsh regulation could come if the makers of explicit and violent movies, recordings and video games do not stop advertisement at children.

I continue to read from the same story in the Washington Post. Later on it says:

But Gore has not always appeared consistent on this issue. In 1987, as he was gearing up for his first presidential campaign, Gore and his wife held a meeting with rock music executives in which Gore apologized for his role in a 1985 Senate Commerce Committee hearing on rock music lyrics. A tape of the meeting was obtained by Daily Variety. Tipper Gore, who had testified at the hearing on behalf of the Parents Music Resource Center, called the hearing "a mistake. . . that sent the wrong message."

Last year, the Los Angeles Times reported that Gore met privately with potential donors in the entertainment industry in July 1999 and told them the idea for the FTC study—

Which I just referred to—was Clinton's and not his, and that he was not consulted.

Then on August 18, the Chicago Tribune shows an inconsistency in how they react and work with Hollywood at different times. It says:

In southern California, records show, Gore and the Democratic National Committee so far have raised \$10.3 million—a 13 percent increase—at a time when the DNC's nationwide fundraising pace is lagging behind 1996, when Clinton ran for re-election.

Quoting further in the article:

Gore generated \$443,050 in hard money from the entertainment industry, 86 percent more than Clinton in 1996. He also took in \$340,375 from lawyers and lobbyists, a 66 percent increase, and \$124,350 from real estate interests, an 82 percent jump.

Now I will quote from the August 18 Los Angeles Times. The reference in the headline reads: ". . . The Vice President is building upon that legacy" to follow Clinton's close relationship with Hollywood. "He has already raised more than the President did in '96."

Later on in that article, referring to a person whom I do not know—his name is Reiner:

But Reiner . . . has expressed greater support for Gore than he had for Clinton. He has

hosted fund-raisers for Gore at his home, stumped for him on television and even flew to Ohio to join him at a campaign event last week.

A reference to the fact there were Hollywood types campaigning strongly for the Vice President because there was some chagrin in Hollywood, at least for a short period of time, about whether he is a legitimate crusader against Hollywood violence, which Senator LIEBERMAN is, that he was being selected as Vice President.

The Los Angeles Times reports on August 17, 2000—and this was Vice President GORE doing this.

The effort to blunt any dissent over Lieberman's selection started as word leaked out of his ascension to the ticket. Gore, according to an associate, made a round of soothing calls to Hollywood figures, including moguls Jeffrey Katzenberg and David Geffen.

I have already congratulated Senator MCCAIN for holding this hearing. We need to do what we can to stop violence being peddled by Hollywood so our young people do not think it is right to kill anybody. I do think it is wrong for the very people who are carrying on this crusade—the Vice President and the President—schmoozing at the same time they are carrying on this campaign with Hollywood.

I want to comment on Vice President GORE's curious interest in criticizing the entertainment industry for producing violent movies, television shows, and video games that promote immorality and attack traditional family values.

I do not doubt for 1 minute, as I have already indicated, that Senator LIEBERMAN is very sincere in his views on this matter, but the fact is that the Vice President is at the top of the Democratic ticket, and everyone knows that he will set the real tone should he be elected in November.

The fact is that the Vice President has taken a record amount of money from the entertainment industry. I refer, again, to the Chicago Tribune. The Vice President and the Democratic National Committee have raised \$10.3 million from southern California as of August this year, a 13 percent increase over 1996, and the Vice President has gotten \$443,050 in hard money from the entertainment industry, 86 percent more than President Clinton received in 1996.

The Clinton-GORE administration has been a real friend to the Hollywood liberals over the years. I guess all of those campaign contributions have had some effect. I think that when Hollywood producers hear one of their best friends in Washington criticize the entertainment industry, they just look to their "cozy relationship" with Clinton-Gore. The Hollywood moguls know GORE does not really mean what he says; at least that is a clear signal. Hollywood knows GORE does not really want to "rock the boat."

For instance, how many times at these fundraisers that they had was the opportunity taken to protest the vio-

lence coming from Hollywood through their films and their videos?

According to the L.A. Times, the Vice President privately told a group of Hollywood donors that he had nothing to do with President Clinton's effort to study whether Hollywood markets violence to children and that he was not consulted on the issue. That was in 1999.

But now that the study is out—this study came out this week—Vice President GORE is talking it up and taking credit. The Vice President is acting as if he has not made private promises to his big campaign donors and to Hollywood notables that they should not worry about a crackdown on Hollywood excesses. But we have heard all of this before.

In 1988, then-Senator GORE made similar promises after holding hearings into offensive music lyrics. It appears the Vice President will say what he wants to say, what he needs to say, to anybody he needs to say it to, just to get elected. I think the American people will not be fooled by these kinds of bait-and-switch tactics. They know a phony act when they see one.

In fact, Hollywood liberals are actively campaigning for the Vice President. For example, according to press reports, stars and movie producers have hosted GORE fundraisers, and some have even stumped for GORE around the country. So much then for standing up to Hollywood as opposed to schmoozing with them.

The American people need their leaders to take a genuine interest in building a civil society of which we can all be proud. We need leaders who will make sure children are protected from violence and immorality peddled under the guise of entertainment.

What we do not need is the Vice President telling the American people one thing while—with a wink and nod towards Hollywood, towards the big shots of the movie industry—assuring the Hollywood elite he does not mean what he says as he pockets their cold cash.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Mr. REED. Mr. President, we have, for many days, been debating the momentous decision of extending permanent normal trade relations with China.

At the essence of our debate is a very simple question: Will we continue a policy of economic engagement with China or will we turn away? I believe we have to continue this policy of engagement. We have pursued this policy for almost 30 years. It has contributed to profound change in China. But it has not transformed China into a classical liberal democracy. It has not led to the establishment of a multiparty democ-

racy, with an independent judiciary protecting the rights of China's people, particularly the rights of expression. It has not cramped China's policy which supports the proliferation of weapons of mass destruction. But it has placed China on a very different historical trajectory than could have taken place.

This notion of the change brought in China came to me with great force last August when I was traveling through China. I was at Dandong on the Yalu River. We were looking across into North Korea. One of our guides pointed out that in the 1950s and early 1960s, North Korea had a higher per capita income. North Korea was seen as the model of socialist development in Asia. North Korea had had a heavy industrial sector that was competitive with many parts of the world.

Yet today—at that time last year—we were peering into a country that was starving, that had an economic system in collapse, that we were concerned could be so unstable they could threaten the peace of the region.

They did not choose the trajectory of international trade. They did not choose the path of engagement with the West. One can ask: Had China gone that route, had we not tried to engage China, would we be facing today a country with over 1 billion people hermetically sealed in an economically failing and ideologically driven country, armed with nuclear weapons? If we were confronting such a country, I think we would be much worse off than we are today, even with the frustrating and uneven relationship that we have—and we must admit we have—with China. So I believe that we must continue this policy of engagement, which is at the heart of the extension of permanent normal trade relations.

China is now a part of the world and the world economy, but it is also still China. It is a mixture of modernity and also a mixture of the old, indeed, the ancient.

One of the examples that I have seen in China—this one occurred just a few weeks ago when I was traveling there again—is the contrast in Wuhan. Wuhan is a city on the Yangtze Sea in China. It is an old city, not like the new cities on the coast such as Shanghai and other cities. It is in some respects the Pittsburgh of China. It is a highly intense, heavily industrial city. You can tell that from the extraordinarily bad air pollution.

There are two companies we saw. One was the Wuhan Iron and Steel Company. It is right out of the industrial age. Andrew Carnegie would have been right at home, except for the 386 computers that were running the facility.

Then we saw another factory, the Yangtze Fiber Optic Company. Modern; it could have been in Silicon Valley in California, producing fiber optic cable, producing it to world standards, initially a product of investment by the Dutch company Phillips, now a wholly owned enterprise by Chinese owners. These are the examples of the economy—the old and the very modern.

In addition to that, when you go out into the villages, you see perhaps the truly ancient. As you drive through China, you see individuals hammering away, as they have for thousands of years, repairing bicycles with hammers and not much else. You see farming activities that could go back thousands of years. It is a diverse country. But it is a country that has been profoundly affected by change in its contact with the West over the last several decades.

The other factor that is being seen as a result of this contact is the pressures within China generated by this change. We sometimes, and quite rightly, look to the effects on the United States by this trade deal. We presume that the only effects that are felt in China are positive, are beneficial, that in fact they are not going to make difficult choices and decisions. In fact, the reality is they are already seeing the effects of this change, of this contact with the West.

In the *New York Times* recently, there was an article about a factory in China where the workers, who were being let go because of the consolidation of this factory by their Western owners, were seizing the management, were blockading the facility, were effectively revolting from the effects of international trade.

There are examples of violence where inefficient state-owned mines and enterprises are threatened with closure and workers are literally rising up to demand that these facilities remain open.

So this change has also affected China. This change is recognized by the leadership. I had the opportunity to meet with Zhu Rongji, the Premier, while I was there just a few weeks ago. They understand very well that economic change will lead to political change. They might not welcome it. They might indeed try to avoid it. But they know that political forces, as well as economic forces, are unleashed when markets are open. That is one of the effects we will see through this extension of permanent normal trade relations.

For many reasons, I believe to step away would be a mistake. It would immediately embolden those who are our most bitter antagonists within China. It would, in many ways, take away the legitimacy of those forces in China, not liberals, but pragmatists who have sought a relationship with the West, and the United States in particular, that emphasizes trade over hostility, that emphasizes engagement over conflict.

To step away would also allow industrial nations around the world to take the benefits of our deal, the benefits of our bilateral relationship, the benefits of open trade with China, while we ineffectively try to use our abstention, our veto of China's entry into WTO, as very ineffectual political leverage to move them.

To step away would also represent a serious rupture in our relations with China that could not be explained away

as merely a dispute about trade, the technicalities of trade. It would harden attitudes and opinions within China and, indeed, here in the United States at a time when we need a constructive and candid dialogue about our differences. And our differences are real. In order to discuss these differences, in order to maintain this dialogue, the extension of PNTR is essential.

It is quite evident at this juncture that a majority of my colleagues in the Senate find these reasons compelling, and PNTR will pass. But looking ahead, we should, at this point, be very cognizant of the possible consequences of PNTR. It will not be a panacea. It will not change China overnight. It will not lead to a huge increase in American exports to China. It will, in fact, create consequences that we may find very difficult. In fact, one of the points I tried to raise with Premier Zhu Rongji is that our expectations of China after PNTR will collide with the reality of China and may, indeed, usher in a period of more tension rather than less.

Now China wants desperately to be part of this commercial system that is made up of the United States and our major trading partners—for want of a better term, “first world” countries—all in precise terms, all carrying a sense of who the players are. But this system has some embedded values with which the Chinese will have to come to grips.

Our system emphasizes the protection of property rights. It also emphasizes the expectation of the regularity of governmental action. That is a polite term for “no corruption.” That is at the heart of our trading system. China has to come to grips with that.

Moreover, I do not believe China can divorce itself from even more fundamental values that are part and parcel of the world outside of developing countries. They start with respect for human rights, which is at the core of our democratic values, and they include protections for workers and the environment. We may have been unsuccessful in getting into these agreements, with force and with effect, language regarding human rights and worker rights and environmental rights, but no country or economy in the world can operate indefinitely today without recognizing these rights. In a world of increasingly transparent borders, the lessons of the economic, social and, indeed, one would say, moral success which has steadily improved the life of those who live in market economies in the West, do not escape the people in China and the people around the world. To the extent that they open themselves up to trade, they open themselves up to exposing these values to their own people.

China has a monumental task as they embrace this notion of free trade. It is not a one-way street. It is a two-way street. They face the task of transforming a system that is seriously undermined by persistent corruption,

that pays scant respect to individual rights, that chooses order over law, and is obsessed with the need to keep millions of people working in an economy dominated by inefficient state-owned enterprises. Add to those domestic problems that are real and palpable the fear that internal disorder will lead to the exploitation of China by outside forces, a situation that dominated Chinese history in the last century and up until the 1940s.

In one respect that is one of the major reasons why they are militarily provocative in many ways to us, because to us they look as if they want to, perhaps figuratively, take over the world. In China, they recognize that recently their country was divided by Americans, by British, by Germans, and that their country was ruled by others rather than themselves. All these forces are at play.

The tremendous challenge to transform this country, the fear of their own security as a nation, because of these realities, we should not be surprised if China promises today more than it intends or even can deliver tomorrow with respect to these agreements.

In an article in the *American Prospect*, James Mann, who is a very astute observer of China, pointed out that we frequently develop perceptions about China that are different than the reality of China. Many perceive China today as this modern country that is an economic monolith of force, of incredible production, a force of endless and cooperative labor. They also see it as a monolithic political system, with the Communist party dominating, that is capable of turning on a dime, turning the switch left or right. The reality is more complicated.

The Chinese Communist Party plays the central role in the country, but it is an institution with internal factions. Some favor engagement with the West. Some disfavor it. Some harken back to the Maoist Cultural Revolution as the zenith of China. Others, quite properly—I hope the majority—reject that as a fantasy. But it is also a central authority that is constantly challenged by its provinces, constantly challenged by local political leaders. And the modernity of China, if you go to Shanghai, if you go to Hong Kong, certainly since it has not been absolved back into mainland China, that rapidly diminishes as you go away from the coast, as you go to the older cities, Wuhan and Shenyang, which years ago was known as Mukden, and as you travel to the small villages. Even with the wholehearted support of the leadership and the commitment of the party, it is hard to make things change.

Mann relates a meeting between President Nixon and Mao Zedong in 1973. President Nixon opened with a bit of flattery by saying:

The Chairman's writings have moved the nation and have changed the world.

Mao, without missing a beat, retorted:

I haven't been able to change it. I have only been able to change a few places in the vicinity of Beijing.

The power, the capability, the willingness of China to change is questionable. But we know with the advent of WTO, even without WTO, with the continued pressure of interaction internationally, China will have to change. It has to reform inefficient industries while it still tries to maintain current employment and create 18 million jobs a year for new entrants into the labor force. This task alone has led to angry and sometimes violent conflict. It has to overhaul its justice system. It has to root out corruption. It also has to convince a very cynical population, particularly cynical about the Communist Party, that their future is going to be better rather than worse.

This is not an apology of China. This is, I hope, a statement of the reality of the challenges they face and the challenges that we have to understand as not only trading partners but as major powers in this world together.

In this collision between faithful implementation of WTO rules and the prospect of profound change that faces China, the Chinese leadership will be more than tempted to delay or undermine or misconstrue WTO rules. That, I would posit, is a very high probability. When this happens, ironically the business community that is descending upon us today to open up China, to get China into WTO, will descend upon us with equal force and say: Get tougher. And even without scrupulous adherence to the WTO, change is going to come to China. If this change further exacerbates the plight of millions of workers, the leadership could embark on a strongly nationalistic and assertive foreign policy as a means to galvanize support, to distract a disenchanting public from economic shortfalls. This could lead to more proliferation, more bellicose threats to Taiwan, the kind of military rumors that we all find disconcerting when it comes to China.

Having said all this, having painted a picture of what, in my view, are some of the realities of China, and having very little confidence that this arrangement will be adhered to scrupulously and fairly and routinely and quickly, one might ask: Then why do it?

We might not be getting a lot out of PNTR. Indeed, by voting for PNTR, we may only be trading the certainty of hostility for the chance to continue a relationship that is frustrating at best. But this relationship is critical to stability in the region and around the globe. For this reason, national security reason, if you would so describe it, this opportunity for stability, opportunity for time to work out some of these very fundamental problems is worth the effort.

We should also understand, as I have described the rigorous change that might come to China, that this agreement will not be painless for the

United States. There will be economic sectors, communities, families who will see their lives changed. We hope for the better, but we know that change works both ways. Industries are less competitive in certain cases. Products can be produced more efficiently, more effectively, more cheaply overseas, displacing American workers. So we have to recognize, too, that our response to this issue is not simply passing this legislation this week. It is continuing our efforts, indeed, redoubling our efforts to ensure that we have an education system in the United States that can prepare people for this world of intense competition, that we have a health care system that will allow families, particularly children, to have access to the best care in the world, that we will have a disciplined fiscal policy in this country that will provide the foundation, along with sensible monetary policy, for the continued expansion of our economy so that those economic benefits can flow not only to the very few but to all Americans.

Our task is not to reject PNTR. Our task, if we accept PNTR, which I suspect we will, is to ensure that our efforts are directed to improve the quality, the competitiveness, the abilities of our workers. When we do that, we will have much less to fear about the disruptive change that will come through PNTR.

Now, I have spent some moments speaking about the major themes I see emerging with respect to PNTR in relationship to China. Let me take a few more moments to talk about the tangible aspects of this legislation before us. This legislation is unlike other trade arrangements that I have debated and voted upon, specifically regarding NAFTA, where we were lowering our tariff barriers and opening our markets, and we were looking at a comparable lowering of barriers in Mexico.

This is a situation where our markets are already open to China. Our markets have been open for years. This is the first time, though, we have had meaningful tariff reduction by the Chinese, meaningful elimination of nontariff barriers by the Chinese, opening up of a broad range of American industry—industrial, service industries, all of them—so that they can enter into China, allowing our companies to operate without necessarily having Chinese partners, allowing our companies to have their own distribution systems within China. This is a deal, economically, that represents concessions by the Chinese in terms of tariff barriers, nontariff barriers, entry of American business, and investment with very little, if any, concessions on our part because the reality is we have already, in effect, made those concessions years and years ago.

The agreement binds tariff rates that China will charge on our goods because of the WTO framework, so that it can't unilaterally raise the tariffs. As I mentioned before, it covers a broad array of

American products, banking, insurance, telecommunications, business, and computer services—all of which have had a difficult time getting into China. It also attempts to protect in a very meaningful way potential surges in goods of China coming in to the U.S. It allows us to use some domestic dumping tools that we already have in our legal inventory. It has gone a long way to try to counteract a surge of Chinese products coming in.

But opponents, and indeed proponents, of this legislation point out an inescapable fact: We are running huge trade deficits to the world and, in particular, China. These trade deficits are something we have to deal with. Coincidentally, today, it was just announced that the trade deficit has hit an all-time high. It continued to break records this spring as foreigners kept pouring investment into the American economy and Americans stepped up their buying of foreign goods. We have a huge problem with our trade deficit. It is a ticking time bomb. China is a big part of it, but China is not the only part of it.

Interestingly enough, a rapidly increasing percentage of American imports now comes from nations where wages are actually higher than in the United States—including Switzerland, Germany, Denmark, Sweden, and Austria. They all enjoy booming exports from the United States. The current stereotypical thinking is that cheap wages in China is why they proliferate all their goods, and that is our problem; we are competing the heck out of the old European countries. But it turns out that is not the case either. In this world, company productivity, efficiency, quality in the workforce, and to be productive are just as determining.

My point in all of this is that we have a trade deficit, but it is not solely, exclusively a function of China. I believe the response to that is not rejecting PNTR. It is first recognizing consciously the difficulty and beginning consciously and deliberately with respect to all of our trading partners to get more American products into their markets, to properly look at the techniques they are using to get their goods into our market, and to, in effect, look at this problem not as a Chinese problem but as an American problem. And it will be an American problem if we do not pay sufficient attention. It will be manifested in a sudden and rapid deterioration of our currency if enough forces come into play.

At present, we are living in a world in which the security of the American market, the attractiveness of our investments, rules and regulations of the SEC, and a host of other things, make America a safe haven, a place where you want to put your money. But there may come a day when investors—and not principally Chinese investors, but others—decide they are going to start selling American currency short because they can put the money elsewhere.

Now, we have all seen the benefits of trade with China. I have seen it in Rhode Island. It has been growing from a very small base to a moderately larger base, and it continues to grow. In fact, years ago, one of the first glimpses I had of the global economy was going to an Italian parade on Federal Hill in Providence, RI, meeting a gentleman with whom I chatted. I took him to be a jewelry worker or somebody who worked in the plant. It turns out he owned that business in Rhode Island. We were chatting and he asked me, "Have you ever been to China?" That was 5 or 6 years ago. Then, he casually said he owned an aerosol factory in Beijing. So I knew when you go to an Italian festival in Providence and chat with a businessman and he owns an aerosol factory in China, the world is getting much smaller. It is happening all across the country.

What we have tried to do in this agreement—we, the negotiators—is to recognize that some of our products that are very dear to the hearts of our economy will get some benefits. For example, on precious metals and jewelry—a huge part of our economy and still an important part—China will reduce its tariffs from 40 percent to 11 percent. That, we hope, will help. In terms of information technology products, that is something we would like to be a bigger part of our economy, but it is a growing part. China will eliminate all duties on computers, electronics, fiber optic cable, as well as on scientific and measuring equipment. We have some of the oldest industrial measuring companies in the world, such as Browne and Sharpe; they, too, will benefit. And there are several more products where we can see advantages that will accrue directly to my home State of Rhode Island.

Also, there is just a general benefit to the businesses and workers of America. It is very much manifested in small- and medium-size businesses because they are doing more and more trade with China. It has doubled in the last 5 years from about 3,100 small- and medium-size businesses trading with China to about 7,600 trading today. That should increase even more. Part of this arrangement in the President's proposal in terms of making PNTR work is making the Department of Commerce more active in promoting trade with China—going out and educating small- and medium-size businesses about the advantages of trade with China, and show them through web sites and informational brochures how to get into the Chinese market. Once again, I believe—and maybe this is the essence of our mutual faith in this country—that once our businesspeople and our workers have the idea and the knowledge to go out and do something, they are going to do it and do it very well.

As I mentioned previously, we have already built in some protections against inevitable, or at least possible, surges of Chinese imports into our

country. We have special provisions that will last 12 years, which deal with market disruptions and will not be limited to any one product but to all the products the Chinese may export to this country. We also will still have access to sections 301 and 201, and anti-dumping mechanisms that are American laws, but the Chinese have agreed to allow them to be used in this transition and in this implementation of PNTR and WTO.

Congressman LEVIN of Michigan, as part of the bill we are considering today, has also created an executive-legislative commission that will oversee not only the trade impact but also the human rights issues that have been raised time and time again on this floor. This commission will be another vantage point from which we can assess and evaluate our relationship with China and their fidelity to the agreements they have signed.

The long and the short of it is that this is an agreement in its details which gives advantages to the United States which will help us and which I believe should be supported.

We are at a point where this measure I believe will pass. We are at a point at which we are embarking on a continuation of our relationship with China, but again a relationship that is still troubling to many.

PNTR will not cure all the defects we see in China, nor eliminate all the defects they see in the United States. But it will continue to give us a framework to be engaged. It will continue to give us the opportunity and the time to work at some of these very fundamental problems. It will challenge the Chinese in many respects to do as much as we will be challenged—some would argue, even more.

We, fortunately, have a system of government that is not dominated by a bureaucratic—and one would say anachronistic—single party. We have a citizenry that is educated. We have social networks. We have Social Security. We have Medicare.

China—which is one of the ironies of that great socialist bastion—has no system of national health care, has no system of pensions, has no system of Social Security. It is all tied into the terribly inefficient state-owned enterprises. And if they try to change these state-owned enterprises, they are going to have to create, in effect, a social welfare system, which we already have in place.

But I also don't want to minimize the fact that in the lives of many American families, this legislation could force change. But the opportunity to continue this engagement, the opportunity to insist that the Chinese not only participate in a world order but be responsible for values of that order, is an opportunity I don't think we can pass up at this time.

I will support this measure. I also look forward to the opportunity to come back here again when, in implementation, we see that they fall short;

when, in implementation, they see us as falling short; but just the opportunity, and I think to be able to have a forum to carefully discuss these issues. It is better than turning away from China. It is better than inducing hostilities. It is better than the alternative.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. In accordance with the previous order, the Senate now stands adjourned until 11 a.m. on Thursday, September 14.

Thereupon, the Senate, at 8:25 p.m., adjourned until Thursday, September 14, 2000, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 2000:

THE JUDICIARY

RICHARD W. ANDERSON, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA VICE CHARLES C. LOVELL, RETIRED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIE A. ALEXANDER, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CAROLE A. BRISCOE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID J. KAUCHECK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DANIEL F. PERUGINI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JEFFREY J. SCHLOESSER, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN E. STEVENS, 0000

To be brigadier general

COL. RICK BACCUS, 0000
COL. ABNER C. BLALOCK JR., 0000
COL. JOHN M. BRAUN, 0000
BRIG. GEN. GEORGE A. BUSKIRK JR., 0000
COL. JAMES R. CARPENTER, 0000
COL. CRAIG N. CHRISTENSEN, 0000
COL. PAUL D. COSTLOW, 0000
COL. JAMES P. DALEY, 0000
COL. CHARLES E. FLEMING, 0000
COL. CHARLES E. GIBSON, 0000
COL. MICHAEL A. GORMAN, 0000
COL. JOHN F. HOLECHEK JR., 0000
COL. MITCHELL R. LECLAIRE, 0000
COL. RICHARD G. MAXON, 0000
COL. GARY A. PAPPAS, 0000
COL. DONALD H. POLK, 0000
COL. ROBERT S. RIGDON, 0000
COL. CHARLES T. ROBBS, 0000
COL. BRUCE D. SCHRIMPF, 0000
COL. THOMAS J. SULLIVAN, 0000
COL. BRIAN L. TARBET, 0000
COL. GORDON D. TONEY, 0000
COL. ANTONIO J. VICENS-GONZALEZ, 0000
COL. WILLIAM L. WALLER JR., 0000

COL. CHARLES R. WEBB, 0000
COL. WILLIAM D. WOFFORD, 0000
COL. KENNETH F. WONDRAK, 0000
COL. RONALD D. YOUNG, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. DAVIES, 0000
BRIG. GEN. GEORGE T. GARRETT, 0000
BRIG. GEN. DENNIS A. KAMIMURA, 0000
BRIG. GEN. BRUCE M. LAWLOR, 0000
BRIG. GEN. TIMOTHY E. NEEL, 0000
BRIG. GEN. LARRY W. SHELLITO, 0000
BRIG. GEN. DARWIN H. SIMPSON, 0000
BRIG. GEN. EDWIN H. WRIGHT, 0000

To be brigadier general

COL. GEORGE A. ALEXANDER, 0000
COL. CHARLES C. APPELEY, 0000
COL. TERRY P. BARKER, 0000
COL. JOHN P. BASILICA JR., 0000
COL. WESLEY E. CRAIG JR., 0000
COL. JAMES J. DOUGHERTY JR., 0000
COL. RONALD B. KALKOFEN, 0000
COL. EDWARD G. KLEIN, 0000
COL. THOMAS P. LUCZYNSKI, 0000
COL. JAMES R. MASON, 0000
COL. GLEN I. SAKAGAWA, 0000
COL. JOSEPH J. TALUTO, 0000
COL. THOMAS S. WALKER, 0000
COL. GEORGE W. WILSON, 0000
COL. IRENEUSZ J. ZEMBRZUSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. HERBERT L. ALTSHULER, 0000
BRIG. GEN. RICHARD E. COLEMAN, 0000
BRIG. GEN. B. SUE DUEITT, 0000
BRIG. GEN. MICHAEL R. MAYO, 0000
BRIG. GEN. ROBERT S. SILVERTHORN JR., 0000
BRIG. GEN. CHARLES E. WILSON, 0000

To be brigadier general

COL. MICHAEL G. CORRIGAN, 0000
COL. JOHN R. HAWKINS III, 0000
COL. GREGORY J. HUNT, 0000
COL. MICHAEL K. JELINSKY, 0000
COL. ROBERT R. JORDAN, 0000
COL. DAVID E. KRATZER, 0000
COL. MICHAEL A. KUEHR, 0000
COL. BRUCE D. MOORE, 0000
COL. CONRAD W. PONDER JR., 0000
COL. JERRY W. RESHETAR, 0000
COL. BRUCE E. ROBINSON, 0000
COL. JAMES R. SHOLAR, 0000
COL. EDWIN E. SPAIN, 0000
COL. STEPHEN B. THOMPSON, 0000
COL. GEORGE W. WELLS JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. LADOUCEUR, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JEFFREY N. ROCKER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be commander

JERRY C. MAZANOWSKI, 0000
ROBERT L. SCHEPKY, 0000
ANTHONY C. SMITH, 0000

To be lieutenant commander

WILLIAM D. AGERTON, 0000
KARIE F. ANDERSEN, 0000
OCTAVIO A. BORGES, 0000
JOHN T. CONTRERAS, 0000
KARINE M. CURETON, 0000
JUDITH M. DICKERT, 0000
STEPHEN M. GILL, 0000
MARTHA K. GIRZ, 0000
VANCE M. GOOCH, 0000
JORGE A. GRAZIANI, 0000
KURT A. HENRY, 0000
JEFFREY J. LAUGLE, 0000
GERARD J. MAHONEY, 0000

MARK A. MALAKOOTI, 0000
FREDERICK J. McDONALD, 0000
MARY A. McMACKIN, 0000
WILLIAM R. MEEKER, 0000
CHRISTOPHER S. QUARLES, 0000
RICHARD L. SIEMENS, 0000
BRADLEY H. SMITH, 0000
PATRICIA A. TORDIK, 0000
TODD L. WAGNER, 0000

To be lieutenant

DAVID R. APPEL, 0000
BRAD L. ARTHUR, 0000
ALBERT R. BAKER, 0000
DAVID G. BAPTISTA, 0000
JOEL D. BASHORE, 0000
JERRIS L. BENNETT, 0000
TIMOTHY J. BERGAN, 0000
WILLIAM G. BERRY, 0000
LEAH A. BERSAMIN, 0000
MICHAEL B. BEZA, 0000
BRIAN A. BISHOP, 0000
SHELLY R. BLADOW, 0000
MARC E. BOYD, 0000
ERIC K. BRESSMAN, 0000
STEPHEN P. BROMBEREK, 0000
ANNE M. BROWN, 0000
DEIRDRE L. BROWN, 0000
SARAH A. BROWNE, 0000
SHAWN J. BRUNELLE, 0000
CHARLES R. BULL JR., 0000
JAMES E. CARSTEN, 0000
SUSAN D. CHACON, 0000
CHRISTINE A. CHAMBERS, 0000
ROSEANNA A. CHANDLER, 0000
CARMEN D. CHRISTIAN, 0000
CYNTHIA K. CHRISTIAN, 0000
WANDA A. CORNELIUS, 0000
CHRISTOPHER J. CORVO, 0000
CHRISTOPHER D. COURTLEY, 0000
WILLIAM C. COZZA, 0000
JOHN M. DANIELS, 0000
WILLIE P. DANIELS, 0000
WILLIAM C. DEATON, 0000
EVELLYN DECAAL, 0000
PHILIP M. DECKER, 0000
JOYCE M. DOYLE, 0000
DWAYNE D. DUCOMMUN, 0000
JUNIUS DURAL JR., 0000
JOHN E. ECKENRODE, 0000
THOMAS C. ENGLAND, 0000
RUEL G. ENRIQUEZ, 0000
BENEDICT H. EU, 0000
EDWARD J. FIORENTINO, 0000
DAMIAN D. FLATT, 0000
MICHAEL T. FLEETWOOD, 0000
ALFONSO FLORES, 0000
BEN T. FOSTER, 0000
NATHAN T. FRANCIS, 0000
DON S. FURUKAWA, 0000
PETER D. GALINDEZ, 0000
KENDRA LEE K. GASTRIGHT, 0000
ALLEN COLLEEN M. GLASER, 0000
TODD S. GLASSER, 0000
DEBORAH L. GOODWIN, 0000
CHARLES E. GREENERT, 0000
ELIZABETH L. GREENWOOD, 0000
JAMES E. GRIMES, 0000
MARC F. GUARIN, 0000
AMBERLY M. HALL, 0000
ISTVAN HARGITAI, 0000
FREDDIE R. HARMON, 0000
JOHN A. HELTON, 0000
CHRISTOPHER H. HERR, 0000
MARK C. HOLLEY, 0000
MARY M. HUPP, 0000
STEPHEN B. JACKSON, 0000
PATRICK E. JANKOWSKI, 0000
SANDRA K. JOHNSON, 0000
CHRISTOPHER L. JONES, 0000
ELISABETH B. JONES, 0000
LAUREN E. JONES, 0000
SHARI F. JONES, 0000
TIMOTHY F. KEETON, 0000
TERESA L. KIESSLING, 0000
ERIN C. KOON, 0000
VENNESSA LAKE, 0000
TIMOTHY G. LAMB, 0000
LUCIAN C. LAURIE, JR., 0000
RANDALL K. LIMBERG II, 0000
JAMES A. LINK, 0000
STEVEN L. LOBERG, 0000
JAMES M. LUCCI, 0000
PETER M. LUNDBLAD, 0000
ANGELA R. MACON, 0000
STEVEN R. MARSHALL, 0000
CHRISTOPHER A. MARTINO, 0000
ROBERT F. MASSARO, 0000
CHARLES G. MCKINNEY, 0000
JON A. MELLIS, 0000
DENNIS I. MILLS, 0000
MARK S. MORRELL, 0000
THOMAS M. MOSKAL, 0000
CHRISTOPHER T. MURPHY, 0000
DORIS J. NEDVED, 0000
JUANITA NEIL, 0000
JOSEPH H. NEUHEISEL, 0000
GREGORY G. NEZAT, 0000

ERIK R. NILSSON, 0000
KEVIN M. NORTON, 0000
CATHERINE L. O'CONNOR, 0000
CRAIG R. OLSON, 0000
LISA A. OSBORNE, 0000
NORMAN C. OWEN, 0000
JACQUELINE R. PALAISA, 0000
IMELDA L. PAREDES, 0000
ANANT R. PATEL, 0000
JEFFREY M. PAUL, 0000
JOHN C. PROFERA, 0000
VANE A. RHEAD, 0000
RONALD RIOS, 0000
WILMA J. ROBERTS, 0000
JON P. RODGERS, 0000
CHRISTOPHER ROPER, 0000
THOMAS D. RUTLEDGE, 0000
RODNEY L. SANDERS, 0000
DAVID R. SAUVE, 0000
THOMAS SCHLATER, 0000
MICHAEL S. SEATON, 0000
WANDA L. SELLERS, 0000
REDENTOR P. SESE, 0000
ERIC J. SIMON, 0000
JAMES A. SINCLAIR, 0000
NATHAN D. SNIPES, 0000
RHONDA K. STELL, 0000
LENWOOD P. STEWARD, 0000
ROBERT W. STOVER, 0000
JOHN R. SUDDUTH, 0000
JON M. TAYLOR, 0000
JOHN B. THEISZ, 0000
MICHAEL VECERKAUSKAS, 0000
DOUGLAS S. VELVEL, 0000
TODD A. WANACK, 0000
JAMES R. WATTS, 0000
MARK D. WEAVER, 0000
BRUCE J. WEBB, 0000
JERRY P. WEBB, 0000
GLORIA A. WHITMIRE, 0000
WAYNE R. WILCOX, JR., 0000
ROBERT R. WILLIAMS, 0000
LELITIA D. WOOTSON, 0000
KATHERINE A. ZECH, 0000

To be lieutenant (junior grade)

DOUGLAS J. ARNOLD, 0000
HEATHER E. BALDWIN, 0000
PAUL V. BANDINI, 0000
MICHAEL R. BENSCH, 0000
DAVID S. BRINSON, 0000
MARK J. BROWNFIELD, 0000
LENN E. CARON, 0000
NOEL W. COLON, 0000
BRENNAN C. CONWAY, 0000
CHRISTOPHER C. CRONINGER, 0000
SEAN P. DALTON, 0000
JASON K. EDGINGTON, 0000
CHRISTOPHER A. FOTOS, 0000
GORDON J. GLOVER, 0000
JEAN A. GREGG, 0000
ALEX R. GRIEG, 0000
ERIKA D. HARDING, 0000
DAMON B. HEEMSTRA, 0000
KHARY W. HEMBREE, 0000
SCOTT HERMON, 0000
FERDINAND C. HERRERA, 0000
BRETT D. INGLE, 0000
BARRY L. JAMES, JR., 0000
SHERRI L. LANEJOHNSON, 0000
RUSSELL G. LAWRENCE, 0000
JEFFREY D. LENGKEEK, 0000
SANTO MCADOO, 0000
MICHAEL D. MCCORKLE, 0000
SAUL MONTES, 0000
BRENDAN G. MURPHY, 0000
RYAN L. NATIONS, 0000
MICHAEL K. OBEIRNE, 0000
RACHEL A. PERRY, 0000
JASON M. PICARD, 0000
KATHRYN L. PINEDA, 0000
ROGER L. PIRKOLA, 0000
RUSSELL C. RANG, 0000
LARA A. RHODES, 0000
LUIS RIOSECO, JR., 0000
THOMAS F. ROBBINS, 0000
JAMES M. ROBERTSON, 0000
LAURIE SCOTT, 0000
JOSEPH D. SEARS, 0000
LEONARD W. SIMMONS, 0000
PRUDENCE Y. SLOWE, 0000
SCOTT M. SMALL, 0000
SEAN G. SMITH, 0000
ROBERT W. SPEIGHT, 0000
SUSAN B. SPERLIK, 0000
FRANCIS J. STAVISH, 0000
DUDE L. UNDERWOOD, 0000
LANA L. VANVOORHEES, 0000
LYNN D. VAUGHN, JR., 0000
DONALD R. VOELBEL, 0000
LETTITIA R. WHITE, 0000
JAMES WHYTE IV, 0000
RONALD A. WOODALL, 0000

To be ensign

JAMES S. CARMICHAEL, 0000