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## Senate

The Senate met at 9:31 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, Sovereign of this Nation, as You guided our Founding Fathers to establish the separation of church and state to protect the church from the intrusion of government, rather than the intrusion of the church into government, we praise You that in Your providential plan for this Nation there is to be no separation of God and state. With gratitude we declare our motto: "In God We Trust." It is with reverence that, in a moment, we will repeat the words of commitment as part of our Pledge of Allegiance to our flag: "One nation under God, indivisible."

May these words never become so familiar by repetition that we lose our profound sense of awe and wonder, or our feeling of accountability and responsibility to place our trust in You, to seek Your guidance in all decisions, and make patriotism an essential expression of our relationship with You. We praise You for Your truth spelled out in our Bill of Rights and our Constitution. Help us not to take for granted the freedom we enjoy, nor the call You sound in our souls for righteousness in every aspect of our Nation. We repent for any moral decay in our culture, any contradiction of Your commandments in our society, and any reluctance to be faithful to You in our personal lives.

Wake us up and then stir us up with a fresh realization of the unique role You have given this Nation to exemplify what it means to be a blessed nation because we humble ourselves before You and exalt You as our only Sovereign. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, 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 PRESIDING OFFICER (Mr. VOINOVICH). The acting majority leader.

### SCHEDULE

Mr. HAGEL. Mr. President, today the Senate will resume debate on the China PNTR legislation. Under the order, the time until 10 a.m. will be equally divided for closing remarks on the Byrd amendment regarding subsidies. Therefore, the first vote of the day will occur at 10 a.m. I understand there may be a possibility that Senator BYRD will request a voice vote rather than a roll-call vote. But depending on that request, following the vote, debate will resume on the Thompson amendment No. 4132. The Senate will recess for the weekly party conferences from 12:30 p.m. to 2:15 p.m. At 2:15, Senator HELMS will be recognized to offer an amendment which will be debated at that time. Further amendments are anticipated; therefore, Senators can expect votes throughout the day and into the evening.

I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say, through the Chair to my friend from Nebraska, we were also informed that Senator BYRD would agree to a voice vote on this. So I think it would be to everyone's best interests that those who have amendments to offer would offer the amendments as quickly as possible.

When Senator BYRD gets here, it is my understanding he wants to say a

few words prior to the voice vote on his amendment. But I think it would be appropriate that the Senate be advised that there likely will not be a recorded vote at 10 o'clock this morning, so Senators should be about their other business.

I also say to the acting leader, we hope those who are managing the various appropriations bills that have passed the Senate and have passed the House would do whatever they can to get the conference process underway. We have a tremendous amount of work to do. And while we are not debating appropriations bills in the evening, as we were last week, there is still a lot of work to be done on those. We hope the conferences, including engaging the administration, would be ongoing at this time so we can have an end game around here to complete those bills.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

### 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. 4119, to require that the President certify to Congress that

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



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the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products.

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. 4117, to require disclosure by the People's Republic of China of certain information relating to future compliance with World Trade Organization subsidy obligations.

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.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Does my friend from Nebraska have a statement?

Mr. HAGEL. No, I do not.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. 4117

Mr. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. It is the amendment offered by the Senator from West Virginia, No. 4117.

Mr. BYRD. I thank the Chair. I will be direct and to the point. This amendment requires the U.S. Trade Representative, acting through the Working Party on the Accession of China to the World Trade Organization, to obtain a commitment from China to disclose information about state-owned enterprises that export products and government assistance given to those state-owned enterprises. My amendment also requests a timetable for China's compliance with WTO subsidy obligations.

Even the staunchest supporters of permanent normal trade relations with China recognize that U.S. trade with China will continue to be an uphill battle insofar as fairness is concerned. The

administration acknowledges this fact, and my good friend Senator ROTH stated the same only yesterday.

There are profound implications to Sino-American relations as a result of granting PNTR to China. State-owned enterprises continue to be the most significant source of employment in most areas in China, and some reports suggest that these subsidized enterprises account for as much as 65 percent of the jobs in many areas of China.

Government control reigns supreme in China. My amendment sends a message that the U.S. Senate seeks transparency in China's likely accession to the World Trade Organization, WTO. My amendment places Members on record as demanding China's compliance with the promises that China has made under the bilateral trade agreement that it signed with the United States.

Opponents of my amendment state that the amendment is redundant and flawed on two bases. First, it was argued that the administration is already required to condition the extension of permanent normal trade relations with the People's Republic of China on a finding that China's state-owned enterprises are not disruptive to our trading interests.

With all due respect to my colleagues, with this bit of news that the subsidy issue rests on some administrative conclusion, I began immediately working double time to get this amendment passed. This news sounded the alarm. I think it would be better to have the information direct, and to make our own conclusions. The Senate has that latitude!

In addition, if the President already has information to certify that China's state-owned enterprises are not disruptive to our trading interests, my amendment should present no problem. Let Members see the raw statistics. Let Members of Congress make up their own minds.

What is the Administration trying to hide? I will have more confidence in what the administration says if I can review the material myself, and if Congress can review it.

I have the same limited confidence in the proposed administrative review team that is supposed to keep an eye on China, which, as opponents of my amendment mentioned, the specifics on how this review team will operate has not yet been determined. Are Senators willing to leave this matter to fate?

The opponents of my amendment also mentioned, and it is true, that China signed a bilateral agreement with the United States that proclaims that China will cease the use of subsidies prohibited under the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement), including those subsidies contingent upon export performance and subsidies contingent upon the use of domestic over imported goods, which are strictly prohibited under the SCM agreement. The WTO

subsidy agreements do, indeed, state that many subsidies are prohibited and shall not be allowed. I'm all for that!

Why should we not know this information? Help me find out by voting in support of this amendment! Help me provide the U.S. steel industry, and other industries, with an assurance—based on more than a nod from the administration—that there are no illegal Chinese subsidies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. BYRD. Mr. President, I yield the remainder of my time.

Mr. HAGEL. Mr. President, this side yields back all time as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 4117) was rejected.

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

Mr. BYRD. 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 Nebraska.

Mr. HAGEL. Mr. President, I am prepared to make a statement relating to Senator THOMPSON's amendment. However, I understand my colleague from Iowa has a scheduling conflict and therefore needs to complete a statement by 10:10. I therefore ask unanimous consent that Senator GRASSLEY be recognized for up to 8 minutes and that I be recognized following his statement.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object—I don't intend to object if I have an opportunity to follow—I ask that I may be recognized following Senator HAGEL.

Mr. HAGEL. Mr. President, I revise my unanimous consent.

Mr. WELLSTONE. Mr. President, reserving the right to object, I ask unanimous consent that after Senator KENNEDY speaks, it be in order for me to bring my amendment to the floor.

Mr. HAGEL. Mr. President, I further revise my unanimous consent request to include Senator WELLSTONE's request.

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

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. HELMS, my amendment at the desk be made the pending business.

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

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

#### AMENDMENT NO. 4132

Mr. GRASSLEY. Mr. President, as a co-sponsor of Senator THOMPSON's legislation on weapons proliferation, I

want to tell my colleagues why I will not support this, or any other effort, to amend H.R. 4444, the legislation to authorize the permanent extension of nondiscriminatory trade treatment to the People's Republic of China.

First, I want to say that I fully agree with Senator THOMPSON's goals. He wants to reduce the threat posed to the United States by the proliferation of weapons of mass destruction.

So do I.

He wants to curb the transfer of technologies to rogue nations that might destabilize regional security, threaten our allies, or endanger United States forces.

And so do I.

In my view, this Administration has not done nearly enough to safeguard the United States from the growing threat of nuclear proliferation.

You don't have to take my word for it.

For anyone who thinks that the weapons anti-proliferation efforts of this administration have been adequate, and that the world is a safer place under the Clinton-Gore team, just take a look at the Cox Commission Report.

Or the report of the Rumsfeld Commission.

Both of these reports are compelling, and highly disturbing.

But, this is neither the time nor the place to deal with these issues.

The real issue today is whether we will approve this measure to extend permanent normal trade relations with China, and thereby allow the United States to take advantage of a market-opening trade agreement we helped negotiate.

An agreement that will mean new sales, more jobs, and increased prosperity for America's farmers, ranchers, and agricultural producers, our service providers, and our manufacturing sector.

I want to make this very clear:

A vote to amend PNTR, at this late stage, is a vote against PNTR.

If we change so much as one word of this PNTR legislation, it will not be consistent with the legislation passed by the House of Representatives, and will be sent back to that chamber.

With less than 20 legislative days to go in this session of Congress, that would kill the PNTR bill for this year.

And if PNTR is defeated, China will not suffer.

China will still enter the WTO, whether we normalize our trade relations with them or not.

If China enters the WTO, and we have not approved permanent normal trade relations status, our farmers, our service providers, our manufacturers will be forced to sit on the sidelines. Our competitors from Europe, Asia, and Canada will have China's market all to themselves. They will win a competitive advantage over us. Perhaps a permanent one.

The only ones who would suffer would be our farmers, and our workers.

Putting ourselves at this sort of disadvantage will hurt our economy.

And it will not help our national security one bit.

The problem I have with linking trade with national security, or with human rights, or with any other worthy cause, is that this sort of linkage assumes that we can only do one thing, but not the other.

We can either have human rights in China, or we can have free trade.

We can either protect our national security, or we can trade with China and jeopardize our security.

I believe these assumptions are false.

Our relationship with China is complex. It has more than one dimension.

And I believe the United States is big enough, smart enough, tough enough, and sophisticated enough to have more than a one-dimensional China policy.

We can have an effective human rights policy with China.

We can have a tough and effective national security policy.

And we can have a trade policy that serves our vital national interests.

We can do all of this at the same time, and do it well.

But not if we amend this bill and send it back to the House.

One last thing.

I read this morning that thousands of anti-globalization protesters rioted today at the meeting of the World Economic Forum in Melbourne, Australia. Scores of people were hurt. Almost one quarter of the delegates were locked out of the summit by the rioters.

One Australian official was trapped for almost an hour in his vandalized car.

Leaders of the riot claimed they were successful in blockading the conference.

"I think we can claim victory tonight", one of the protest leaders said.

The Melbourne riots come right on the heels of similar anti-globalization riots in Davos, Switzerland, Washington, DC, and last December in Seattle.

These riots are profoundly disturbing. They appear to be growing in intensity and frequency around the world. And they are terribly misguided. Since the United States helped create the global trading system in 1947, free trade has lifted millions of people out of poverty.

As poor nations have gained new prosperity, they have improved the health and education of their citizens.

They have invested in new technologies to clean up the environment.

And all the nations of the world's trade community have helped keep the peace, even during the bleak days of the Cold War.

Today, China is on the verge of rejoining the world trade community it abandoned in 1950.

A vote for normalizing China's trade relations with the United States on a permanent basis will reaffirm our support for a member-driven, rules-based trading system.

It will highlight the importance of trade as a way to achieve prosperity for all, including the world's poorest nations.

And it will repudiate those who would tear down the most successful multilateral trade forum the world has ever known.

I urge my colleagues to support a clean PNTR bill, with no amendments.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise this morning to urge my colleagues to oppose the Thompson amendment.

First, this is not a debate about whether national security or trade is the highest responsibility and priority of our Government. Of course, America's national security takes precedence over all other priorities. It is not helpful when we in this Chamber hear references to putting "trade dollars and business interests ahead of national security." There is not one Member in this body who does not put America's national security interests ahead of all other interests, including trade interests. The national security interests of this country come first for all of us.

That is not the issue. We need to understand very clearly the underlying bill granting China permanent normal trade relations. In granting PNTR to China, we allow our businesses and farmers the opportunity to take advantage of all the far reaching market-opening concessions China made to the United States when it signed the bilateral trade agreement with America last November. PNTR does not change or does not enhance China's access to America's markets. China has had access to our markets for years. It changes America's access to China's markets, which we have not had. There are no American trade concessions to China in PNTR. Our markets have long been open to China.

Voting down PNTR means throwing away what the Chinese have finally agreed to do—give to our businesses and farmers a fair shot at their markets. We must be perfectly clear on this point as we continue this debate on PNTR. That is the issue.

I urge my colleagues to oppose the Thompson amendment, not because I think Senator THOMPSON is wrong about proliferation; quite the opposite. The proliferation of missile technology and weapons of mass destruction clearly represents one of the most serious threats to the security of the United States. It is precisely because it is such a serious problem, with real implications for all Americans—by the way, implications for the world—that it needs to be treated seriously and responsibly.

Tacking this amendment to PNTR without any consideration in any committee of jurisdiction, without one hearing from proliferation experts,

without understanding the national security, geopolitical, and economic consequences for America, would be irresponsible.

Every Senator in this body agrees with Senator THOMPSON about the importance of stemming the proliferation of weapons of mass destruction technology. I strongly disagree with his approach. His amendment would be bad for American nonproliferation efforts, bad for America's economic and trade interests, and bad for American national security. Proliferation is a global problem with implications for the security of the United States and all of our allies and friends across the world.

We cannot deal effectively with proliferation on a unilateral basis. That approach will be ineffective and will only diminish our ability to influence the proliferator. We must have the help of our allies and our friends. It is folly to believe that unilateral sanctions by one nation will stop any nation from its proliferation activities, if that is the intent. It isn't that simple. History has shown clearly that unilateral sanctions are unworkable tools of foreign policy. They end up injuring the interests of the sanctioning nation. The only time a unilateral sanction may be effective is when it covers a unique American product or technology for which there is no foreign availability. Most of all, the items and technologies covered by the Thompson amendment do not fit this category. If we prohibit the sale of these items and technologies without ensuring that our allies and friends are on board, we simply diminish our influence over the target country. At the heart of the debate is how best to influence the behavior of proliferating nations.

Unilateral sanctions will not encourage more responsible behavior on the part of China or any other country. This amendment might terminate a number of assistance programs that are clearly in America's interests to continue. For example, one of the sanctions in the Thompson amendment calls for a cutoff in Export-Import Bank financing for exports to the target country. Now, Export-Import Bank financing is designed to assist American exporters in their efforts to compete in foreign markets for business. It does not and has never been designed to assist foreigners. Cutting off Export-Import Bank financing hurts American exports. It is hard to imagine how this could have a positive effect on the target country's proliferation behavior.

The American people are going to elect a new American President in 2 short months. Proliferation will be a major issue for the new President. The new President and his team must come up with a comprehensive strategy for dealing with it. It is not in the best interests of our national security to handicap our new President by tying his hands with the provisions in this amendment. I believe that China's entry into the WTO, the World Trade Organization, and our granting of

PNTR to China, is of enormous strategic importance to the United States. It is not only a matter of trade. It is not only about leveling the playing field for American businesses and farmers who have never had a fair shot at China's markets. At its core, it is about helping to set China on the road to becoming a responsible member of the global community. It is about taking advantage of an unprecedented opportunity to help the Chinese people gain more control over their own destinies.

We have heard, over the last few days, about human rights, religious rights, freedoms. All encompass this dynamic. Do we believe that we influence the behavior of a totalitarian nation to be better to its people and give its people more opportunities and enhance their lives, give them more control over their own destinies, by walking away from such a relationship? I do not think so. It has never been proven to be the case in history, and I do not think it will be proven to be the case this time.

WTO membership does not permit the Chinese Government to exercise the kind of control over people's lives as it has over the past 50 years. Membership in the WTO requires the Chinese Government to undertake painful economic and legal reforms and to open its markets, open its society. Is this perfect? Of course not. Are there flaws? Of course there are. Are there imperfections? Of course there are. Will there be problems implementing it? Of course there will be. All of these things are in America's strategic interest, however. We need to support China's accession to the WTO and grant them PNTR.

But if we attach this amendment, then we will not pass PNTR this year. As my friend from Iowa so succinctly put it: It will go down. And in whose best interest is that? Let us not forget that trade and prosperity encourage and enhance freedom, peace, and stability in the world.

This amendment would also have a negative impact on our ability to gather intelligence on proliferators. The amendment requires the President to report to the Congress the names of every suspected proliferator in an unclassified report. Although this amendment urges the President to do this in a way that protects sensitive intelligence sources, it is unclear, of course, how that will happen. How will sources be protected if Congress follows the expedited voting procedures in this amendment for overturning a Presidential determination that sanctions should not be imposed for national security reasons? How will we debate the correctness of the President's decision without talking about the intelligence information that led to the President's decision in the first place? It is impossible. Do we believe that by exposing our intelligence sources, by telling the world what we suspect or know, we can have a positive effect on proliferation?

We invest millions and millions of dollars and engage in multiyear projects to gain intelligence on proliferation activities around the world. We should not jeopardize that effort by having the President issue an unclassified report to Congress that lays out exactly what we know and how we were able to determine what we know.

The amendment also seeks to involve our capital markets in foreign policy issues. I do not think—and this is as kindly as I can say it—that this is a wise course of action under any circumstances. America is stronger because the world regards our markets, our capital markets, our financial markets, as the most trustworthy, honest, stable, and most fairly regulated in the world. In no place in our present system are America's capital markets used as a device of foreign policy. This would be dangerously irresponsible and unprecedented, and this would be done without one congressional hearing to examine the consequences of such action.

America is the preeminent capital market in the world, but that position is under constant challenge. International investors can move their money, issue their stocks, access capital anywhere in the world, with the click of a mouse. Why would we want to inject new political redtape and risks and uncertainty into a system that hangs on such a precarious balance? For what? Federal Reserve Chairman Alan Greenspan has been quoted on numerous occasions in the last few days on this issue. I remind my colleagues what Chairman Greenspan said about the Thompson proposal:

So a most fundamental concern about this particular amendment is, it doesn't have any capacity of which I am aware to work. And by being put in effect, the only thing that strikes me as a reasonable expectation is it can harm us more than it would harm others.

This amendment would cast a long shadow of doubt over the American financial market system. This is not in the best interests of America.

I oppose this amendment because it has never received any consideration in any committee of jurisdiction. We have not heard from proliferation experts as to how this amendment would affect our national security. Proliferation is too serious, much too serious to deal with it in this manner. How much time have all our colleagues had to understand this, to develop an appreciation for the consequences of this action? How much time have we put into this? We know there have been four versions. The first I believe that any of us had a chance to look at this was yesterday. That is not responsible legislation.

I oppose this amendment because it employs unilateral sanctions which history has proven are an ineffective way to achieve foreign policy goals. The amendment would tie the hands of the next President before he has had a chance to develop a comprehensive

global nonproliferation policy. It would jeopardize intelligence sources and would cut off programs that are designed to benefit American exporters such as the Export-Import Bank. None of this makes any sense. These consequences would be very harmful to America's interests. I oppose this amendment because it injects foreign policy considerations into our financial regulatory and market systems. This would start us down a very dangerous and unprecedented path that would ultimately weaken our markets and consequently weaken this country.

The underlying bill, PNTR, is of strategic significance to the United States. Passage of this bill, coupled with China's entering into the WTO, will help set China on the path toward economic and political reform, which is clearly in our national interest. It is clearly in the interests of the world. If we attach the Thompson amendment or any amendment to PNTR, we effectively kill PNTR this year and maybe for some time to come.

For all these reasons, I urge my colleagues to oppose this amendment, all amendments to PNTR, and strongly support PNTR.

I yield the floor.

I believe we have a unanimous consent agreement?

The PRESIDING OFFICER. That is correct. The Senator from Massachusetts is recognized.

#### EDUCATION

Mr. KENNEDY. Mr. President, I know we are very much involved in this extremely important decision on the question of trade with China, but I do want to take a few moments this morning to address another issue which I think is of central concern to families across this country.

I think it is particularly appropriate that we give additional focus and attention to the priority of education policy as we are coming into the final days of this session of Congress. I think there is a heightened interest in this issue as some 53 million children are going back to school. They have started going back to school in the last 10 days and are going back to school this week. And, fifteen million children are going to colleges, going back to school now, this week and next.

Parents are wondering what the circumstances will be for their children this school year and in the future, and who is going to ensure their children are going to get an adequate education and will move ahead. Parents understand full well that education is key to the future for their children and, obviously, education is key to our country's future as we are moving more and more into a new information-age and technologically-advanced global economy. This is a matter of enormous urgency.

We understand that there is a fundamental responsibility for the education of children in the elementary and sec-

ondary high schools of this country at the local and State level and that the role of the Federal Government is much more limited. Approximately 7 cents out of every dollar that is spent locally actually comes from the Federal Government.

In my travels around my State of Massachusetts, in talking to parents, they are interested in a partnership. They are interested in their children doing well. They want support for programs that work, and they are less interested in the division of authority between local and State governments and the participation of Congress in assisting academic achievement.

The backbone of congressional participation in the education of children is the Elementary and Secondary Education Act. That is an act of enormous importance. It is not only myself who is saying this, but we have the statements of the majority leader, Senator LOTT, who in January 1999 indicated:

Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

Remarks to the Conference of Mayors on January 29, 1999:

But education is going to have a lot of attention, and it's not just going to be words. . . .

Press conference, June 22, 1999:

Education is number one on the agenda for Republicans in the Congress this year.

Remarks to the U.S. Chamber of Commerce, February 1, 2000:

We're going to work very hard on education. I have emphasized that every year I've been majority leader. . . . And Republicans are committed to doing that.

A speech to the National Conference of State Legislatures, February 3, 2000:

We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Congress Daily, April 20, 2000:

. . . Lott said last week his top priorities in May include agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

Senate, May 1:

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Press Stakeout, May 2.

Question: Senator, on ESEA, have you scheduled a cloture vote on that?

Senator LOTT: No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across the country and every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

Those are the assurances we have been given by the majority leader, and we have had 6 days of discussion about elementary education. Two of those days were discussion only. We had a total of eight amendments, seven roll-calls, one voice vote, and three of those seven were virtually unanimous. So we

have not had this debate which not only the majority leader has said is important, but which families believe is important. The reason they believe it is important is because of the substance of education policy that will be included in that debate. I remind the Senate where we are on the expansion of the number of children enrolled in school. In K-12 enrollment, it is at an all-time high. In 1990, 46 million K-12 children were enrolled, and by the year 2000, 53 million children. There are increasing pressures on local communities across the country.

This chart shows that student enrollment will continue to rise over the next century. There are 53 million students enrolled in the year 2000, but if you look at the projections, 94 million are estimated to be enrolled by the year 2100—41 million more students over the next century, virtually doubling the Nation's population in education which will require building schools and hiring more qualified teachers all across this country.

This is a matter of enormous importance to national policy and family policy. We believe we should not give short shrift to debating what our policies may be. We may have some differences on different sides of the aisle, but we should be debating these policy issues.

On the issue of priorities this year, such as bankruptcy—which we debated for 16 days, we had 55 amendments; 16 days on bankruptcy, 55 amendments. As I mentioned, we had eight amendments on elementary and secondary education. Three were unanimous and one vote was by a voice vote. So we really have not met our responsibilities, I do not believe, on debating education policy.

I strongly favor Federal commitment and investment in programs that have been tried, tested, and proven to be effective and that can be implemented at the local level and have a positive impact on the children.

I want to take a moment to bring the Senate up to speed about what is happening in schools across the country. More students are taking the SAT test: In 1980, 33 percent; 1985, 36 percent; 1990, 42 percent; 1995, 44 percent; 2000, 49 percent. More and more of the children in this country are recognizing the importance of taking the scholastic aptitude test. Children are aware they have to apply themselves, as reflected in the number of students taking the test, and that college education is the key to success in America. Also, the results have been positive. Even though more students are taking the SAT, and the students are more diverse, math scores are the highest in 30 years. But, in order to sustain the gains made, children need to continue to have well-qualified teachers, they need an investment in preschool programs, they need afterschool programs, they have to have available to them the latest technologies so they can move ahead in their academic work.

This is another chart showing more students are taking advanced math and science classes. This reflects 1990 to 2000: Precalculus, in 1990, was 31 percent. It is now 44 percent. Calculus, 19 percent in 1990; 24 percent in 2000. In physics, 44 percent in 1990 to 49 percent in 2000.

We are finding more students are taking college level courses, advanced placement courses, the more challenging courses, and they are doing better and better in these undertakings.

However, our work is far from over. We cannot get away from the fact that there are many others in our country, in urban areas and rural areas, who are facing extraordinary challenges. Those disadvantaged children are really the ones on which we are focused in terms of the Federal elementary and secondary education programs.

Basically, there are important ways in which we can give some help and assistance to these children. We believe in smaller class sizes, with well-trained teachers, and afterschool programs. We believe in making sure the children are going to be ready to learn, either through the Head Start Program or through helping and assisting local groups to try to give help and assistance to those children as they are preparing, even for Head Start, the ready-to-learn program, which basically was a goal we agreed to—Democrats and Republicans alike—in their conference in Charlottesville about 10 years ago. That is an area in which we have not been able to gain support, although we have a bipartisan proposal that is actually currently pending—would be pending were we to get back to the elementary and secondary education bill.

We believe the success of the STAR Program in Tennessee and also in the State of Wisconsin demonstrates the importance of smaller classrooms. Also, all of the various studies have shown quite clearly the importance of having well-trained teachers.

We can learn from States that have moved ahead in providing adequate compensation of teachers, such as Connecticut, North Carolina, and other States, and that have shown that when you have teachers who are well trained and well paid, you get an enhanced academic achievement for these students.

We support afterschool programs—they have a tremendous impact on helping children to enhance their academic achievement.

We should also make college more accessible to every qualified student through GEAR UP and college tuition help, the excellent proposal that has been advanced by Vice President Gore to provide a tax deduction for tuition for children, for parents whose children are going on to college.

Also, in the area of skills training, we tried to address that in an amendment. We actually were able to get a majority in the Senate to support the restoring of a training program, but we have been unable to get that imple-

mented because there was a point of order made against it. We had to amend a bill which did not make it possible for us to carry that forward into a conference.

All of these are matters of enormous importance. We have been impressed—I have—by the debate and discussion at the national level about the Vice President's proposal to understand that learning has to be a continuum and that skills training has to be a continuum.

I often am reminded of the fact that when I first was elected to the Senate, we had a very efficient shipyard down in Fall River, MA. The workers who worked there, their fathers worked there, their grandfathers worked there. More often than not, the sons wanted to work there. But there has been a change. That yard has been closed. Now what we find out is—not only there but across my own State of Massachusetts and across the country—everyone who enters the job market is going to have, on average, seven different jobs over the course of their lifetime.

We have to be able to have continuing education and training programs accessible and available to young and old alike, so that people are going to be able to upgrade their skills. That is enormously important. It is enormously important not only to the young, but it is enormously important to communities such as mine, Massachusetts, where we have an older workforce—we have a transition from a lot of the older industries into newer kinds of industries—and where the real difference is in the development of skills.

We would have the opportunity to address many of those issues I have very briefly mentioned in the Elementary and Secondary Education Act. We certainly would be able to address universal preschool, the issues of qualified teachers, and the importance of skills training that is going to be school based. We could address modern and safe schools. We would be able to address afterschool opportunities, smaller class sizes, and the higher education issues.

Lifelong training would perhaps not be exactly targeted in those programs, but we will have an opportunity to address that, I believe, in the final budget negotiations that are going to be taking place between the two Houses, and with the appropriations. Being able to have a clear indication about where we in the Congress stand on these issues could be enormously instructive in terms of allocating scarce resources.

I just want to say, we are continually frustrated that we have not been able to get this matter back up in the Senate for debate. We note that we were on a two-track agenda just last week, where we did the trade issues during the day and the appropriations in the evening. We would like to suggest that we could do the trade issues, as they are going along, but we are prepared to move ahead to consider the Elemen-

tary and Secondary Education Act in the evenings. We could consider it this week, next week, until we have reached a conclusion to it. We recognize the importance of it.

If we are looking around for priorities—we heard last week about the importance of a lockbox; and we ought to certainly address that issue before we adjourn—but I daresay for most families, this week is education week as their children go back to school. They want to know what they might be able to expect from the Congress, what kind of partnership should they be able to expect, and we should not just give them silence, which we effectively are giving them.

I welcome the fact that this week we are having Vice President Gore speak on the various aspects of education for a series of days in different parts of the country. I would like to see a national debate on education. I would like to see him out there speaking about it. I would like to have seen Governor Bush speaking about it. I would like to see the engagement of their ideas in the forums of their debates. But we ought to be discussing these issues here on the floor of the Senate. That is something I think is of importance.

Every day we let this go by, every day that we refuse to bring this up, I think we are denying the American people the kind of debate on an issue they care about, which they deserve. We hear both of the candidates talk about education. Let the record just demonstrate that we, on our side, want to get back and debate this issue. We want to take action on it. We are prepared to go forward on it. We do not need phone calls from the Vice President on this. We are prepared to go ahead—and go ahead today, tonight, any other time, on it.

We wish the Governor would call the Republican leadership and say: Look, I am interested in the education issues as well. Why don't you go ahead and have a good debate on that issue and in the Senate. Let me tell you what my positions are. Let's have a debate. Let's let the American people understand. Let's give them a window into this discussion, which is so important for families in this country. Let's not exclude them.

I can imagine, as the Vice President is going around talking about education, there are going to be people saying: What is happening in the Congress? I hope he understands that we, on this side, are prepared to have these matters debated, discussed, and resolved. We wish we could join with our colleagues on the other side to do so.

Historically, the issues on education have never been really partisan. We have some differences in terms of accountability, which the Vice President strongly supports. But we believe we ought to be able to have a debate and discussion in the Senate on this issue. We think we are denying the American people the opportunity.

So I would invite the Governor to contact the Republican leadership here

and say: If you are really interested in education, let's bring the elementary and secondary education bill back to the floor. Let's debate it.

We are glad to consider it in the evening time. We have now just about a month left in this session of the Senate. We ought to be resolving the issues on education, on the Patients' Bill of Rights, on prescription drugs, and on the increase in the minimum wage. If we did those four, if we took care of those four issues, I think we could say that this was a Congress of considerable achievement and considerable accomplishment.

Those are central, focused issues about which both of the candidates are talking. But they are speaking all over the country; they are not speaking to us here in the Senate. We have no debate on minimum wage. We are not getting back to the minimum wage or prescription drugs. We aren't getting back to education.

Since we are not going to be able to do that and have it rescheduled, we are going to have to take whatever steps we possibly can on whatever bills that are going to come up in the remaining days. We want to do this well. We want to do it with the understanding of the leadership on both sides. But if we are not going to be able to get focus and attention on these issues, then we are going to have to take whatever opportunity we have, on any of the measures that are coming down the line, in trying to press the people's business in the form of education. And that I commit we will do.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know my colleague from Maine wants 5 minutes to respond. I ask unanimous consent that after my colleague from Maine speaks, my colleague from California have 5 minutes as in morning business, and that I then be able to introduce the amendment.

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

The Senator from Maine.

Ms. COLLINS. Mr. President, first, I thank my friend and colleague from Minnesota for his usual graciousness in allowing me to respond to the comments made by my friend from Massachusetts, Senator KENNEDY.

Let's look at the facts. My colleagues on this side of the aisle have repeatedly said that the reauthorization of the Elementary and Secondary Education Act is our top priority. We produced a very good bill from the HELP Committee on which the Presiding Officer serves so ably. We produced a bill that provides a substantial increase in Federal funding for education to help improve education and the lives of children all over this Nation.

We also adopted an important, innovative, new approach, one that recognizes that Washington is not the fount of all wisdom when it comes to edu-

cational policy. We recognize that schools have different needs, that some need new computers. Others need to hire new math teachers. Still others need to concentrate on providing more programs for gifted and talented students. Schools have different needs. They want to tailor their policies to the needs of the local community.

That is what our bill would do. It would give schools more flexibility in spending Federal dollars while holding them accountable for what counts; that is, results, improved student achievement. We want to get away from the Washington-knows-best approach and let local school boards, teachers, and parents make the decisions about what their children best need.

Unfortunately, our efforts were derailed by our colleagues on the other side of the aisle who insisted on weighing down the education bill with issues completely unrelated to education. The majority leader, Senator LOTT, has tried repeatedly to get a unanimous consent agreement that would allow us to return to the education bill that both sides agree is so important. Unfortunately, the latest effort was once again met with demands for unrelated, nongermane amendments that would sink our ability to produce this important legislation this year.

Those are the facts. Our side stands ready to return to the ESEA bill. We believe that is an extremely important priority. We are very proud of the bill we have produced. We believe it would make a real difference in the lives of American children. We would like to go forward. Unfortunately, we have been met with obstacle after obstacle from our colleagues on Senator KENNEDY's side of the aisle.

That is unfortunate. But the American people deserve to know why we have been unable to complete our work in this very important arena.

I yield the floor and again thank my colleague from Minnesota for his graciousness.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

Mr. President, I add my thanks to my fine colleague for allowing me to have this 5 minutes.

I say to my dear friend from Maine that we all seem to be saying we want to bring up the ESEA so we can debate education. Yet the format under which we would be going back to this bill would be a closed format. Those of us who think it is important, for example, that there be school safety, that we be allowed to offer sensible gun laws so we can, in fact, keep these guns away from these kids wouldn't be able to do it. We could not offer an amendment on school modernization. We could not offer an amendment to expand after-school opportunities, smaller class sizes, more qualified teachers, and accountability for results.

When you say you want to discuss education, yet you shut out the ability

for those of us on this side to offer these amendments that, by the way, many people in the country support by majorities of 80 percent, it seems to me you are not offering anything at all.

The interesting point is that my friends on the other side say: Well, you are just trying to delay things. Nothing could be further from the truth. In 1994, PHIL GRAMM on your side offered a gun amendment on the ESEA. All we are asking for is the opportunity to debate this and debate it so that it is relevant to the American people.

#### THE CLINTON BUDGET

Mrs. BOXER. Mr. President, I asked for the 5 minutes because I want to discuss a timely matter in response to my good friend, Senator JOHN MCCAIN, who made a national radio address of 5 minutes to the Nation in which he criticized the President very strongly for the President's budget plans.

It is wonderful to see that JOHN is back and strong, healthy and feisty, and I am looking forward to testifying before his committee on the issue of violence among children. But I have to say, although I completely respect his opinion, I think his analysis of where we are in the budget debate is so upside down and inside out, I felt compelled to take to the floor today to respond.

Senator MCCAIN said in his radio address:

Our President supports excessive spending that most Americans oppose.

That is a direct quote. He said the President would:

... wreck the economic progress we have made during these good years.

That is very strong language.

I must say respectfully to my friend from Arizona, why have we had "these good years" about which he talks? Clearly, it is because this administration has given us policies that work. We only need to look back to 1992, the Bush-Quayle years. We had the worst recession since the Great Depression. I remember it so well because it is when I ran for the Senate. We had horrific deficits as far as the eye could see, almost \$300 billion. We had crime rising; we had hope falling. We had unemployment skyrocketing, and there was malaise in the country.

The Clinton-Gore budget in 1993 changed all of that by ushering in a new era of economic growth. It was a combination of discipline on the deficit and policies that would invest in our people—economic discipline on the one hand, saying to the people in the very high brackets: You have to pay your fair share, and investing in our people, in education, in the environment, and in infrastructure.

It does not mean everything is perfect, as AL GORE is saying. He is not satisfied. None of us should be satisfied. There is more work to do, and we need to do better.

But let's look at the record since AL GORE has been Vice President: Average

economic growth, 3.8 percent a year under Clinton-Gore, compared to 1.7 percent under Bush-Quayle; unemployment in 1992, a staggering 7.5 percent. In my home State, it was double digits. I will never forget the fear among the people. Today the unemployment rate is 4 percent.

The PRESIDING OFFICER. The Chair advises the Senator that her time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for 3 additional minutes.

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

Mrs. BOXER. Home ownership is the highest ever. The \$290 billion deficit has turned into a \$232 billion surplus. Poverty is the lowest in 20 years. Real wage growth is up 6.5 percent. Under the Reagan-Bush years, there was a decline in the real wage growth of 4.3 percent. There are 22 million new jobs, the most jobs created in history under a single administration.

Now we have the other party saying the President is wrong on his budget ideas. It is their right to say that. But the American people are wise. When you oppose every policy that led to this economic growth, they are going to question you at this particular point in the debate.

Instead of having a radio address where you slam this administration after these great years of growth, why not hold out your hand? Why not hold out your hand to the other side? People are tired of this partisanship.

Let's keep these successful policies going. As Vice President GORE has said, let us do even better. Let's not be satisfied; let's make those deep investments in education and the environment. Let's do even better on paying down the debt. Let us give middle-class tax cuts, not tax cuts to the super-wealthy that are going to wreck this economic recovery. Let us save Social Security and Medicare. The other side wants to do it. Let's join hands.

Let's join hands on a real Patients' Bill of Rights and on a real prescription drug benefit as part of Medicare—and not send our seniors off to the HMOs which really do not have the patients' benefits at heart. Let's do it together before the end of this session. Let's do it now. Let's join hands now rather than throw insults over the radio.

My friends, we have a golden opportunity. I think we have shown we can work together. Let's stop the partisanship. Let's join hands. Let's finish this year on a high note, go home, and feel good that we have done these things. Let's keep up the policies of the past 8 years because they have worked. But let's do even better.

I thank my friend for giving me this time. I thank the Presiding Officer for his indulgence.

I yield the floor.

TO AUTHORIZE EXTENSION OF  
NONDISCRIMINATORY TREAT-  
MENT TO THE PEOPLE'S REPUB-  
LIC OF CHINA—Continued

AMENDMENT NO. 4119

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, amendment No. 4119 deals with the human rights question; it deals with the trade question; it deals with the issue of Chinese exports to the United States of goods made by prison labor.

To curb such exports, this amendment is about existing agreements that we already have with China. This amendment just says we want China to live up to the existing agreements. The United States and China first signed a memorandum of understanding in 1992, which I will refer to as MOU throughout the debate. Then we signed a statement of cooperation in 1994. This amendment would require that the President certify that China is fully compliant with the two trade agreements that China has already made with us before extending PNTR to China.

Let me provide some background on U.S.-China agreements on trade in prison labor products and discuss China's deplorable record in complying with these agreements. Actually, they haven't complied with these agreements. The MOU was intended to end the export to the United States of goods produced by prison labor in China. China agreed to the United States' request back in 1992 that it would promptly investigate any companies that were involved in using prison labor to export products back to our country. But basically the Ministry of Justice in China completely ignored the agreement.

In 1994, therefore, we signed another statement of cooperation with them in which China said: We will agree and we will set some time limits so that within 60 days of the United States' request to visit such a facility we will make that happen. We will be expeditious in making sure we follow through on this agreement.

For the last 3 years, they have not followed through on any of these agreements.

Because of the good work of my colleagues, Senator HARKIN from Iowa and Senator LAUTENBERG from New Jersey—both of whom are going to speak on the floor of the Senate—for the first time in 3 years we had Customs able to visit one of these factories. But this really was the first time that China has budged at all. Other than that, we have seen no agreement, or no follow-through on these agreements.

When I became a member of the Foreign Relations Committee 3 years ago, I remember the first hearing we held had to do with prison labor conditions in China and this whole problem of trade with China. Basically the consensus of all of the witnesses who testi-

fied, including administration witnesses, was that the Chinese compliance with our trade agreements was pitifully inadequate. There has been virtually no compliance with these agreements.

The State Department issued a country-by-country report in 1999 and also in the year 2000. I will summarize. I could quote extensively. Both of these reports make it clear that during the last 2 years, China has not complied with these existing agreements.

Let me simply raise a question with my colleagues. Here we have two trade agreements with China—two understandings. We have basically said to the Chinese Government that people in the United States of America would be outraged if they knew that part of what they were doing was exporting products to our country produced by prison labor. This is a human rights issue. It is a labor issue. And it is also a trade issue.

It is interesting. I talked about a memorandum of understanding. In 1994, the administration used as evidence the fact that China had signed the statement of cooperation. For the first time, the President said: I am going to switch my position and I am going to delink human rights from trade because it is a great step forward that China has signed this statement of cooperation. That judgment turned out to be premature. China's Ministry of Justice ignored seven U.S. Customs' requests for investigation submitted in March of 1994, the same month that the agreement was passed.

China, for years, has refused to allow U.S. officials access to its reeducation through labor facilities—let me repeat that—reeducation through labor facilities, arguing that these are not prisons.

China, in spite of these agreements, has said: We will not allow the United States access to our reeducation through labor facilities because these are not prisons. Beijing would have us believe that these are merely educational institutions. And nothing, if we are at all concerned about human rights in the Senate, could be further from the truth.

Reeducation through labor—known as "laojiao" in Chinese—is a system of administrative detention and punishment without trial. That is what it is. The U.S. Embassy in Beijing insists that reeducation through labor camps are covered by our trade agreements, the MOU. And this is confirmed by the MOU record. Beijing disagrees and continues to claim that these reeducation through labor facilities are not prisons. For over 5 years, China has repeatedly denied or ignored all U.S. requests to visit one of these facilities. We haven't been able to visit even one of these facilities.

What has been this administration's reaction to China's refusal to allow a visit? It has been the same as for all denied visits. We renew our request every 3 months, and the Chinese totally ignore us. This charade ought to

stop. It ought to stop now. That is why I hope there will be strong bipartisan support for this amendment.

What does "reeducation through labor" mean? Let me read some excerpts from Human Rights Watch reports on this subject:

The usual procedure is for the police acting on their own to determine a re-education term. Sentences run from one to three years' confinement in a camp or farm, often longer than for similar criminal offenses. A term can be extended for a fourth year if, in the prison authorities' judgment, the recipient has not been sufficiently re-educated, fails to admit guilt, or violates camp discipline. The recipient of a re-education through labor sentence has no right to a hearing, no right to counsel, and no right to any kind of judicial determination of his case.

That is a quote from a Human Rights Watch report on this subject.

Human Rights Watch also points out that inmates may have their reeducation sentence extended indefinitely, and concludes that reeducation through labor violates many of the provisions of international law, including the International Covenant on Civil and Political Rights, which China signed in 1998. The covenant states:

Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of his detention.

Among other things, reeducation through labor bars the presumption of innocence, involves no judicial officer, provides for no public trial or defense against the charges.

Amnesty International has concluded that it is impossible for China to claim a commitment to the rule of law while maintaining a system that sentences hundreds of thousands of people without due process. I couldn't agree more.

According to the 1999 State Department report on human rights, there are 230,000 people in reeducation through labor camps. Conditions in these camps are similar to those in prisons. What does the report say about these conditions in prisons? It describes them as "harsh, and frequently degrading for both political criminals and common criminals." The report says it is common for political prisoners to be segregated from each other and placed with common criminals. There are credible reports that common criminals have physically beaten up political prisoners at the instigation of the guards.

I am sure my colleagues will agree that reeducation through labor doesn't qualify as an institution whose sole aim is education and rehabilitation, as China claims.

Before certifying that China is in compliance with the MOU and SOC under this agreement, the President must affirm that China is permitting investigation and U.S. inspection of reeducation through labor facilities under the terms of both the memorandum of understanding and the statement of cooperation, two agreements that we have signed with China in 1992 and 1994.

I am offering this amendment because I think it addresses concerns that many Members have in the Senate about PNTR, concerns about China's appalling and worsening human rights record.

I heard my colleague from Nebraska say that the evidence is clear that opening up trade leads to more respect for human rights. The evidence is not clear on that. We have been doing record trade with China. We have a record trade imbalance. They export much more to the United States than vice versa. They export products made by forced prison labor in China. Over the last 10 years, we haven't seen more respect for human rights. Our own State Department reports that all of the human rights organizations reports point to harsh—and in some cases, worsening—conditions.

How can Senators reviewing our trade relations with China give up this little leverage that we have and think somehow it will promote human rights when, as a matter of fact, we have seen no evidence whatever that the Government is moving in that direction. We will give up what little leverage we have.

This amendment is about human rights. It is an amendment that speaks to whether or not we can depend upon China to honor trade agreements. It is an amendment that speaks to the concerns of working people, that they can't possibly compete with prison labor in China.

Senators, I offer this amendment and I call for support on this amendment for three reasons: (A) out of respect for human rights; (B) because we already have these trade agreements with China. This is the most directly relevant amendment to PNTR awaiting action. We already have trade agreements with China and they have not abided by these agreements. Tomorrow they could. In this amendment, we call upon China to live up to these agreements before we automatically extend normal trade relations. What is unreasonable about that?

Finally, I say to Democrats first, and Republicans second—Democrats first, because we are supposed to be more the party of the "people"—in all due respect, a lot of our constituents, a lot of working people, a lot of labor people, have every reason in the world to be a bit skeptical about this new trade agreement and the new global economics when we have China exporting to our country products produced by prison labor.

I think this amendment is all about on whose side are we. Are we on the side of a repressive government that basically pays no attention to anything we say because the message we communicate is: We will, for the sake of commerce, sign any agreement; we are not concerned about these harsh conditions. But are we on the side of human rights? Are we on the side of the idea that China ought to live up to these trade agreements? Are we on the

side of working people, laboring people in our own country who, by the way, will say to each one of you back in your States: Senator, we do not want to be put in a position of losing our jobs because this repressive government can export products made by forced prison labor in China and has not been willing to live up to any of the agreements they have signed with our country.

I ask my colleagues to carefully consider the following questions:

(A) How can we expect China to honor trade agreements with us when it systematically violates the two agreements we signed committing China and the United States to cooperate in curbing trade in prison labor products? They are in noncompliance with two agreements.

(B) How can we do nothing, year after year, to bar imports of Chinese forced labor products when we know that China operates the world's largest forced labor system estimated to encompass over 1,100 camps and as many as 8 million Chinese prisoners? This is the Chinese version of the Soviet gulag. It encompasses a massive complex of prisons, labor camps, and labor farms for those sentenced judicially. Do we want to turn our gaze away from this, Senators? Do we want to pretend we didn't sign these agreements? Do we want to pretend China is complying with these agreements? Do we want to pretend that it is not an important human rights question? Do we want to pretend that this is not important to working people in our country? Do we want to pretend that citizens in our country would not have real indignation if they realized that we weren't willing to at least insist China live up to these trade agreements? And we are not going to if we do not pass this amendment.

(C) How can the administration allow China to ignore agreements to halt forced labor exports, thereby abetting a dehumanizing system that imprisons and persecutes Chinese democrats—Republicans, I use democrats with a small "d"—for peacefully advocating human rights, while enabling Beijing to profit from exports of prison products?

Finally, how can the administration risk the displacement of U.S. workers while we turn a blind eye and China does nothing to bar exports to the United States of products made by prison labor. U.S. citizens are losing jobs.

Colleagues, I look forward to hearing from the other side. H.R. 4444 proposes a toothless remedy. I do not want to let anyone in this debate get away with saying we are very concerned about this question. H.R. 4444 mandates the establishment of an interagency task force on prohibiting importation of products of forced or prison labor. This task force is to make recommendations to the Customs Service on seeking new agreements.

Another task force. In all due respect, this toothless remedy has a

made-for-Congress look to it. We do not want to bite the bullet, we do not want to do something substantive and important, so we do something that is symbolic—at best. Do we need another task force? We do not need another task force. We do not need an inter-agency task force. We already have two agreements with China—1992 and 1994. Another task force is meaningless.

Let me just point out some of the more pointed Chinese proposals which were conveyed in a message sent in May from China's Ministry of Justice to the U.S. Customs attaché in Beijing. The message admonishes the U.S. Embassy to abide by certain principles, which include:

. . . the rule that Chinese officials conduct investigations first, then if necessary arrange visits for American counterparts.

I quote again:

Unnecessary visits will not be arranged if we can clarify and answer questions through the investigations.

Really what the message from the Chinese Government is, is we conduct the investigations first and only afterwards permit the United States to visit suspected sites. This is in total opposition to the memorandum of understanding and the statement of cooperation. We already have the agreements. They are not in compliance with these agreements. And we want to set up a task force?

Let me simply say the view of the Chinese Ministry of Justice that we should trust China's sincerity and therefore reduce the necessity of U.S. on-site visits is nothing short of ridiculous. This is pretty incredible.

The other thing is, H.R. 4444 stipulates that the task force is to:

. . . work with the Customs Service to assist the People's Republic of China in monitoring the sale of goods mined, produced or manufactured by convict labor, forced labor, or indentured labor under penal sanctions to ensure that such goods are not exported to the United States.

The Chinese Government controls prison labor in China. It can curb the export of forced prison labor products anytime it chooses. It certainly does not need the assistance of the United States. This is, frankly, ludicrous. It is just ludicrous.

The State Department, in 1997, affirmed both the memorandum of understanding and the statement of cooperation, of 1992 and 1994, to be binding international agreements. The trouble is that China does not. It continues to get away with this because we impose no penalties for these egregious and continuing Chinese violations. In contrast to the provision now in H.R. 4444, which is toothless, my amendment for the first time will provide China with a strong incentive to comply with the MOE and SOC, for, if it fails to do so, then it will put PNTR at risk. An added benefit is that it would help restore U.S. credibility by holding China accountable for violating trade agreements with the United States.

We are just insisting that China stop treating the bilateral agreements it

has signed with us concerning prison labor exports as mere scraps of paper. What does this amendment ask for? It asks simply that PNTR be denied until the President can certify that China is honoring agreements it has repeatedly violated in the past. Is that too much to ask? Is that too much to ask?

Mr. President, I have a document dated May 8, 2000, from the Deputy Director General of the Prison Administration Bureau, PRC, to David Benner, U.S. Customs Attaché. I ask unanimous consent that it be printed in the RECORD, and I reserve the remainder of my time.

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

PRISON ADMINISTRATION BUREAU,  
MINISTRY OF JUSTICE,  
PRC, May 8, 2000.

DAVID BENNER,  
U.S. Customs Attaché, American Embassy Beijing.

Mr. BENNER: It was a pleasure to meet you on April 20, 2000 and the meeting was successful. As a follow-up, this letter presents the concerned principles and suggestions we mentioned at the meeting. We hope that your government can give us a clear reply as soon as possible.

#### I. BRIEF SUMMARY OF OUR COOPERATION IN THE PAST

The signing of MEMO and COOPERATION AGREEMENT shows our principles and sincerity of cooperation. In the past seven years since the signing of MEMO, we have made great efforts to arrange eight visits to eleven places for American officials. We also conducted investigations into over fifty places and provided the results to American counterpart. We have noticed that American officials have closed most of the cases related to the above places. Among these visits and investigations, no evidence at all has been found to prove the allegation of prison products exportation to the U.S. These facts well show our serious attitude and cooperation sincerity.

#### II. ADDITIONAL EXPLANATION AND EMPHASIS ON SOME COOPERATION PRINCIPLES

1. The objects that will be investigated are prison products being exported to the U.S. No third country should be involved.

2. Abide by the principle that Chinese authorities should hold the sovereign right to conduct investigations.

3. Abide by the rule that Chinese officials conduct investigations first, then if necessary arrange visits for American counterparts. Unnecessary visits will not be arranged if we can clarify and answer questions through the investigations.

4. So-called "PENDING" or unresolved cases should be agreed to both sides.

5. All American visitors have to be diplomats.

6. Any visits and investigations in China have to abide by concerned Chinese laws and regulations.

7. The time limit of sixty days is valid to both sides.

8. The results of the visits and investigations made by American officials have to be formally submitted to Chinese government by American government.

9. American counterparts should provide sufficient information and evidence to support the allegations and to warrant the investigations and arrangement of visits.

10. The investigation of one case must be completed and case closed before starting another or second case.

#### I. SOME SUGGESTIONS

1. In the past seven years, both sides have made great efforts to do tremendous work, no prison products exportation to the U.S. has been found so far. Therefore, a summary is very necessary.

2. American counterpart must trust our sincerity and investigation results, which is the most important basis upon which we cooperate with each other. Site visits are not necessary if we can clarify the allegation by our investigations. Reduction of site visits can result in higher efficiency and avoid unnecessary troubles and unexpected snags.

3. American officials should standardize the ways and norms when close cases regarding the suspected units.

4. American counterpart should be cautious and prudent towards the sources of information and its authenticity. As a matter of fact, a lot of information obtained by American officials was not accurate, some even groundless. This creates unnecessary troubles for both of us. Pertaining to the practice these years, we think it is very necessary for both sides, especially our side to verify the information and evidence obtained by American counterpart.

5. Abide by the regulation in COOPERATION AGREEMENT to conduct investigation one case by one case. This is a serious and responsible attitude and standardized and effective method.

WANG SHU-SHENG,  
Deputy Director General.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

Mr. WELLSTONE. Mr. President, I ask consent this not be charged against my side.

The PRESIDING OFFICER. The quorum call is charged to the side that suggests it.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. I say to my colleagues, Senator LAUTENBERG will be speaking in just a moment, but until he comes out, I yield the floor.

The PRESIDING OFFICER. Who yields time? If no Senator yields time, time will be charged equally to both sides.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, until my colleague from New Jersey is ready, I want to again summarize this amendment for other Senators. This is the issue of Chinese exports to the United States of goods made by prison labor. This is an issue of the memorandum signed in 1992, I say to my colleague from Delaware, to deal with this problem. The Chinese Government agreed: Yes, we are going to stop this.

Then we signed another agreement, a statement of cooperation, in 1994. I have been on the floor citing State Department reports and other evidence—no question about it—that the Chinese

have refused to comply with these agreements. It has been blatant. People in our country would be outraged to know this.

I say to Senators, this is a three-pronged issue. I have talked about these reeducation labor camps. I have talked about the deplorable conditions. It is a human rights issue. I have cited human rights reports. I have said this is a trade issue. They have signed these agreements and have not lived up to them. I have said this is a labor issue. It permits ordinary people—which I mean in a positive way—in the States to be a little suspicious that they could lose their jobs as a result of this.

I hope my colleagues will support this. It is an eminently reasonable amendment. It simply says the President needs to certify that China is fully compliant with these two agreements, which they have already made with us, before extending PNTR to China.

I yield 12 minutes to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague from Minnesota for offering this amendment. I ask unanimous consent to be added as an original cosponsor.

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

Mr. LAUTENBERG. Mr. President, I rise today in support of the Wellstone amendment on prison labor.

China has an extensive prison labor system, and many people are in China's prisons for expressing their opinions, practicing their religion, or engaging in other activities we would regard as the exercise of their fundamental human rights.

Many of these political prisoners have been sentenced to what the Chinese call "re-education through labor" without even being accused of a crime, much less having a fair trial.

In the early 1990s, the U.S. had reason to believe China was using prison labor to produce goods for export, including goods intended for the U.S. market. China's government denied this until we found a document directing the use of prison labor to produce goods for export.

China had long agreed not to use prison labor to make items destined for the U.S. market. In August 1992, after protracted negotiations, the United States and China signed a memorandum of understanding on prohibiting import and export trade in prison labor products. This was followed by a statement of cooperation in 1994.

For several years, the system put in place by these agreements allowed U.S. Customs to investigate when we suspected that prison labor was being used to make goods for sale in the U.S.

Under the agreements, U.S. Customs officers—working with their Chinese counterparts—investigated suspicious sites. Cooperation under the MOU included visits to 11 sites over several years.

In 1997—this is 4 years after the agreement was signed—China stopped allowing U.S. Customs to conduct these inspections. Apparently, the Chinese felt that the U.S. should give them a clean bill of health and accept their assurances on prison labor without further inspections. They went so far as to seek a renegotiation of the memorandum of understanding.

For me, China's compliance with its freely accepted international obligations on prison labor is a critical issue in considering PNTR. China's willingness to suspend implementation of the memorandum of understanding is very troubling.

For China's accession to the World Trade Organization and the 1999 bilateral market access agreement to be meaningful, we need to have confidence that China will fulfill the letter and spirit of its international obligations.

Senator HARKIN and I recently traveled to China, and China's failure to fulfill its commitments on prison labor was a major focus of our visit. Before we left, we worked with the U.S. Embassy in Beijing and the Chinese Embassy in Washington to arrange to accompany U.S. Customs on a long-overdue prison labor site inspection visit.

When we arrived in Beijing, we were told that the Chinese authorities did not understand our request, and then we were told such a visit would not be possible. But we did not give up.

We pressed the point in our first formal meeting in Beijing, with Vice Foreign Minister Yang. We did not make any progress on the issue, but I think the Chinese Government got the message that we were serious.

Later the same day, we met with Vice Premier Qian Qichen. We again pressed the point that China must fulfill its obligations to allow U.S. Customs to inspect suspected prison labor sites, and we asked that we be permitted to join an inspection.

Vice Premier Qian agreed that the time had come to resume implementation of the MOU on prison labor. He agreed that the first inspection would take place in September.

We had a debate about the interpretation of understanding. We wanted to go with Customs. At first, they said we could go to a prison, but that was not our mission. I was distressed by the fact that they chose to interpret what the understanding was after having worked on it for a month before we left the United States for China.

We saw Premier Zhu Rongji and he reaffirmed China's readiness to resume full implementation of the prison labor agreement. We urged that U.S. Customs be allowed to conduct inspections sooner than they planned.

While this trade-related agreement should have been implemented all along, without need for our intervention, I am glad our visit produced progress.

The first long-overdue prison labor site inspection by U.S. Customs took place last Friday, September 8. Accord-

ing to a preliminary report from our Embassy in Beijing, Chinese authorities cooperated well with U.S. Customs and other personnel inspecting a factory in Shandong Province.

I hope the implementation of the agreement will now resume in full, including rapid completion of other outstanding inspection requests.

The amendment before us would make China's implementation of the prison labor memorandum of understanding and statement of cooperation a condition for granting PNTR. In my view, this is a reasonable condition that Premier Zhu has already assured me China will fulfill and that appears to be back on track.

If the Chinese follow through, the President should have no problem reporting to Congress that China is complying with its international obligations under the prison labor agreement by the time China enters the WTO.

I believe this issue of prison labor is critical to our consideration of PNTR for China.

I urge my colleagues to support the Wellstone amendment so that we can be assured China understands that when we have an agreement, we want it complied with.

That is one of the questions that loomed large in our visit. We had an opportunity to meet some of the distinguished leadership of the Chinese Government. We met with the mayor of Shanghai. We met with people who had an influence in provincial policy. More than anything else, I wanted to know that when we had an agreement, when we had an understanding, it was going to be followed through and it was not sufficient to produce excuses such as: Well, we didn't understand what was meant and that wasn't our interpretation; or, we are sorry we can't quite do that now.

That is not sufficient. This is an important agreement we are facing overall—this amendment first and then the overall decision on PNTR.

We need, in my view, to have a positive relationship with the Chinese Republic. It is such an enormous country with so much potential that it would be a positive step for the United States and China to work together for us to have access, not just to their marketplace. The marketplace is important, but there is something more. One billion two hundred million people reside in China, and we do not want to have an area of constant instability. We want to let them know that democracy works. What they have in place now just does not cut the mustard, as we say. So we want to have this understanding.

But in order to move ahead with it, we have to have a clear view that promises made—especially those that are so clear as to have been signed on a document—we want upheld; we do not want them skirted with purported misunderstandings.

So I congratulate my friend from Minnesota for having, as he usually

does, a look at the side of the issue that says: This is what is fair and equitable. That is what counts. And when we look at the marketplace, that is important. But in order to have the kind of wholesome relationship I would like to see us have with China, I think we have to deal with this issue of prison labor right now. I hope our colleagues will support it.

I thank the Chair.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from New Jersey. Before he came to the floor, I mentioned a report that he and Senator HARKIN had done. I really appreciate their strong voices as Senators for human rights.

Mr. President, I reserve the remainder of my time.

I will wait to respond to arguments from the other side.

Mr. HARKIN. Mr. President, this is an important amendment and one that deserves careful consideration and debate by the Senate.

Senator LAUTENBERG and I just returned from China last weekend. I'll have a great deal more to say about our trip and its impact on my thoughts about our relationships with China later. But I do want to speak briefly to our efforts in China as they related to prison labor and directly to this amendment.

As my friend and colleague from Minnesota has pointed out, the U.S. and China entered into an official agreement on prison labor in 1992. Its intent is to prevent the importation of goods into our country made by prison labor in China—a practice made illegal here under Section 1307 of the Tariff Act of 1930.

The agreement is officially titled the "Memorandum of Understanding Between the United States of America and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products." It was signed on August 7, 1992.

Let me read some of the key components. Under the terms of the agreement the United States and China agree to:

Promptly investigate companies, enterprises or units suspected of violating relevant regulations and will immediately report results.

Upon the request of one Party, meet to exchange information on the enforcement of relevant laws.

Will furnish the other Party available evidence and information regarding suspected violations.

Promptly arrange and facilitate visits by responsible officials to its respective enterprises or units.

In March of 1994 we entered into an accompanying statement of cooperation on the implementation of the MOU. This statement fleshes out the details of how our two governments were to carry out the agreement.

This is an important agreement. It aims to assure that U.S. workers aren't

forced to compete with hundreds of prison labor factories in China. Factories that are filled at least partially with prisoners whose only crime is seeking democracy or formation of a true labor union. Prisoners who are held in so-called "re-education facilities" for up to 3 years without trials.

Unfortunately, China's compliance with this agreement has been dismal. From 1992 to 1997 there were joint inspections, but usually only after great effort on our part and often only after long delays—not within 60 days of request as required under the MOU.

But since 1997 China has stopped all compliance with the agreement. They have denied all requests by our U.S. Customs to inspect prison labor facilities suspected of exporting products to the United States.

Let me read a portion of one of the recent letters sent by U.S. Customs to Chinese officials.

So when Senator LAUTENBERG and I went to China, we asked to accompany Chinese officials and our U.S. Customs officials on a visit to one of these 8 sites previously requested by Customs.

We raised this at every level. We first raised it prior to our visit with the Chinese Embassy here in Washington. Then we raised it with the Deputy Foreign Minister Yang Jiechi, then we raised it with Vice Premier Quian QiChen.

We raised our concerns about the failure to abide by the MOU and asked that we be allowed to go along on a visit to see for ourselves that the Tariff Act of 1930 is not being violated.

At first we ran into a brick wall. We were simply told "no." Then we were told they misunderstood our request.

Then they said it was very complicated and would take more time.

Then we had a breakthrough.

They refused to let Senator LAUTENBERG and I go on a visit to one of these facilities, but they have agreed to renew their compliance with the MOU. We got that assurance personally from Premier Zhu Ronji.

We got word last Friday—inspections resumed at one site.

So the first renewed inspection was completed Friday. Now we all see if the Chinese are serious about complying with this agreement. Their track record clearly does not inspire confidence. That is why I am supporting the Wellstone amendment. It would add to our leverage to ensure long-term compliance with this important agreement.

So I urge a vote for this amendment and commend Senator WELLSTONE for bringing it forward.

As I mentioned earlier, I will have a good deal more to say about my trip to China and on the underling PNTR legislation as the debate continues.

Mr. President, I ask unanimous consent to print the memoranda of understanding and a letter to Wang Lixian in the RECORD.

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

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA ON PROHIBITING IMPORT AND EXPORT TRADE IN PRISON LABOR PRODUCTS

The Government of the United States of America and the Government of the People's Republic of China (hereinafter referred to as the Parties),

Considering that the Chinese Government has noted and respects United States laws and regulations that prohibit the import of prison labor products, has consistently paid great attention to the question of prohibition of the export of prison labor products, has explained to the United States its policy on this question, and on October 10, 1991, reiterated its regulations regarding prohibition of the export of prison labor products;

Considering that the Government of the United States has explained to the Chinese Government U.S. laws and regulations prohibiting the import of prison labor products and the policy of the United States on this issue; and

Noting that both Governments express appreciation for each other's concerns and previous efforts to resolve this issue,

Have reached the following understanding on the question of prohibiting import and export trade between the two countries that violates the relevant laws and regulations of either the United States or China concerning products produced by prison or penal labor (herein referred to as prison labor products).

The Parties agree:

1. Upon the request of one Party, and based on specific information provided by that Party, the other Party will promptly investigate companies, enterprises or units suspected of violating relevant regulations and laws, and will immediately report the results of such investigations to the other.

2. Upon the request of one Party, responsible officials or experts of relevant departments of both Parties will meet under mutually convenient circumstances to exchange information on the enforcement of relevant laws and regulations and to examine and report on compliance with relevant regulations and laws by their respective companies, enterprises, or units.

3. Upon request, each Party will furnish to the other Party available evidence and information regarding suspected violations of relevant laws and regulations in a form admissible in judicial or administrative proceedings of the other Party. Moreover, at the request of one Party, the other Party will preserve the confidentiality of the furnished evidence, except when used in judicial or administrative proceedings.

4. In order to resolve specific outstanding cases related to the subject matter of this Memorandum of Understanding, each Party will, upon request of the other Party, promptly arrange and facilitate visits by responsible officials of the other Party's diplomatic mission to its respective companies, enterprises or units.

This Memorandum of Understanding will enter into force upon signature.

Done at Washington, in duplicate, this seventh day of August, 1992, in the English and the Chinese languages, both texts being equally authentic.

For the Government of the United States of America:

ARNOLD KANTER,  
*Under Secretary of State  
for Political Affairs.*

For the Government of the People's Republic of China:

LIU HUOQIU,  
*Vice Foreign Minister, PRC.*

STATEMENT OF COOPERATION ON THE IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA ON PROHIBITING IMPORT AND EXPORT TRADE IN PRISON LABOR PRODUCTS

As the Chinese government acknowledges and respects United States laws concerning the prohibition of the import of prison labor products, and the United States government recognizes and respects Chinese legal regulations concerning the prohibition of the export of prison labor products:

As China and the United States take note and appreciate the good intentions and efforts made by both sides in implementing the "Memorandum of Understanding" signed in August 1992:

The Chinese government and the United States government agree that conducting investigations of suspected exports of prison labor products destined for the United States requires cooperation between both sides in order to assure the enforcement of the relevant laws of both countries. Both sides agree that they should stipulate clear guidelines and procedures for the conduct of these investigations. Therefore, both sides agree to the establishment of specialized procedures and guidelines according to the following provisions:

First, when one side provides the other side a request, based on specific information, to conduct investigations of suspected exports of prison labor products destined for the United States, the receiving side will provide the requesting side a comprehensive investigative report within 60 days of the receipt of said written request. At the same time, the requesting side will provide a concluding evaluation of the receiving side's investigative report within 60 days of receipt of the report.

Second, if the United States government, in order to resolve specific outstanding cases, requests a visit to a suspected facility, the Chinese government will, in conformity with Chinese laws and regulations and in accordance with the MOU, arrange for responsible United States diplomatic mission officials to visit the suspected facility within 60 days of the receipt of a written request.

Third, the United States government will submit a report indicating the results of the visit to the Chinese government within 60 days of a visit by diplomatic officials to a suspected facility.

Fourth, in cases where the U.S. government presents new or previously unknown information on suspected exports of prison labor products destined for the U.S. regarding a suspected facility that was already visited, the Chinese government will organize new investigations and notify the U.S. side. If necessary, it can also be arranged for the U.S. side to again visit that suspected facility.

Fifth, when the Chinese government organizes the investigation of a suspected facility and the U.S. side is allowed to visit the suspected facility, the U.S. side will provide related information conducive to the investigation. In order to accomplish the purpose of the visit, the Chinese side will, in accordance with its laws and regulations, provide an opportunity to consult relevant records and materials on-site and arrange visits to necessary areas of the facility. The U.S. side agrees to protect relevant proprietary information of customers of the facility consistent with the relevant terms of the Prison Labor MOU.

Sixth, both sides agree that arrangements for U.S. diplomats to visit suspected facilities, in principle, will proceed after the visit to a previous suspected facility is completely ended and a report indicating the results of the visit is submitted.

Both sides further agree to continue to strengthen already established effective contacts between the concerned ministries of the Chinese government and the U.S. Embassy in Beijing and to arrange meetings to discuss specific details when necessary to further the implementation of the MOU in accordance with the points noted above.

Done at Beijing, in duplicate, this fourteenth day of March, 1994, in the English and the Chinese languages, both texts being equally authentic.

EMBASSY OF THE  
UNITED STATES OF AMERICA,  
February 22, 2000.

Mr. WANG LIXIAN,  
Director for Foreign Affairs, Ministry of Justice,  
Beijing, 100020, China.

DEAR MR. WANG: In accordance with the provisions of the Memorandum of Understanding prohibiting Import and Export of Prison Labor Products and the Statement of Cooperation, the U.S. Embassy renews our request for investigation of the following factories for evidence of prison labor exports. The request to investigate these facilities was first made February 28, 1994 and was again made on February 24, 1998, March 8, 1999 and July 7, 1999.

The below listed investigations were requested five years ago and again last year. The Ministry of Justice has not responded with information on these cases. Therefore, we would like to renew our request that your ministry investigate the following facilities to determine if these sites are involved in prison labor exports:

Nanchong Laodong Factory, Sichuan.  
Fuyang General Machinery Factory, Anhui.

Dingxi Crane Works, Gansu.  
Jilin forging and Pressing Equipment Plant, Jilin.

Jingzhou Xinsheng Dyeing and Weaving Mill, Hubei.

Lanzhou Valve Plant.  
Shaoguan Xinsheng Industrial General Plant.

In my letter of February 24, 1998 I enclosed background information which should assist in identifying these facilities. I have maintained copies of identifying information if this would be of assistance to your office. I feel that we have made significant progress in clearing up some of these old prison labor investigations and I look forward to continued cooperation.

I would also like to call to your attention my letters of April 24, 1998 and October 7, 1998, which requested investigation of the Zhengzhou Detention Center which was alleged to be manufacturing Christmas lights for export to the US and the Dafeng County Reform Through Labor Camp and the Tilanqiao Prison Labor Facility which were alleged to have manufactured ADIDAS soccer balls which were exported to the United States and other countries. The Ministry of Justice has not responded to these investigative requests within the sixty day time limit as agreed upon in the Statement of Cooperation. Please inform us of the status of these investigations.

If you have any questions or need further clarification please do not hesitate to contact me. Thank you.

Sincerely yours,  
DAVID J. BENNER,  
Attache.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am opposed to the use of forced prison labor

in the manufacture of goods for sale in international markets. And, I firmly believe that any allegation, whether with respect to China or any other nation, regarding the use of prison labor ought to be vigorously investigated under section 307 of the Tariff Act of 1930, which bars imports of prison-made goods into the United States.

That said, I nonetheless rise in opposition to the proposed amendment. I do so for three reasons.

First, the amendment is unnecessary. Under section 307 of the 1930 act, the Secretary of the Treasury and the Commissioner of Customs already have ample authority to investigate allegations that Chinese enterprises are using prison labor. No new authority is needed, and no new certification is necessary.

Second, there is nothing about China's accession to the WTO or the passage of PNTR that limits in any way the ability of the United States to investigate allegations of the use of prison labor in the manufacture of goods destined for the U.S. market and to bar imports of such goods if the allegations prove true.

The WTO contains a provision that expressly permits the United States, as well as other WTO members, to bar entry of goods made with prison labor from their markets. Just to be entirely clear about what the WTO allows, let me quote from the relevant title of the WTO agreement. It states that:

nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures . . . relating to the products of prison labor.

In other words, we will retain the leverage we need following China's accession to the WTO to encourage China's compliance with its international commitments in respect of prison labor, particularly the 1994 bilateral agreement it signed with the United States.

Third, the House bill before us, H.R. 4444, already addresses the issue of prison labor and does so more constructively. The bill creates an executive branch task force to assist the U.S. Customs Service in the effective enforcement of our laws barring imports of goods made with prison labor.

As I said at the outset of my remarks, I join those who have been very critical of the Chinese Government for its failure to be more cooperative—on a more consistent basis—in rooting out and ending these practices. But, the proposed amendment would not advance our argument with the Chinese; it would, instead, prove counterproductive, by killing the chances of the passage of PNTR.

In light of that fact, I ask my colleagues to join me in opposing this amendment.

Again, let me reiterate, it is my deep concern that any amendment would kill this legislation, would kill PNTR. For that reason, I oppose the amendment, and urge my colleagues to do the same.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I reserve a little bit of time for my colleague, Senator HARKIN. But let me just say to my colleague from Delaware, as to the argument that it is not necessary to have any new agreements, there is nothing new here. We have existing trade agreements. We signed an agreement in 1992 and in 1994. The Chinese Government agreed not to export products to our country made by prison labor.

They have not lived up to those agreements. This amendment just says we call on them to live up to the existing trade agreements before we go forward with PNTR. It is really that simple.

The bitter irony is they are in violation of one law; they are not supposed to be exporting products made by prison labor. And we are in violation of another law: We are not supposed to be importing those products.

My second point is, my colleague cites H.R. 4444. It is just a toothless remedy. This has a "made-for-Congress" look. We are going to set up a task force, and we are going to assist the Chinese Government in living up to these trade agreements. The Chinese Government does not need any assistance. They control the prison labor camps. They can live up to the agreements today. They can live up to the agreements tomorrow. They do not need a task force set up. So I cannot let my good friend from Delaware get away with this.

I just think it boils down to this: They have the largest forced prison labor system in the world; these are the functional equivalent of gulags. I could use, frankly, stronger terms, I say to my colleague from Delaware, to describe them.

Do we really want to be implicated in this? Do we want to be beneficiaries of these gulags? Do the citizens of our country—we are now speaking and voting in their name—want to be beneficiaries of this forced prison labor system, the largest in the world, these gulags, where we get products at a lower price because it is on the backs of people who are political prisoners, who have done nothing more than speak out for their freedom? I think not.

If we are concerned about it, we will support this amendment. There is no way around that, I say to my colleagues. This is a straight up-or-down vote on whether or not this is a concern to us.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be divided equally.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. WELLSTONE. Mr. President, I informed the distinguished chair of the Finance Committee that I would be ready to yield back time. I wonder if I could take 2 minutes and then I will yield back.

We will have a vote on the Thompson-Torricelli amendment, and there are going to be Senators who will come out and say: This is not about trying to scuttle this overall trade agreement. We will go to conference committee. We will get this worked out. And there is such strong sentiment for this overall agreement, this is a good thing to do.

I want to say to Senators, I hope when we vote on the amendment I have offered with Senator LAUTENBERG—and I believe Senator HARKIN will want to be an original cosponsor—there will be the same sentiment. If you think it is the right thing to do to vote for this amendment, if you think it is the right thing to do to say to China: We already have these trade agreements with you in regard to prison labor conditions and we are just asking you to live up to those agreements before, in fact, we finally go forward with PNTR—if you think this is an important human rights issue, if you think we should not be implicated in any way, shape, or form in the functional equivalent of these gulags, if you think this is a labor issue, if you think this is a trade issue—it is a very compelling issue—then please don't vote against what you think is right.

We can't have Senators being selective on this and voting one way on one amendment. Senators can say: We will not vote for any amendments, period. I have heard that. But now different people are voting for some amendments and not others.

I say to my colleagues: Vote for what you think is right. If you think this amendment I have offered is wrong, it is not the right thing to do based upon your sense of justice or right or anything else, then vote against it. Otherwise, please vote for this amendment. Don't make the argument that I am voting against all amendments when, in fact, Senators are obviously going to be voting for some amendments.

I yield the remainder of my time.

Mr. ROTH. Mr. President, I yield the remainder of my time, and 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 of the Senator from Minnesota. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) 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. Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 29, nays 68, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—29

Ashcroft	Gregg	Reed
Bayh	Harkin	Santorum
Boxer	Helms	Sarbanes
Bunning	Hollings	Sessions
Byrd	Hutchinson	Smith (NH)
Campbell	Inhofe	Snowe
Collins	Kennedy	Specter
Dorgan	Lautenberg	Torricelli
Edwards	Leahy	Wellstone
Feingold	Mikulski	

NAYS—68

Abraham	Feinstein	McCain
Allard	Fitzgerald	McConnell
Baucus	Frist	Miller
Bennett	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Breaux	Grassley	Reid
Brownback	Hagel	Robb
Bryan	Hatch	Roberts
Burns	Hutchison	Rockefeller
Chafee, L.	Inouye	Roth
Cleland	Johnson	Schumer
Cochran	Kerrey	Shelby
Conrad	Kerry	Smith (OR)
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Levin	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Durbin	Lugar	Wyden
Enzi	Mack	

NOT VOTING—3

Akaka	Jeffords	Lieberman
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The amendment (No. 4119) 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. 4132

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise in support of the Thompson amendment.

I have been listening to the debate on the THOMPSON amendment for the last day or so. I am very concerned that his amendment has been portrayed as a bill killer.

I support PNTR. I want to open trade with China. This is very important for the future of both of our countries. But I am also very concerned about the proliferation of weapons of mass destruction. I cannot see any situation in which the security of the United States of America would take second place to a trade issue, even a most important trade issue. Nevertheless, I would never, ever I put the security of our country in a secondary position.

To say that we cannot go back to the House and resolve our differences because we would vote on a responsible amendment that would require a reporting of the proliferation of weapons of mass destruction is just beyond my comprehension. This is the United States Senate. To say we cannot amend a bill that has been passed by the House would be the height of irresponsibility.

I am also speaking today in favor of normal trade relations with China because I want our countries to have a mutually good relationship. The idea that we would have a good relationship on trade but one that gives a wink and a nod to proliferation of weapons of mass destruction to people intent on hurting the United States of America is not a fair trade. I couldn't possibly exercise my responsibility as a Senator and vote against the Thompson amendment.

In early 1969, newly elected President Richard Nixon asserted:

One-fourth of the world's people live in Communist China. Today they are not a significant power, but 25 years from now they could be decisive. For the United States not to do what it can at this time, when it can, would lead to a situation of great danger. We could have total detente with the Soviet Union, but that would mean nothing if the Chinese are outside the international community.

Today, President Nixon's words sound remarkably prescient. China is undeniably a major world power, thanks in large part to leaders such as Presidents Nixon and Bush and Reagan, Secretary Jim Baker, Secretary Henry Kissinger, China is not outside the international community but neither is China fully a member in good standing of the family of responsible nations.

The major issues our two nations must confront are difficult and complex: China's military buildup, arms sales and proliferation, the future of Taiwan, bilateral trade, and human rights. All of the previous Presidents in my lifetime have recognized the unfolding importance of China, and they have all pursued policies aimed at constructive engagement with the Chinese Government.

The question at issue with our vote on PNTR and our vote on the amendments that condition the Senate's approval of PNTR must be, what are the underlying goals of our relationship with China and what are the primary issues that should guide American policymaking and actions.

My answer is, our policies should be focused on cultivating a stable and peaceful Asia. We should look to economic competition and mutual prosperity to bring this about, and we must at all times consider the security interests of the United States.

As the distinguished chairman of the Foreign Relations Committee, JESSE HELMS, pointed out yesterday, the Chinese proliferation of weapons of mass destruction poses a direct threat to the national security of the United States. I share his view that it would be irresponsible for us not to address that threat.

The Federal Government has no greater responsibility nor higher duty to the people of our country and to our allies than to provide for the common defense of the United States of America.

The bipartisan amendment offered by Senators THOMPSON and TORRICELLI is

a responsible vote. It does not scuttle PNTR, as some have warned. This is the responsible action of the Senate. It would be my fervent wish that we could vote our conscience on this very important issue, and not in any way respond to the scare tactics that have been put forth that this will kill the bill, but instead do what is right for both of our countries; that is, open, normal trade relations, and secure the United States from weapons proliferation by China or any other country or rogue nation that would seek to harm our people or our allies anywhere in the world.

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

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TORRICELLI. 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. TORRICELLI. Mr. President, it has been obvious for some time now that when permanent normal trade relations for China comes to a vote in the Senate, it will, indeed, pass overwhelmingly. My colleagues proceeding with this debate in recent days have detailed at length the enormous potential economic benefits to the U.S. economy. Other colleagues have appropriately discussed the human rights record in China, problems with religious freedom, and the rights of workers in China. They are all legitimate points and each belongs in a debate on PNTR with China, but the debate is not complete.

The relationship of the United States with the People's Republic of China is not only about economics; it must include human rights, religious rights, and workers rights. But it is not just about those rights; it is also ultimately about the security of the United States.

Our relationship with the People's Republic of China, a nation of 1.3 billion people, an immense land of economic, geopolitical significance, goes beyond that, perhaps, of any other trading partner of our country. Indeed, how we define this relationship in this vote and in this debate has enormous ramifications in the next generation.

Indeed, just as the debate in those first few months and years after the Second World War changed permanently the security and economic relationship between the United States and Western Europe and the remainder of the world, this debate will permanently alter our relationship with the People's Republic of China, and it is not right and it is not appropriate that it be done on a single plane. Economics is important, but it is not everything. That is why Senator THOMPSON and I have offered our amendment to address the continuing problem of the proliferation of weapons and technology from the People's Republic of China.

It was, of course, our hope that this vote could have been taken independently of PNTR. It was our desire not to complicate PNTR but to have a separate debate and separate vote. Regrettably, that proved not to be possible. So we return today with this amendment actually on the bill.

As I understand the arguments now for the bill, the most compelling is that PNTR will integrate China into the international economy, that it will encourage China to follow international trading rules. It is a strong argument, but even with passage of PNTR, even if the proponents are correct that China will then adhere to international trading rules, that does not automatically make China a member in good standing of the global community. Trading rules do not govern all international conduct. A nation is not a nation in good standing in the world simply because it trades according to these rules; it is by all the rules by which it chooses to live.

Truly to participate in the global community, China will, as has been argued on this floor, have to reform its human rights practices, the way it treats its workers, the way it relates to Taiwan, and how it deals with sensitive military technology that threatens all peoples everywhere.

Despite many assurances that it will reform its behavior, China has continued to be one of the most persistent and serious violators of international nonproliferation agreements. Ultimately, that is the question every Senator must ask themselves: If, indeed, PNTR is passed and China continues to violate trade agreements, you can go to your local townhall meeting and complain to the autoworkers and you can explain it to the Chamber of Commerce, but if China continues to violate proliferation agreements which leads to the spread of nuclear technology and missiles to a variety of dangerous neighbors that one day leads to warfare involving our Nation or others, to whom will you apologize then? Where will the explanations lie? That is the question before the Senate.

Last month, the Director of Central Intelligence delivered to the Congress the intelligence community's biannual "Unclassified Report on the Acquisition of Technology Relating to Weapons of Mass Destruction."

The DCI report clearly states that China has increased its missile-related assistance to Pakistan, and it continues to provide missile-related assistance to countries such as Iran, North Korea, and Libya. What is especially troubling about China's activities is that this sensitive assistance is going to the most dangerous nations in the most volatile areas of the world, with the greatest potential to do harm.

Indeed, looking at this map I have here—from Algeria to Libya to Syria to Iran—what is it that China could do more? What would be worse? What other nation would have to receive nuclear or missile technology before it

would offend Members of the Senate? In the entire list of rogue nations, almost no one is absent.

Just a couple of months ago, Chinese sales to Iran led to the test by Iran of a Shahab-3 medium-range ballistic missile. It is believed that components of Iran's missile program are from Beijing.

The People's Republic of China companies were sanctioned in 1997 for transfers to Iran, contributing to chemical weapons proliferation. Yet the DCI's August 2000 report said Iran continues to seek production technology, expertise, and chemicals for its chemical weapons program.

So it is missiles and chemicals.

Pakistan is a country located, perhaps, in the most volatile region of the world, which in recent years exploded a nuclear device and has come to the brink of war with India on several occasions since its new nuclear status.

The DCI reported last month that the PRC provided "extensive support" to Pakistan's weapons of mass destruction program, and in the second half of 1999 Iran had "ongoing contacts" that could not be ruled out, despite a 1996 promise by the PRC to stop assistance to unsafeguarded nuclear facilities.

In unpublished press accounts, U.S. intelligence agencies have reportedly concluded that China has stepped up its shipment of specialty steels, guidance systems, and technical expertise to Pakistan. Chinese experts have also been sighted around Pakistan's newest missile factory, which appears to be partly based on Chinese design.

Libya is a country with a history of promoting regional instability, sponsoring state terrorism, including the destruction of our own aircraft and our own citizens.

The August 2000 DCI report publicly confirmed the PRC's assistance to Libya for the first time. The Defense Department reportedly discovered in December 1999 that the PRC plans to build a hypersonic wind tunnel in Libya for missile designs for the Al-Fatah missile program.

According to reports in the Washington Times, the director of Libya's Al-Fatah missile program is planning to travel to China to attend China's premier training center for missile scientists and technicians.

North Korea's missile program is now believed to be achieving the potential to reach the United States with a ballistic missile, potentially by the year 2005—a direct security concern of the United States, leading this Congress to authorize and appropriate billions of dollars for missile defense, leading all of us to a sense of new vulnerability.

The DCI first publicly confirmed in 1999 that the PRC is supplying components to North Korea. The August 2000 report states that North Korea acquired missile-related raw materials and components "especially through firms in China" in the second half of 1999.

These countries—Iran, Pakistan, Libya, and North Korea—are just the

countries China has proliferated to in recent years. In the past, proliferation by the People's Republic of China has also included sending weapons technology to Iraq, Syria, and Algeria.

I cannot imagine any accusation against a foreign government that could or should raise more serious concerns in this body. How, indeed, could any Member of this Senate ever explain to the American people granting the greatest economic gift in the world, a normalized trade relationship with the United States, the greatest economy in the world, without at least, at a minimum, seeking enforcement of previous agreements for arms control and non-proliferation?

Until China ceases to allow this type of sensitive equipment, technology, and expertise to flow through its borders, it must understand that it can never have normalized political and economic relationships with the United States or, indeed, be accepted into the family of nations on an equal status with all other nations.

Opponents of our amendment contend that the current nonproliferation laws are effective; that Chinese proliferation is under control; that unilateral sanctions never work. They could not be more wrong.

As the reports I have just cited demonstrate, Chinese proliferation behavior is not improving. It is not getting better. And the DCI's report delivered to this Congress proves it. Existing nonproliferation laws are simply not working. This provides a real incentive, in actual quantifiable costs, for sharing technology with dangerous nations.

Our nonproliferation laws must be strengthened. This amendment—and only the Thompson-Torricelli amendment—offers that opportunity. Under this amendment, the President of the United States would submit a report to Congress by June 1st of each year identifying entities in key proliferating nations that have contributed to the development or acquisition of nuclear, chemical, or biological weapons, or ballistic or cruise missiles by foreign countries—every year a report identifying the entities.

The President would be required to impose measures against companies in key supplier nations that have been identified as proliferators, and the President would also be authorized to impose measures against any supplier countries as he sees fit. The President is given the discretion, but he is also given the responsibility. And this Congress is given the information that it needs to know whether or not the Nation is being safeguarded.

Over the past several months, we have substantially revised this legislation to address a number of concerns by the administration and by our colleagues. This amendment was not drafted by Senator THOMPSON or by myself alone. The administration raised legitimate concerns that it dealt only with specific technologies, only

with the nations about which we should be concerned. It has been re-drafted to deal specifically with those concerns.

The revised bill now applies to all countries identified by the Director of Central Intelligence as key suppliers of weapons of mass destruction. The list currently includes China, Russia, and North Korea. Countries could be added or removed from the list over time based on the DCI's guidelines. So there are no unintended consequences of other states.

There were objections originally that the President did not have enough discretion in applying the sanctions; that the sanctions in the bill were too broad; and that they were applied with a standard of evidence that was too low. Every one of those problems was changed to meet the administration's objectives.

The bill is now drafted so that any sanctions against supplier countries are totally within the discretion of the President. The list of measures available to the President are the same as in the original bill. But now the President is authorized—not mandated—to apply these sanctions.

So those within the Senate who had concerns that we were taking away Presidential discretion, forcing him to act when the facts may not warrant it, prohibiting him from negotiating by not having this discretion, have had their concerns addressed. The President is given authorization. He is not mandated.

The only mandatory measures remaining in the bill would be applied against specific entities or countries that are determined by the President to be proliferators. Only if the President determines they are a proliferator will any entity be sanctioned.

If a company is determined to be a proliferator, the President must deny all pending licenses and suspend all existing licenses for the transfer to that company that are controlled for export under the Arms Export Control Act, the Export Administration Act of 1979, or the Export Administration Regulations. Isn't that how the Senate would have it? If a company has been identified, if they have been multiple violators, if they have been cited by the President, shouldn't that company then be denied the benefits of these various export acts?

There is also an across-the-board prohibition on any U.S. Government purchase of goods or services from, and U.S. Government assistance or credits to, the proliferator. Would any Member of the Senate argue with this? To use the taxpayers' money, U.S. Government resources to buy from a company that has been repeatedly cited as a proliferator by the U.S. Government? Certainly they should not be entitled to the benefits of trade with the Government itself.

Is it too much to ask that we impose the sanctions on companies that are already identified, already established as

having been engaged in this conduct? But for some Members of the Senate, this was not enough. So we gave the President one further set of powers, waiver authority, which allows the President to waive the imposition of measures required under this legislation if he determines that the supplier country was taking appropriate actions to penalize the entity for such acts of proliferation and to deter future proliferation. The President also can waive the sanctions if he determines that such a waiver is important to the national security of the United States.

How little would be enough? It isn't mandatory. It is optional. It requires multiple instances. It must be an entity already identified by the President. It must be a technology already identified by the Government. It isn't mandatory. The President can waive it. He can cite larger national interests.

I believe there is a positive impact with the passage of this amendment.

Now I ask the Senate another question: What is the impact of failing to enact it? Who could ever believe that this Senate considers proliferation issues to be serious, that we are concerned that there is a price to selling these weapons of mass destruction or these technologies to other nations, if we cannot at a minimum pass this authorizing sanction on an optional basis, to be used if the President wants to use it?

Imagine the message in Beijing or North Korea or Iran or Iraq. Are we so desperate for trade, is this economy so desperate for that one more dollar immediately, not to offend a potential investor or buyer, that we would compromise our own good judgment?

I don't believe we would lose a dollar of trade with this amendment. I don't believe we lose a product, a job. But even if we did, even if I were wrong and we did, is the price too high to send a message that in our proliferation policy there is more than words?

Words will not defend us. It is not at all clear that our missile defense shield will ever protect us. This might. It can't hurt. It at least can set a serious tone that we will not be dealt with with impunity. Trade with us; get the benefits of our market. But we will look the other way while you send dangerous technologies to nations that kill our people or threaten the peace.

In a recent editorial, the Washington Post noted:

China's continuing assistance to Pakistan's weapons program in the face of so many U.S. efforts to talk Beijing out of it shows the limits of a nonconfrontational approach.

The Post went on to say:

The United States should make clear that . . . Chinese missile-making is incompatible with business as usual.

A Wall Street Journal editorial stated:

If there is an assumption in Beijing that it can be less observant to U.S. concerns now that its WTO membership seems assured, the Chinese leadership is making a serious mistake.

Are they? The Wall Street Journal was too optimistic. Whether they are making a serious mistake will be judged by the vote on this bill, win or lose. How many Senators consider proliferation issues and national security to be more than words but a policy with strength, with cost, with sanction, if our security is violated?

If we pass PNTR alone and do not pass legislation addressing these important national security concerns, I fear for the message that is sent and the priorities of this Senate. This Senate will always be sensitive to business investment, trading opportunities, and economic growth. It is our responsibility to assure that America is prosperous and strong and growing. We will meet that responsibility.

But it is the essence of leadership to understand that no one responsibility stands alone. As we govern the national economy, we possess responsibility for the national security. No economy can be so big, no economy can grow so swiftly, there can be no number of jobs with national income that can reach no level that makes for a secure American future if missile technology spreads to Iraq and Iran, if nuclear weapons begin to circle the globe and unstable regimes.

Where, my colleagues, will your economy take you then? Balance, my friends. The Thompson-Torricelli amendment offers balance. We are pleased by our prosperity, but we are not blinded by it. We are blessed to live in a time of peace, but we understand how we earned it—by strong policies of national security. That is what the Thompson-Torricelli amendment offers today.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

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

The PRESIDING OFFICER. Under a previous order, the Senator from North Carolina, Mr. HELMS, is recognized to offer an amendment.

Mr. HELMS. Mr. President, I ask that it be in order to deliver my remarks seated at my desk.

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

#### AMENDMENT NO. 4125

Mr. HELMS. Mr. President, I call up amendment No. 4125.

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 4125.

Mr. HELMS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(To require the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection)

On page 2, line 4, before the end period, insert the following: “; FINDINGS”.

On page 4, before line 1, insert the following:

(c) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China has not yet ratified the United Nations Covenant on Civil and Political Rights, which it signed in October of 1998.

(2) The 1999 State Department Country Reports on Human Rights Practices found that—

(A) the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in violation of internationally accepted norms;

(B) the Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent;

(C) abuses by Chinese authorities exist, including instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrests and detentions, lengthy incommunicado detentions, and denial of due process;

(D) violence against women exists in the People's Republic of China, including coercive family planning practices such as forced abortion and forced sterilization, prostitution, discrimination against women, trafficking in women and children, abuse of children, and discrimination against the disabled and minorities; and

(E) tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July 1999, several leaders of the movement were sentenced to long prison terms in late December, hundreds were sentenced administratively to reeducation through labor, and according to some reports, the Government of the People's Republic of China started confining some Falun Gong adherents to psychiatric hospitals.

(3) The Department of State's 2000 Annual Report on International Religious Freedom states that during 1999 and 2000—

(A) “the Chinese government's respect for religious freedom deteriorated markedly”;

(B) the Chinese police closed many “underground” mosques, temples, seminaries, Catholic churches, and Protestant “house churches”;

(C) leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse in the People's Republic of China;

(D) in some areas, Chinese security authorities used threats, demolition of unregistered property, extortion of “fines”, interrogation, detention, and at times physical abuse to harass religious figures and followers; and

(E) the Government of the People's Republic of China continued its “patriotic education” campaign aimed at enforcing compliance with government regulations and either cowering or weeding out monks and nuns

who refuse to adopt the Party line and remain sympathetic to the Dalai Lama.

(4) The report of the United States Commission on International Religious Freedom—

(A) found that the Government of the People's Republic of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs, and that Chinese law criminalizes collective religious activity by members of religious groups that are not registered with the State;

(B) noted that the Chinese authorities exercise tight control over Tibetan Buddhist monasteries, select and train important religious figures, and wage an invasive ideological campaign both in religious institutions and among the Tibetan people generally;

(C) documented the tight control exercised over the Uighur Muslims in Xinjiang in northwest China, and cited credible reports of thousands of arbitrary arrests, the widespread use of torture, and extrajudicial executions; and

(D) stated that the Commission believes that Congress should not approve permanent normal trade relations treatment for China until China makes substantial improvements with respect to religious freedom, as measured by certain objective standards.

(5) On March 4, 2000, four days before the President forwarded to Congress legislation to grant permanent normal trade relations treatment to the People's Republic of China, the Government of the People's Republic of China arrested four American citizens for practicing Falun Gong in Beijing.

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and on-going dialogue with the United States on religious freedom;

(7) the People's Republic of China has agreed to permit unhindered access to religious leaders by the United States Commission on International Religious Freedom and recognized international human rights organizations, including access to religious leaders who are imprisoned, detained, or under house arrest;

(8) the People's Republic of China has provided a detailed response to inquiries regard-

ing the number of persons who are imprisoned, detained, or under house arrest because of religious beliefs or whose whereabouts are not known but who were seen in the custody of officials of the People's Republic of China;

(9) the People's Republic of China intends to release from prison all persons incarcerated because of their religious beliefs;

(10) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest for reasons of union organizing; and

(11) the People's Republic of China intends to release from prison all persons incarcerated for organizing independent trade unions.

On page 5, line 10, strike "section 101(a)" and insert "section 101".

Mr. HELMS. Mr. President, I ask it be in order that I yield several minutes to the distinguished Senator from Iowa, Mr. GRASSLEY. Following that period, I will take the floor.

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

The PRESIDING OFFICER. The Senator from Iowa.

#### MESS AT THE JUSTICE DEPARTMENT

Mr. GRASSLEY. Mr. President, I rise today to talk again about the mess at the Department of Justice. As we all know, this Justice Department has been subjected to criticism from Democrats and Republicans alike for mishandling cases. Yesterday, the Justice Department's own Inspector General completed a lengthy report which points to "egregious misconduct" by senior officials in the Justice Department. That phrase "egregious misconduct" is not my phrase. That's the conclusion of the IG.

This is a sordid story which began in 1997, when I wrote to Attorney General Reno asking her not to fire a whistle blower who had alleged misconduct in two components of DOJ's Criminal Division—The International Criminal Investigative Training Assistance Program, also known as "ICITAP", and the Overseas Prosecutorial Development, Assistance and Training, also known as "OPDAT". These offices train prosecutors and police in other countries to enforce laws in a way that respects the rule of law and human rights. As such, these offices are heavy consumers of intelligence from various intelligence gathering agencies that monitor human rights abuses. The IG concluded that some Senior DOJ Officials in these offices intentionally refused to follow Government Regulations regarding the handling of classified information and recommended discipline for three DOJ officials.

The allegations I received in 1997 related to serious security breaches as well as the misuse of Government authority for the personal and financial benefit of top DOJ Officials. I was shocked to hear allegations that Bob Bratt, the Executive Officer of the Criminal Division, who had supervisory control over these offices, and Joe

Lake who was an assistant to Mr. Bratt, used their Government positions to get visas for Russian women that Bratt met through a "match making service." I was shocked to hear allegations that a Senior Justice Official was allowed to retire early with an early retirement bonus, and then be re-hired at DOJ as an outside contractor just a few months later in clear violation of Federal law.

But, these all proved to be accurate. To quote the Inspector General's report "We concluded that Bratt and Lake committed egregious misconduct" in obtaining visas for Russian women to enter the country under false pretenses. These women had been denied visas in the past and were only given visas when Bratt assured Embassy Officials in Moscow that these women would be working for DOJ in the future. The IG concluded that this was a false statement. The IG concluded that Bratt and Lake offered explanations for their conduct and denials regarding the visas for the Russian women which were "not credible." The IG also concluded that Bratt's "intimate involvement" with these Russian women left him vulnerable to blackmail and presented a security concern. The IG report indicates that Bratt may have pressured other DOJ employees to mislead the IG inspectors. And the IG found that Bratt had DOJ computers sent to a school in Virginia where a girlfriend works.

Clearly, this is the kind of misconduct which should be exposed and corrected. This is why I work so hard to support whistle blowers when they ask for my help.

But it doesn't end there. The IG also concluded that Joe Lake violated Federal Law when he took an early retirement bonus of \$ 25,000. One provision of the early retirement program prohibited lake from working for DOJ for 5 years after his retirement. Yet, two months after he retired, Lake was hired as a consultant at DOJ reporting to his old friend Bob Bratt. This was patently illegal, and the IG recommends that DOJ seek the return of lake's \$ 25,000 retirement bonus.

The IG also noted many of the hiring practices at issue were—to use the IG's own words—"questionable." For instance, the IG report described the hiring of a bartender at a local restaurant frequented by the Associate Director of ICITAP. The bartender was originally hired to work at DOJ on a temporary basis. After this bartender-turned-Government lawyer began a personal relationship with Bratt, Bratt hired her on a permanent basis at DOJ. Another example cited by the IG involved an ICITAP official hiring the father of an ex-spouse's step-children even though he had very little experience. Again, the American people deserve better from their Government.

The IG report also indicates that Senior Justice officials improperly used frequent flier miles. The IG recommends that security clearances be

granted to ICITAP officials only after evaluating their poor record of complying with security regulations.

I wrote to the Attorney General on this matter in 1997. It's taken until September of 2000 for DOJ to finish its report. Just last month, Mr. Bratt was allowed to retire from Government service. The IG report indicates that the IG would have recommended that Bratt be fired from the Justice Department if he were still working for DOJ. It seems to me that Senior Justice officials may need to be held accountable for letting Bratt retire rather than face the music for his misdeeds. As Chairman of the Administrative Oversight Subcommittee on the Judiciary Committee, I intend to keep a close eye on the Criminal Division, in light of this sorry Record.

Mr. President, this is merely the latest example of how Justice Department is a real mess. We all know that. For the benefit of my colleagues, I ask unanimous consent to have printed in the RECORD at the cost of \$1,300 an executive summary of the report.

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

#### EXECUTIVE SUMMARY

The International Criminal Investigative Training Assistance Program (ICITAP) is an office within the Criminal Division of the Department of Justice that provides training for foreign police agencies in new and emerging democracies and assists in the development of police forces relating to international peacekeeping operations. The Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) trains prosecutors and judges in foreign countries in coordination with United States Embassies and other government agencies. The Criminal Division's Office of Administration serves the Criminal Division's administrative needs. This report details the results of an investigation by the Office of the Inspector General (OIG) into allegations that managers in ICITAP, OPDAT, and the Office of Administration committed misconduct or other improprieties.

The allegations raised a wide variety of issues including managers' improper use of their government positions to obtain visas for foreign citizens, widespread violations of the rules governing the handling and storage of classified documents, managers' use of business class travel without authorization, managers' use of frequent flyer miles earned on government travel for personal use, violations of contractual rules and regulations, failure to supervise contracts leading to substantial cost overruns and overcharges by contractors, and favoritism in the hiring and promotion of certain employees. Many of the allegations concerned the actions of Robert K. "Bob" Bratt, a senior Department official who became the Criminal Division Executive Officer in charge of the Office of Administration in 1992. At varying times during the years 1995-1997, Bratt also was the Acting Director of ICITAP and the Coordinator of both ICITAP and OPDAT.

We substantiated many of the allegations and found that individual managers, including Bratt, committed serious misconduct. We also concluded that managers in ICITAP, OPDAT, and the Office of Administration failed to follow or enforce government regulations regarding ethics, security, travel, and contracts. As a result of our investiga-

tion, we recommended discipline for three employees. We would have recommended significant discipline for Bratt, including possible termination, but for Bratt's retirement effective August 1, 2000. We also found that some of the problems revealed by this investigation go beyond holding individual managers accountable for their actions and that the Department can make changes to enhance the performance of other managers, employees, and offices. Therefore, we made nine recommendations concerning systemic improvements for the Department to consider.

The report is divided into chapters addressing the major allegations. In this Executive Summary, we summarize the background of the investigation and the allegations, the investigative findings, and the OIG conclusions with respect to each chapter.

#### I. BACKGROUND OF THE INVESTIGATION

ICITAP was created in 1986 and although it is part of the Department of Justice, its programs are funded by the Department of State. OPDAT, created in 1991, is similarly funded. Both ICITAP and OPDAT are headed by Directors, with a Coordinator responsible for overseeing the management of both organizations. The Office of Administration handles the administrative functions for the Criminal Division, including personnel, budget, information technology, and procurement matters. The Executive Officer heads the Office of Administration.

Bratt became the Executive Officer for the Criminal Division in 1992. He was appointed the Acting Director of ICITAP in March 1995 following the dismissal of the previous Director. After Janice Stromsem was selected as ICITAP Director and assumed the post in August 1995, Bratt resumed his duties as Executive Officer. Bratt was appointed to the newly created post of Coordinator in September 1996 where he remained until being detailed to the Immigration and Naturalization Service (INS) in April 1997 at the request of the Attorney General.

ICITAP has had a long history of turmoil. Between 1994 and 1997, four different individuals assumed the responsibility of Director or Acting Director. During that period, here were two different investigations into allegations of misconduct as well as reviews of ICITAP's organizational structure and financial systems. In 1994, at the request of the Criminal Division Assistant Attorney General, the OIG completed two investigations of ICITAP that examined allegations of favoritism in selecting consultants, misconduct in travel reimbursements, poor quality of ICITAP's work products, waste and inefficiency in program and contract expenditures, and management of foreign programs. The OIG did not substantiate the allegations of misconduct but did find that ICITAP did not plan its programs carefully. The OIG also made recommendations to improve ICITAP's financial management. In January 1995, Bratt examined a proposed ICITAP reorganization plan and conducted an investigation following additional allegations of misconduct that were made to the Criminal Division, allegations that Bratt substantiated.

This OIG investigation began in April 1997 when an ICITAP employee reported to the Department's security staff that an ICITAP senior manager had provided classified documents to persons who did not have a security clearance. The Department's security staff and the OIG investigated the allegation and confirmed it. The OIG continued the investigation to determine the extent of security problems at ICITAP. While this investigation was ongoing, the OIG received numerous allegations of misconduct and mismanagement at ICITAP and OPDAT, and we broad-

ened our investigation to encompass these new allegations.

#### II. INVESTIGATION OF ALLEGATIONS

##### A. Issuance of visas to Russian women

Bratt made four trips to Russia in late 1996 and 1997 in conjunction with his duties as ICITAP and OPDAT Coordinator. We received several allegations of impropriety relating to these trips. The most serious allegation was that Bratt and Criminal Division Associate Executive Officer Joseph R. Lake, Jr. improperly used Bratt's government position to obtain visas for two Russian women, one or both of whom it was alleged were Bratt's "Russian girlfriends."

Our review determined that in 1997 Russians seeking to visit the United States had two methods of obtaining visas from the American Embassy in Moscow: the standard process and the "referral" process. The standard process could be used by any Russian seeking to visit the United States. Russians applying through the standard process were required to wait in long lines at the American Embassy in Moscow to submit their applications, and the process included an interview by an American Embassy official. The Embassy official could deny the application if, among other reasons, the official did not believe the applicant had established that he or she would return to Russia. The "referral" process could be used in much more limited circumstances. The referral process required that United States government interests be supported by the applicant's visit to the United States or that a humanitarian basis existed for the visit. In the referral process, the visa application was submitted by an Embassy official who completed a form approved by an Embassy Section Chief setting forth the United States government interest in or the humanitarian basis for the applicant's visit. No interview was required, and the use of the referral process generally ensured that the applicant would receive a visa.

Two Russian citizens, Yelena Koreneva and Ludmilla Bolgak, received on April 7, 1997, visas to visit the United States. They received the visas because Lake submitted their applications using the referral process and purported that a government interest existed for their visit to the United States. On the referral form Lake wrote that "[a]pplicants have worked with the Executive Officer (EO) Criminal Division in support of administrative functions, Moscow Office." He signed it "Joe Lake for BB." In addition to being the ICITAP and OPDAT Coordinator, Bratt retained the title and many of the responsibilities of the Executive Officer.

We determined that neither woman had ever worked for Bratt or the Criminal Division. Both women socialized extensively with Bratt during his visits to Moscow, but Bratt did not have a professional relationship with them. We concluded that the statement written on the referral form was false.

We found that Bratt first visited Moscow in November 1996 during which he received a tour of various tourist sites from a Russian interpreter. According to the interpreter, during the tour she told Bratt that she also worked for a Russian "match-making" agency. She said that in response, Bratt told her he would like to meet a single Russian woman. The interpreter contacted a business associate, Bolgak, who had a friend who was single, Koreneva. Bratt met Koreneva and Bolgak on his next trip to Moscow, in January 1997. On this trip, as well as his later trips to Moscow, Bratt socialized extensively with Koreneva and Bolgak, usually meeting them for dinner or drinks.

During the January trip, Bratt invited the women to come to the United States to visit him. Koreneva told Bratt that she had previously been denied a visa to visit the United

States. Between the January trip and his next trip to Moscow in March 1997, Bratt investigated how Russians could obtain visas to visit the United States. He made inquiries of a personal friend who worked for the State Department and also of Cary Hoover, the Special Assistant to the ICITAP Director. Bratt learned that Russians applied for visas at the American Embassy in Moscow, that they were interviewed by Embassy officials, and that the Embassy made a determination as to whether the applicant would return to Russia. Bratt also asked Hoover specifically for information about the referral process.

In March 1997 Bratt and Hoover returned to Moscow on business. During this trip Bratt and Hoover met with an unidentified Embassy official to learn more about the visa process. The evidence showed that Bratt, Hoover, and the Embassy official discussed the likelihood of Koreneva being denied a visa. During the meeting Bratt told the official that one or both of the women might work for the Department of Justice in the future. We concluded that Bratt learned through these various inquiries that Koreneva would likely be denied a visa again if she used the standard application process.

Although Bratt and Lake deny it, the evidence showed that Bratt returned to the Embassy again during this March trip, this time accompanied by Lake who was also in Moscow, and met with Donald Wells, the head of the Embassy office responsible for issuing visas through the referral process. Bratt and Lake told Wells that they wished to bring two women with whom they had a professional relationship to the United States for consultations. Wells told the men that the referral process could only be used if there was a government interest in the women's visit to the United States.

We also learned that within a few days of the meeting with Wells, Lake obtained a visa referral form from the Embassy. The evidence showed that Lake called Bratt, who had returned to the United States, to discuss the form. Lake submitted the women's applications and the visa referral form containing the false statement about the women having worked for the Executive Officer to the Embassy. The visas were issued shortly thereafter although they were never used by the women. Although he initially falsely claimed to the OIG that he was just friends with Koreneva, Bratt later admitted to the OIG that he had an intimate relationship with her.

We concluded that Bratt and Lake knowingly used the referral process even though they were aware that it required a government interest in the women's visit and that no such government interest existed. We also found that Bratt's and Lake's explanations of their conduct, as well as their denials that certain events happened, were not credible. We concluded that Bratt and Lake committed egregious misconduct.

#### *B. Security failures at ICITAP*

In April 1997 the Department of Justice Security and Emergency Planning Staff (SEPS) received an allegation from an OPDAT employee that Special Assistant to the ICITAP Director Hoover had improperly given classified documents to individuals who worked at ICITAP and who did not have security clearances. SEPS and the OIG confirmed the allegation. SEPS then conducted an unannounced, after-hours sweep of the ICITAP offices on April 14, 1997, to further assess ICITAP's compliance with security rules and regulations. During that sweep and a follow-up review conducted by the Criminal Division Security Staff, 156 classified documents were found unsecured in the office of Joseph Trincellito, ICITAP Associate Director. The OIG and SEPS conducted fur-

ther investigation to determine the extent of ICITAP's security problems and ICITAP management's responsibility for the failures.

The OIG found that the problems discovered in the 1997 security reviews had existed for many years. Evidence showed that senior managers provided or attempted to provide classified documents to uncleared consultants or other staff. Staff, including senior managers, routinely left classified documents unsecured on desks, including when individuals were away from their offices on travel. Stromsem, Hoover, and Trincellito improperly took classified documents home. Highly classified documents containing Sensitive Compartmented Information (SCI), or "codeword" information, were brought to the ICITAP offices even though ICITAP did not have the type of secure facility (a Sensitive Compartmented Information Facility or "SCIF") required to store SCI. The evidence showed that ICITAP inaccurately certified to United States Embassies that individuals had security clearances when they did not. We also found one instance where classified information was sent over an unsecure e-mail system.

As an example of the inattention ICITAP managers gave to security, we set forth the troubling history of ICITAP Associate Director Trincellito's handling of classified information. From 1995 through early 1997, ICITAP's security officers repeatedly found classified documents left unattended in Trincellito's office. The security officers warned Trincellito that he was violating security rules, and they also notified other ICITAP managers about the problem. One security officer, after becoming aware of repeated violations, documented the violations in writing and recommended discipline for Trincellito. ICITAP Director Stromsem on occasion spoke to Trincellito about his violations and attempted to make it easier for him to comply with rules by putting a safe in his office. However, in the face of repeated violations indicating that Trincellito refused to comply with security regulations, Stromsem and other senior ICITAP managers failed to take sufficient action, such as initiating discipline, to ensure that Trincellito complied with security regulations.

We found that ICITAP managers' own violations of the security rules, their tolerance of Trincellito's known violations, and the removal of the security officers who attempted to enforce the rules sent a message that security was not important at ICITAP. We also found that the Criminal Division did not adequately supervise ICITAP's security program even though security reviews conducted by both SEPS and the Criminal Division beginning in 1994 showed a pattern of security violations.

In this chapter we also discuss the security implications raised by Bratt's involvement with Koreneva. Bratt held a high-level security clearance and had access to highly classified documents. We concluded that Bratt's intimate involvement with a Russian citizen about whom he knew very little, his invitation to her to visit the United States and his office, his improper use of his government position to obtain a visa for Koreneva and Bolgak, and his attempt to conceal the true nature of the relationship left him vulnerable to blackmail and represented a security concern.

We found that the actions of another ICITAP employee who was intimately involved with a Russian national also represented a security concern.

#### *C. Business class travel*

We found that Bratt and other ICITAP and OPDAT manager improperly flew business class when traveling to and from Moscow in

1996 and 1997. Government and Department Travel Regulations restrict the use of business class by government travelers. Even in circumstances when business class may be used, it must be authorized by the traveler's supervisor. We found that Bratt instigated and approved a scheme to improperly manipulate his flight schedules in order to qualify for business class travel. We concluded that Bratt's and the other managers' use of business class was not authorized and violated the rules limiting the use of business class travel.

On one trip, in November 1996 Bratt, Lake, and Thomas Snow, the Acting Director of OPDAT, traveled to Moscow and several other European cities using business class on at least one leg of the trip. Business class was arranged by the Department's travel agency because the method used by the airlines to calculate the cost of trips with several stops made the use of business class less expensive than coach class. However, we found that a weekend stop in Frankfurt, Germany, violated the Travel Regulations and that the stop should not have been used as a basis to obtain business class accommodations. We also found that the Department's travel agency had suggested an alternative itinerary for this trip that would have saved the government substantial money but that the itinerary was improperly rejected by Lake.

On a second trip, in January 1997 Bratt and Hoover flew business class to Moscow purportedly pursuant to the "14-hour" rule. If authorized by a supervisor, government regulations permit travelers to fly business class when a flight, including layovers to catch a connecting flight, is longer than 14 hours. For this trip, Bratt requested that his Executive Assistant determine whether the flight proposed by the travel agency qualified for business class under the 14-hour rule. His Executive Assistant checked with three different individuals and based on the information she received, she told Bratt that he did not qualify for business class because both legs of the flight took less than the requisite time.

Nonetheless, according to Bratt's Executive Assistant, Bratt told her to "do what you can to get me on business class." As a result, Bratt's Executive Assistant arranged with the Department's travel agency to lengthen Bratt's flight for the purpose of obtaining a flight long enough to qualify for business class travel. Even with the manipulations, however, the flight from the United States to Moscow was still less than 14 hours. We concluded that Bratt and Hoover did not qualify for the use of business class and that they were not authorized to use that class of service.

In March 1997, on a third trip, Bratt, Hoover, and Stromsem flew business class from Moscow to the United States even though there were economy flights available that would have fit the business needs of the travelers. Although Hoover and Stromsem were originally scheduled to fly on an economy class flight, Bratt directed that their flights be changed to avoid the disparity between his subordinates traveling economy while he traveled on business class. We held Bratt accountable for all the excess costs of the March trip. On his fourth trip, in June 1997 Bratt flew business class on both legs of his trip to and from Moscow. Contemporaneous documents show that the choice of flights for both of these trips was dictated by Bratt's desire to use business class rather than for business reasons. In one facsimile to the travel agency concerning the June 1997 trip, Bratt's Executive Assistant asked, "Can you rebook him [Bratt] with a slightly longer layover in Amsterdam. . . . So that at least two extra hours is added onto the trip?"

. . . " In addition, the travelers were not authorized to travel on business class for either the March or June trip.

In sum, we found that Bratt pressured his staff to obtain business class travel and approved a scheme to lengthen his travel time solely for the purpose of obtaining flights that would qualify for business class travel under the 14-hour rule. We concluded that Bratt's manipulation of flight schedules to qualify for business class travel violated the Travel Regulations and was improper. The government spent at least \$13,459.56 more than it should have for these four trips.

We also found that the Justice Management Division (JMD), which is responsible for auditing foreign travel vouchers, did not question the use of business class travel by Bratt or the other managers who accompanied him even when the lack of authorization was apparent on the face of the travel documents that the travelers submitted to be reimbursed for their expenses.

In this chapter we also detail a conversation between Bratt and his Executive Assistant that led her to believe that Bratt was coaching her how to answer OIG questions. Through a series of rhetorical questions that falsely suggested that Bratt was not involved in making decisions regarding his use of business class, Bratt tried to shift to his Executive Assistant the responsibility for the decisions leading to Bratt's business class travel. Bratt also told her that she should not report their conversation to anyone. For some time after that conversation, Bratt continued to contact her asking whether she had been interviewed by the OIG and what she had said. Despite OIG requests to Bratt that he not discuss the subject of our interviews with individuals other than his attorney, we found that Bratt discussed topics that were the subject of the investigation with individuals who would be interviewed by the OIG. Bratt also called individuals, such as the two Russian women for whom he had improperly obtained visas, to alert them that the OIG would be seeking to interview them.

#### D. Failure to follow Travel Regulations

During the course of the investigation, we found that ICITAP, OPDAT, and Office of Administration managers violated government Travel Regulations with respect to the use of frequent flyer benefits. Government regulations state that all frequent flyer miles accrued on government travel belong to the government. Because airlines generally do not permit government travelers to keep separate accounts for business and personal travel, travelers may "commingle" miles earned from business and personal travel in one account. However, the Travel Regulations are explicit that it is the responsibility of the traveler to keep records adequate to verify that any benefits the traveler uses for personal travel were accrued from personal travel.

We found that between 1989 and 1998 Bratt used 380,000 miles for personal travel. Bratt told the OIG that while he had no records to verify how many miles he had accrued from his personal travel, he believed that he had collected at least 150,000 miles from personal travel as well as miles from the use of a personal credit card. Even giving Bratt the benefit of his recollection, we concluded that Bratt improperly used between 156,000 and 230,000 miles earned from government travel for his personal benefit.

We found that Hoover also used frequent flyer miles accrued from government travel to purchase airline tickets and other benefits for personal travel for himself and a family member. Stromsem used miles accrued on government travel to upgrade her class of travel in violation of government rules.

The investigation revealed that managers violated other Travel Regulations as well. Lake was inappropriately reimbursed by the government for some of the travel expenses associated with weekends that he spent in Frankfurt, Germany, when he was on personal travel. In violation of the regulations requiring a traveler's supervisor to authorize travel and approve travel expenses, Bratt repeatedly either authorized his own travel or had subordinates sign his travel requests. Both Bratt and Stromsem routinely had subordinates approve their travel expenses.

We received an allegation that Stromsem took a business trip to Lyons, France, as a pretext that allowed her to visit her daughter who was in Tours, France. Although Stromsem did not list a business purpose on her travel paperwork for her stop in Lyons, we did not conclude that her trip to Lyons was pretextual.

We also received an allegation that Bratt's trips to Moscow in 1997 were for the purpose of furthering his romantic relationship with a Russian woman. We found that the lack of advance planning for the trips, the fact that most of his meetings in Moscow were with his own staff rather than Russians, and his romantic relationship with a Russian woman strongly suggested that the trips to Moscow were not necessary or were unnecessarily extended for personal rather than government reasons.

#### E. Lake buyout

On March 31, 1997, Lake retired from the federal government after receiving \$25,000 as part of a government-wide buyout program (the Buyout Program) to encourage eligible federal employees to retire. The following day Lake began working for OPDAT as a consultant. Lake worked as a subcontractor to a company that had been awarded a contract to provide various support services to ICITAP. In May 1997 at Bratt's request, Lake worked as a consultant to the Immigration and Naturalization Service (INS) after Bratt was detailed there.

The Buyout Program prohibited former federal employees from returning to government service as either employees or as contractors working under a "personal services" contract for five years after their retirement. A personal services contract is defined by federal regulations as "a contract that, by its express terms or as administered, makes the contractor personnel appear, in effect, [to be] Government employees." Violation of the prohibition requires repayment of the incentive bonus.

We found that while at OPDAT and INS after his retirement Lake reported to and was supervised by Bratt, that Lake supervised and gave directions to federal employees or other contractors, that he used government equipment, and that other staff were often unaware that Lake was not a federal employee. The evidence showed that Lake essentially did the same job as an OPDAT consultant that he had performed while a government employee. We concluded that Lake worked at OPDAT and the INS under a personal services contract in violation of the Buyout Program requirements.

The evidence showed that Lake planned for several months to return to work for the Department as a consultant. Both Bratt and Lake were warned by officials in JMD and the Criminal Division Office of Administration that Lake's return as a consultant could constitute a personal services contract. We concluded that Bratt and Lake improperly failed to ensure that Lake's work met the requirements of the Buyout Program.

After allegations were raised in the media that Lake had received Buyout money and then improperly returned to work for the Department, Bratt asked JMD for an opinion as

to whether Lake should repay the Buyout bonus. A JMD official concluded that Lake was not obligated to pay back the money based upon a "good faith" exception to the rule requiring repayment. We determined that there is no "good faith" exception to the requirement that a person who violates the Buyout Program prohibition against performing personal services must repay the bonus. We also concluded that even if a good faith exception existed in the law it would not apply in this case as Lake was aware of the prohibition against personal services and was warned that his return as a consultant might constitute the performance of personal services.

We also found that JMD permitted Lake to work at INS without a contract for several months. In addition, while JMD issued a purchase order for Lake's INS work in July 1997, senior JMD procurement officials later expressed concerns that the purchase order that had been issued by their office was a personal services contract. We also found that hiring Lake as a subcontractor to a third party contractor added unnecessary costs to the contract.

#### F. Harris contract

Jo Ann Harris was the Assistant Attorney General for the Criminal Division from November 1993 until August 1995, when she left the federal government. Under federal regulations, Harris was barred from contracting with the government for one year after her government service. In December 1996 Harris agreed to become an OPDAT consultant to organize, moderate, and evaluate three conferences that OPDAT was planning to hold at the International Law Enforcement Academy (ILEA) in Budapest, Hungary, and to assist OPDAT in developing curriculum for other OPDAT training programs. The OIG investigated allegations that the award of this contract to Harris violated ethical rules that prohibit contracting with former government officials on a preferential basis. We found that OPDAT's award of a contract to Harris to develop curriculum for OPDAT programs and the processes used to develop the contract, to determine Harris' fee, and to modify her contract raised the appearance of favoritism.

In September 1996 Harris had discussions with Criminal Division managers, including Bratt, about the possibility of her assisting OPDAT as a consultant. In November 1996 Harris discussed on the phone with Bratt specific projects that she could work on such as the ILEA conferences and curriculum development. At Bratt's direction, an OPDAT official called Harris in early December 1996 and had a similar conversation with Harris during which she reiterated her interest in working on OPDAT projects. On December 12, 1996, Bratt, Harris, and Lake met in Harris' former office at the Department of Justice, and Harris agreed to Bratt's proposal that she work as a consultant on OPDAT projects. The Statement of Work, a contract document that set out the tasks that OPDAT was seeking from a consultant, was issued on January 23, 1997. The tasks included preparing for the ILEA conferences, acting as the conference moderator, and developing curricula for other OPDAT programs.

Because no competition was involved in awarding Harris' contract, we evaluated the propriety of OPDAT's award of her contract under the rules pertaining to the award of sole-source contracts. Sole-source contracts, which do not require the solicitation of competing bids, may be awarded when the exigencies of time or the consultant's expertise justify the waiver of the competitive process. We concluded that OPDAT could have awarded a sole-source contract for her work on the ILEA conference given her extensive experience and the short time frame that existed

to prepare for the conference. However, we concluded that Bratt's decision to hire Harris to develop curricula for OPDAT projects other than the ILEA conferences created the appearance of favoritism. We also found that Bratt discussed with Harris what projects she could perform and the Statement of Work was written to fit those projects. We concluded that the process OPDAT used to develop Harris' contract violated the principle that the task to be accomplished should drive the development of a contract rather than the desire to hire a particular consultant.

We disproved the allegation that Harris was paid \$65,000 for eight days work. She was paid approximately \$27,000 for 42 days work on two ILEA conferences. However, we found that Harris' rate of pay was not the result of an "arms length" negotiation. Harris told Bratt, her former subordinate, to set the fee and to "scrub it" because she did not want to read about the fee in the newspaper. She agreed to accept \$650 per day although her contract was later modified to permit her to be paid based on an hourly rather than a daily rate. We were unable to determine the basis for the \$650 per day fee or find any evidence that Bratt and Lake used any comparable consultant fee arrangement as the basis for setting Harris' rate. Evidence showed that the Department of State, ICITAP, and OPDAT generally set the fees for their consultants at a lower rate. We concluded that the lack of a clear record setting forth the basis for the fee raised the appearance that Harris was given preferential treatment by her former subordinates.

We also found that OPDAT hired Harris to perform work outside the scope of the contract, which only authorized services to ICITAP not OPDAT.

#### *G. Improper personnel practices*

The OIG received various allegations relating to ICITAP's and OPDAT's hiring and management of personnel. The evidence showed that ICIPAT and OPDAT managers misused contractor personnel. Federal regulations prohibit contractor personnel from directing federal employees or exercising managerial oversight. Yet, ICITAP and OPDAT managers did not distinguish between employees and contractor personnel and often failed to identify personnel working for contractors as such. As a result, ICITAP and OPDAT staff were often confused about consultant's roles and the scope of their authority.

We found that contractor personnel were used as managers. For example, one of ICITAP's Deputy Directors was a subcontractor employed by a contractor that provided a variety of services to ICITAP. After ICITAP Director Stromsem was advised by an administrative official that there were limits to the authority of personnel employed by contractors, Stromsem cautioned the Deputy Director about the limitations. However, Stromsem did not notify other staff about the Deputy Director's status as a subcontractor, and he remained in the position of Deputy Director until he became a federal employee six months later.

We found other problems with the use of contractor personnel including ICITAP's selection of particular consultants to be hired by its service contractors. This left ICITAP vulnerable to claims that it was violating the rules restricting personal services contracts. The practice of directing the hiring of consultants wasted money because ICITAP was performing the administrative work associated with hiring consultants at the same time that it was paying its service contractors administrative fees. In addition, consultants often began work before the Statement of Work was issued to the prime con-

tractor. This practice required the paperwork to be backdated or ratified in order for the consultant to be paid. We also found that consultants were hired as federal employees and then made decisions affecting their former contractor employer in violation of ethical regulations. This practice was stopped by Mary Ellen Warlow, who became the Coordinator for ICITAP and OPDAT in 1997 after Bratt left for the INS.

We investigated allegations that ICITAP managers engaged in favoritism in the hiring of staff. Federal employees are hired after a competitive process that begins with the public issuance of a vacancy announcement that describes the application process and sets forth the responsibilities and other particulars of the position. Managers were alleged to have engaged in "preselection," that is, they decided whom to hire before beginning the competitive selection process required by federal regulations.

The hiring of Jill Hogarty in particular raised complaints. Hogarty was an attorney who worked as a bartender at Lulu's New Orleans Cafe, an establishment located near the ICITAP offices which was visited regularly by ICITAP Associate Director Trincellito and other ICITAP staff. While visiting Lulu's, Trincellito discussed ICITAP's work with Hogarty, and eventually Trincellito invited Hogarty to consider working as a consultant to ICITAP. Hogarty gave Trincellito her resume, and Trincellito wrote the paperwork that resulted in her being hired as an ICITAP consultant in September 1994. According to Hogarty, while she was a consultant to ICITAP, she dated Bratt for several months, from September 1995 to December 1995. At that time Bratt had resumed his position as Executive Officer but he retained authority to approve personnel decisions at ICITAP. In November 1995, during the time that Hogarty and Bratt were dating, Hogarty applied to become a temporary federal employee at ICITAP. She was selected by Trincellito for this position in December 1995.

On January 5, 1997, Hogarty's employment status changed once again, and she became a permanent federal employee. It was this selection that raised the complaint about preselection. The vacancy announcement of the position that Hogarty obtained opened on November 1, 1996. An ICITAP employee who held a term position told the OIG that while the position was still open for applications, he was discussing the announcement for the position with another employee when Hogarty told them it was her position and that she had been selected for it. The employee told the OIG that even though he was interested in the position himself, he did not apply for it because he believed Hogarty's statement that she had already been selected.

To investigate the allegation of preselection, we attempted to determine which manager had selected Hogarty for the position and the reason for the selection. The paperwork listed Stromsem as the official requesting the recruitment. The paperwork did not show who had made the selection, however. All of ICITAP's top managers—Director Stromsem, Associate Director Trincellito (who was also Hogarty's direct supervisor), the ICITAP Deputy Directors, and Special Assistant to the Director Hoover—denied having selected Hogarty for the permanent position. Bratt also denied selecting Hogarty.

We found strong evidence that Bratt and Stromsem preselected Hogarty. An e-mail from Bratt on October 8, 1996, showed that Bratt authorized hiring Hogarty before the vacancy announcement that opened the position for competition was issued. We also learned from an ICITAP administrative offi-

cial that in October or November 1996, Stromsem asked the official to determine how they could get Hogarty health benefits, which Hogarty did not have at that time. The administrative official said that he and Stromsem agreed to create a "term" position vacancy for Hogarty, but that instructions came back from Bratt through Stromsem to make the position permanent. We concluded that Bratt and Stromsem engaged in preselection in violation of federal regulations governing personnel hiring.

We investigated other allegations of favoritism, including the hiring of a consultant who was the father of Stromsem's former husband's stepchildren. He was subsequently selected by Stromsem to become an ICITAP term employee although his qualifications for the position were questionable. He was ultimately not hired for the term position because of the intervention of Warlow when she became Coordinator. We concluded that Stromsem's involvement with this hire gave rise to the appearance of favoritism.

The OIG also received numerous allegations that Bratt gave favored treatment to a select group of Office of Administration and ICITAP staff and that he dated subordinates. Although we only conducted a limited investigation into these allegations, we found that some of the employees who socialized with Bratt received rapid career advancement and that Bratt was often involved in the promotions. We saw evidence that he dated staff in the Office of Administration and ICITAP and that in one instance he intervened to protect the salary of a subcontractor with whom he had a social interest but who have been found unqualified by Office of Administration staff for the position she held. We concluded that Bratt's actions gave right to an appearance of favoritism.

#### *H. Financial management*

In response to allegations that ICITAP's finances were mismanaged, the OIG examined ICITAP's financial management system. We found that until 1997 ICITAP could not account for its expenditures. ICITAP did not receive sufficient information from its contractors to permit it to track whether it received the goods and services for which it had paid. This led to significant problems in 1997 when the State Department, which was funding ICITAP's programs, asked for detailed information on how the money for programs in the Newly Independent States had been spent. ICITAP spent several months trying to provide an acceptable answer to the State Department's request and only succeeded by the use of estimates and extrapolations from the financial information ICITAP did collect. Although the OIG had advised ICITAP in its 1994 report following an earlier investigation into ICITAP's financial management system that ICITAP needed to collect more detailed information from its contractors, the problem was not remedied until after the State Department requested detailed financial information in 1997.

We found that ICITAP did not pay sufficient attention to the services its contractors provided and left itself vulnerable to overcharges. In one instance, a contractor notified ICITAP that it was unilaterally raising one of its fees, an action not permitted by the contract. Despite this notice, ICITAP did nothing for two years until a JMD contracting officer noticed the overcharge. Subsequent negotiations with the contractor resulted in reimbursement to ICITAP of some of the money.

Office of Administration managers hired staff for the Criminal Division by using contractor personnel for jobs that were outside the scope of the contract under which they worked. In 1991 the Criminal Division awarded a contract to provide computer support

services and in 1996 the Criminal Division awarded the same contractor a second contract for computer support services. The contractor provided employees to work in Criminal Division's correspondence units performing tasks such as reading and responding to correspondence. This work was outside the scope of the first contract, which only authorized computer support services. The contractor also provided employees who worked as writers, planned conferences, published reports, and organized parties. The services of these personnel were outside the scope of both contracts.

We also found that Criminal Division managers failed to adequately supervise the contract and the contractor charged the government for the services of personnel who were unqualified under the terms of the contract. The contract set out very specific labor categories, such as Senior Programmer Analyst, and set forth the tasks to be accomplished and the qualifications for each labor category. We found problems with 25 of 56 of the contractor's personnel under the first contract and problems with 19 of 54 of the contractor's personnel under the second contract. We concluded that the minimum the contractor overcharged the government was \$1,164,702.01.

The OIG received an allegation that ICITAP had spent substantial sums of money on an automated management information system (IMIS) that did not function properly. Our investigation showed that the development of IMIS was difficult, that users were unhappy with the product, and that a system designed to replace IMIS could not be completed by the contractor. We concluded that managers did not adequately analyze ICITAP's needs in the initial stages of development, and consequently IMIS was constantly being upgraded and modified leading to new problems. Also, the decision to use floppy disks to transfer information from the field to headquarters rather than develop a network capacity that could be utilized by all users led to significant problems, such as that the data from floppy disks was often out of date or could not be accessed once it was received at headquarters. IMIS and the attempt to develop the replacement system ultimately cost more than one million dollars. We did not investigate to determine how much money might have been saved had IMIS been better planned.

ICITAP's lack of planning also led to a substantial cost overrun of the translation budget for the first ILEA conference. A hypothetical transnational crime and the statutes of various countries were translated for the conference. The budget for translations was \$16,000; the ultimate cost was \$128,258. Lake delegated much of the responsibility for coordinating the ILEA conference to his assistant, who worked for a contractor. Lake's assistant ordered large amounts of material to be translated on an expedited basis without adequately determining the cost of the translations. The assistant failed to research whether some of the material was already translated and ordered some of the material on a costly expedited basis when it was unnecessary to do so. We concluded that Lake delegated responsibility to someone who was not qualified to manage the task and then failed to adequately supervise her.

We examined whether ICITAP could account for the goods it ordered for use in Haiti by selecting 131 expensive items to track. The investigation showed that the contractor responsible for providing goods and services to ICITAP in Haiti had in place an effective inventory control system and that ICITAP could account for all but one of the selected items.

#### *I. Miscellaneous allegations*

In this chapter we summarize the results of our investigation of additional allegations, most of which we did not substantiate.

We found that Bratt directed that Criminal Division excess computers be sent to a school associated with a girlfriend, and Deputy Executive Officer Sandra Bright initiated and pursued the donation of computers to a school associated with her husband. In 1996 Bratt directed that 35 computers be sent to an elementary school in Virginia where his then girlfriend was employed as a teacher. On one occasion in 1996 Bright directed that 25 computers be sent to the school district in Virginia where her husband was employed as a principal and on another occasion in 1996 Bright directed that 30 computers be sent to the school at which her husband was employed. We concluded that Bratt's and Bright's actions created the appearance of favoritism.

We did not substantiate an allegation that Robert Lockwood was awarded an OPDAT grant because of his alleged association with Attorney General Janet Reno. The American-Israeli Russian Committee that Lockwood directed received a \$17,000 grant from OPDAT in 1997. At the time, Lockwood was the Clerk of Courts of Broward County, Florida, and was acquainted with the Attorney General, although not closely so. We determined that the Attorney General received a phone call from Lockwood in 1997 but that they only discussed Lockwood's organization and its mission; he did not seek any funding from her. Lockwood became involved with OPDAT through the OPDAT Resident Legal Advisor in Moscow. We did not find evidence that the Attorney General encouraged anyone to award a grant to Lockwood's Committee or that she knew that an award had been made. We also did not find any evidence that the Attorney General or anyone from her office took any action after Lockwood's grant was not renewed the following year.

The remainder of the chapter discusses allegations that we failed to substantiate concerning personnel issues, financial matters, allegations of retaliation, and other issues.

#### III. RECOMMENDATIONS AND CONCLUSIONS

In this chapter of the report, we offer a series of recommendations to the Department, including that certain employees receive discipline and that the Department seek compensation from employees who improperly received money or benefits from the Department. We also made nine recommendations concerning systemic improvements in the areas of travel, ethics, and training.

Bratt retired from the Department effective August 1, 2000, and is not subject to discipline. We recommended that the Department recover the costs of his improper use of business class travel and his improper use of frequent flyer miles.

Lake is also not employed by the Department any longer and is not subject to discipline. We recommended that the Department recover the \$25,000 Buyout bonus and the cost of travel expenses that Lake improperly charged the government, including costs associated with the November 1996 trip to Moscow.

We found that Stromsem violated security regulations, improperly used frequent flyer miles accrued on government travel for personal benefit, and was involved in the preselection of Hogarty in violation of personnel regulations. We concluded that Stromsem's conduct warrants the imposition of discipline. We also recommended that the Department recover the costs of Stromsem's improper use of frequent flyer miles.

We found that Hoover violated security regulations by disclosing classified information to uncleared parties and by removing classified documents to his home. We also found that he improperly traveled on business class on a flight to Moscow in January 1997 and that he improperly used frequent flyer miles accrued on government travel for his personal benefit. We concluded that Hoover's conduct warrants the imposition of dis-

cipline. We also recommended that the Department recover the costs of Hoover's improper use of business class travel and frequent flyer miles.

We concluded that Trincellito's repeated failure to observe fundamental security practices and his continued resistance to the advice and warnings of ICITAP's security officers warrants the imposition of discipline.

We also recommended that SEPS and other agencies responsible for issuing security clearances carefully consider the findings and conclusions set forth in this report before issuing a security clearance to the individuals most involved in the security breaches. In addition, we made non-disciplinary recommendations with respect to two other individuals.

During the course of the investigation, we observed various systemic issues, and we suggested improvements for the Department to consider relating to oversight of ICITAP and OPDAT, security, investigative follow-up, travel, training, performance evaluations, and early retirement programs. For example, we recommended that the Department monitor ICITAP's compliance with security regulations by continuing to perform periodic unannounced security reviews.

Because many of the travel violations that we found were apparent on the face of the travel forms, we recommended that the Department review the process JMD uses to audit travel vouchers. We believe the Department should offer increased training on travel regulations to employees and secretarial or clerical staff who process travel-related paperwork. And we offered suggestions designed to increase Department employees' use of frequent flyer miles for government travel and to decrease the incidents of improper use.

We recommended that increased attention be given to the recommendations and lessons learned from investigations. We found that despite numerous investigations of ICITAP, the same problems continued to surface and that managers failed to act on investigative recommendations. Management must take increased responsibility for ensuring that the results of investigations are appropriately considered and addressed.

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

AMENDMENT NO. 4125

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, may I ask the situation on the time limitation on this amendment?

The PRESIDING OFFICER. There is no time limitation.

Mr. HELMS. Mr. President, around this place I have learned, in 28 years, that you are fortunate in many instances to be able to work with people with whom you have not earlier worked, and you learn of their interest and their dedication. Such is the case with the distinguished Senator from Minnesota, Mr. WELLSTONE, with whom I have worked in the preparation of this amendment. He is a principal co-sponsor of it.

The pending amendment, simply said, directs the President to certify that China has met a series of human rights conditions prior to granting PNTR to Communist China. The conditions set forth in this amendment are

straightforward. The President would be required to certify formally and officially that China has, among other items:

No. 1, dismantled its system of reeducation through labor;

No. 2, has opened up all areas of China for U.N. human rights agencies;

No. 3, has accounted for and released political and religious prisoners; and,

No. 4, has provided human rights groups with unhindered access to religious leaders.

So what this amendment really does is to remind Communist China, and all the rest of the world, that we Americans stand for something—something other than for profits, for example. In this case, what this amendment makes clear is that we believe China should not be welcomed into international organizations such as the WTO just so long as the Chinese Government continues to repress, to jail, to murder, to torture, its own citizens for their having opposed the Beijing dictatorship.

It seems to me, to fail to take this stand would be a double whammy against even the possibility of freedom for the people of China. First, the Senate will be sending a signal to Beijing that the Government of the United States will turn a blind eye to Communist China's grave abuses against humanity if this amendment is not approved, if only China will just let U.S. businesses make a profit in dealing with China.

Second, it will send a message to those miserable souls who languish in China's gulags that the United States is willing to ignore their misery just so some in America can profit from it. If we do not send the signal that this amendment proposes to send, that will happen.

I realize the WTO is not, itself, a paragon of virtue, let alone a democracy, given the membership already held by thuggish regimes such as Cuba and Burma and a host of African dictatorships. But that does not justify further sully the WTO by adding Communist China to its membership. Rather, it is a reminder of the absurd notion that this so-called rules-based WTO will somehow help transform China into a democracy.

As does Cuba and Burma, the Chinese Government continues to have one of the worst human rights records in the world, despite two decades, 20 years of having received so-called most-favored-nation status from the U.S. Government. The findings in the pending amendment, mostly verbatim quotes from the U.S. State Department's own annual reports, provide a sketch of the disgraceful conduct, the disgraceful situation in China. For example, this is a quote from the U.S. State Department's 1999 human rights report shown on this chart. The chart shows:

The Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent.

Note two key words in that passage, "deteriorated" and "intensified," because these words describe a trend, a trend for the worse as reported by the U.S. State Department. That is not JESSE HELMS talking. That is the State Department's official report to this Senate.

I doubt that even the most enthusiastic supporter of Communist China's admission to the WTO will claim that China's human rights record is good. I don't know how they could do it, but some will do it. But year after year, we have become accustomed to hearing that China's human rights record is improving, don't you see. The trouble is, the State Department's own report, as I have indicated, emphasizes over and over again that this simply is not true and never has been true.

Consider, if you will, this passage from the U.S. State Department, reproduced on this chart:

Abuses by Chinese authorities included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detentions, and denial of due process.

That is in the U.S. State Department's annual report, delivered to the Senate Foreign Relations Committee of which I am chairman.

What is that report, when you get down to the nitty-gritty? The official report of our State Department, which advocates giving away the store to Communist China, is telling the truth on one hand and asks to reward China on the other.

Are we to dismiss China's vicious crackdown on the Falun Gong movement? The bloody numbers are staggering: More than 35,000 people detained, more than 5,000 people sentenced without trial, and more than 300 put on makeshift trials and sentenced to prison terms of up to 18 years.

I have some photographs I want the Chair to see. The first one is how the Chinese Government treats its own people whose worst offense has been their daring to meditate in public, to sit alone and think.

At least 37 of these people died of mistreatment while they were in custody. According to human rights groups, one Falun Gong practitioner who had been confined in a psychiatric hospital by the Chinese Government died of heart failure 2 weeks after being forcibly injected with nerve agents. Another died after being force-fed by authorities. These reports are reminiscent of those worst days long ago in the Soviet Union and in Germany under Adolf Hitler.

But there is more. The merciless extinction of Tibet continues. In this past year, China has perpetuated its so-called reeducation campaign aimed, in fact, at destroying Tibetan culture, border patrols have been tightened, and the arrests of Tibetans have increased greatly.

There is a fine lady named Dr. Elizabeth Napper who works with escaped

Tibetan nuns in India. She testified before the Foreign Relations Committee that if a nun peacefully demonstrates saying, for example, "Free Tibet," she is immediately arrested and taken into custody for saying, "Free Tibet."

Basing her testimony on accounts by victims of China's cruelty, Dr. Napper added:

The beatings start in the vehicle on the way to the police station and continue through an interrogation that can take place over several days. Various instruments of torture are routinely used, such as electric cattle prods inserted in the orifices of the body and electric shocks that knock a person across the room.

These victims, mind you, are nuns. They are defenseless women.

The Chinese Government refuses even to talk with the Dalai Lama. Why should they? Nobody in the U.S. Government ever does anything tangible to help the Dalai Lama. Some of us who know him and are his friends do our best to help him. I have taken him to North Carolina to meet with a group there, specifically to Wingate University. It was announced he was coming, and there was standing room only on the campus of that university. People came from everywhere just to see him. They did not have a chance to meet him; they just had a chance to see him.

Permanent normal trade relations with China is not merely a routine foreign policy matter. As chairman of the Foreign Relations Committee, I have never viewed it as such. The future direction of Chinese foreign policy will depend upon whether the rulers of China agree to democratize its Government and begin to treat its own citizens with some respect, which they are not doing now.

It will be a tragic mistake to pass this legislation now precisely at the time the Chinese Government has succeeded in almost emasculating all opposition to its tyrannical rule.

Without requiring some kind of improvement in China's terrible human rights situation before bringing China into the WTO and granting China permanent normal trade relations will be welcoming China into the club of supposedly civilized nations. It seems to me this would throw away the most effective leverage we could ever have with China and would deal a terribly severe blow to the millions of Chinese people who oppose their regime and are totally incapable by circumstances of doing anything to improve it.

Question, Mr. President: Would that not be profoundly immoral on the part of the Senate in consideration of this measure? I know the words have been passed: Don't let any amendment be adopted; don't let any amendment be approved; don't let anything happen to derail or to delay the enactment of this piece of legislation.

The answer is, yes, it would be immoral; it is going to be immoral. I do not hold my distinguished colleagues accountable on this, but I think it is a strategic mistake on their part, a mistake of historic proportions, that the

American people will one of these days profoundly regret the move the Senate is about to take.

Mr. President, this unanimous consent request has been approved on both sides. I therefore ask unanimous consent that prior to a vote on or in relation to the Helms amendment No. 4125, there be 90 minutes of debate on the amendment, with 60 minutes for the proponents and 30 minutes for the opponents, with no second-degree amendment in order, and that the vote occur by 3:30 p.m. or at a time to be determined by the two leaders. I further ask unanimous consent that the time consumed thus far on the amendment be deducted from the above limitation.

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

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I see other colleagues on the floor. I shall not take up all of our time. I am certainly interested in what the Senator from Wyoming and the Senator from New York have to say in this debate.

First, I thank my colleague, Senator HELMS from North Carolina, for offering this amendment. Also, there are probably not too many times I can remember over my 9½ years in the Senate that I have been a cosponsor of a Helms amendment, but I am very proud to support this amendment and to speak, debate, and advocate with him on this question.

I say to my colleague from North Carolina and other Senators as well, I want to guard against appearing to be self-righteous about this, but I feel strongly about the question before us. I feel strongly about this amendment which says that China ought to abide by basic human rights standards. We ought to insist on that before we automatically extend normal trade relations with China, before we give up our right to annually review normal trade relations with China.

Before I speak in giving this some context and talking about why, let me, one more time—I have heard some discussion on the floor and also seen in the press discussion about this debate—try to correct the record.

No one is arguing that we should now have an embargo on trade with China. Nobody is arguing for a boycott. Nobody is saying that we should not have trade with China. We do; we will. It is a record trade deficit, as a matter of fact. That is not the issue. Nobody is arguing that we should have no economic ties with China at all. We do; we will.

The question is whether or not we give up our annual right to review trade relations with China, which is what little leverage we have as a nation, as a country, to speak up about the violations of human rights, to speak up for religious freedom in China. That is the question before us.

I have always been intensely interested in human rights questions, whether it is as to China or whether it is as to any other country. I am sorry to say on the floor of the Senate that there are some 70 governments in the world today that are engaged in the systematic torture of their citizens.

I think it is important for the Senate, I think it is important for our Government, I think it is important for the American people, to speak up about these kinds of basic violations of people's human rights.

I say it for two reasons. First of all, I come from a family where my father was born in the Ukraine; then lived in the Far East; then lived in China before coming to the United States of America at age 17 in 1914, 3 years before the revolution in Russia. He thought he could go back, and then the Bolsheviks took over. His parents told him: Don't go back. And all his family, from all I can gather, were probably murdered by Stalin. All contact was broken off. No longer did my father receive any letters from his family. He never saw them again.

I say to my colleague from North Carolina—I am getting a little personal before getting into the arguments—at the end of my dad's life we were trying to take care of him so we would go over and spend the night with him. He had lived in this country for, oh, almost 70 years. He spoke fluent English. I don't know that I detected even any accent. But it was amazing; all of his dreams—they were nightmares; there was shouting and screaming—were in Russian. None of it was in English. He lived in this country all of those years; I only heard him speak English—talk about the child being father of man or mother of woman—and I think that is what happens when you are separated from your family at such a young age; your family is probably murdered. You never can go back to see them. You can never see your family again.

I believe strongly in human rights. I thank the Senator from North Carolina for his leadership on this question.

Then I had a chance to meet Wei Jingsheng. I say to my colleague, you know Wei very well. Here is a man who spent, I think, about 17 years in prison, several years in solitary confinement. What was the crime that he committed? The crime he committed was to continue to write and speak out for democracy and freedom in his country. That was the crime he committed.

I say to my colleagues that I really believe the rush for the money and the focus on the money to be made by our trade policy with China within the new global economics that we talk about—this kind of rush for money, this focus on commercial ties on the money to be made has trumped our concerns about human rights, trumped our concerns, whether it is a Buddhist or a Christian or a Jew, you name it—it makes no difference—about whether people can even practice their religion without winding up in prison, trumped our con-

cerns about whether or not we have a relationship with a country that has broken the 1992 and 1994 agreements where they said they would not export products to our country made by prison labor in the so-called reeducation labor camps, trumped our concerns about all of the women and men who were imprisoned because of the practice of their religion or because they spoke out for democracy, trumped our concerns about women and men who tried to improve their working conditions and found themselves serving 3 years, 8 years, 14 years, 15 years, trumped our concerns about a country that has more prison labor camps—it is like the equivalent of the gulags in Russia, in the former Soviet Union. And we do not want to speak out on this?

We don't want to at least say: wait a minute, we reserve our right, when it comes to normal trade relations, to insist that you live up to just basic standards of decency? We reserve our right to speak up for human rights. We reserve our right to speak up for religious freedom. We reserve our right to speak up against products that are exported to our country made by prison labor. We reserve our right to speak up for the right of people in China—and people all over the world—to bargain collectively to try to improve their standard of living. We do not want to consider any of that? We do not consider any of that?

I think we diminish ourselves, I say to Senator HELMS, when we do not support the kind of amendment the Senator has brought to the floor. I say to my colleagues, I hope there will be strong support for this amendment.

I have heard a number of Senators—all of whom I like, all of whom I like a lot—who have said, first of all: We cannot isolate ourselves.

We are not isolating ourselves. All we are saying is, don't we want to at least keep our leverage, so that we continue to have what little leverage we have to annually review our trade relations to make sure China lives up to the trade agreements, lives up to the human rights standards?

Then the other argument is: We have had all this trade with China, and it is so important, that, actually, when you automatically have trade relations with China, you promote human rights. I have heard that said at least 10, 15 times. But I say to Senators, where is your evidence?

I will tell you, if you look at the State Department reports of this year and last year, they talk about an absolutely brutal atmosphere in China. Your evidence certainly is not our own State Department report about human rights. Is your evidence the commission that we appointed, the Commission on International Religious Freedom, chaired by Rabbi Saperstein? They said, on the basis of their careful examination, we should not automatically renew trade relations with China because of the brutality, the denial to

people of their right to practice their religion.

I say to Senators, where is your evidence that we have had this trade with China and it has led to more freedom and less violation of human rights? Where is your evidence for that? You do not have any evidence. I have not heard one Senator come out here with any evidence.

My evidence, on behalf of this amendment, is that according to the State Department—this is last year's report—

The Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent. Abuses included instances of extrajudicial killings, torture, mistreatment of prisoners, and denial of due process.

That is the evidence.

Hundreds of thousands of people languish in jails and prison camps merely because, I say to my colleague from North Carolina, they dare to practice their Christian, Buddhist, or Islamic faith. Respected international human rights organizations have documented hundreds of thousands of cases—hundreds of thousands of cases—of arbitrary imprisonment, torture, house arrest, or death at the hands of the Government.

That is the record. I welcome any Senator to come out here and present other evidence to the contrary.

In recent months, we have witnessed—and I heard my colleague from North Carolina talk about this—a brutal crackdown against the Falun Gong, a harmless Buddhist sect. According to international news media reports, at least 50,000 Falun Gong practitioners have been arrested and detained, more than 5,000 have been sentenced to labor camps without trial, and over 500 have received prison sentences in show trials. Detainees are often tortured, and at least 33 practitioners of this religion have died in Government custody. Senators, we are silent about this.

Chinese courts recently sentenced three leading members of the Chinese Democracy Party, an open opposition party. That is what we believe in. We believe in our country people should have the right to join parties. They should have a right to speak out. They should have the right to run for office, and they certainly should not wind up in prison. Three leading members of the Chinese Democracy Party, an open opposition party, were sentenced to terms of 11, 12, and 13 years. Their crime was "for conspiring to subvert state power."

Charges against these three political activists included helping to organize the party, receiving funds from abroad, promoting independent trade unions, using e-mail to distribute materials abroad, and giving interviews to foreign reporters. That is their crime. They have been tried in closed trials with no procedural safeguards. The Government has crushed the party by

doling out huge prison sentences to any man or woman who should dare to form their own political party.

I would think if there was any example that would resonate with every single Senator here, regardless of party, it would be this.

My colleague from North Carolina already talked about Ms. Kadeer's case. I will not go over that.

I will just say to Senators, I hope that on this amendment we will get your support. With all due respect, I hope that you do not make the following argument because I don't think it works. I hope you do not make the argument: No, I am going to turn my gaze away from all of these human rights abuses. I am going to turn my gaze away from supporting religious freedom. I am going to turn my gaze away from this record of brutality. I am going to turn my gaze away from the extrajudicial killings and torture. I am going to turn my gaze away from human rights because if an amendment passes, this will go to conference committee.

We have conference committees all the time. That is the way we operate. That is our legislative process. We have a conference committee and then it reports back.

With all the support for this overall bill, the conference committee would meet, the bill would come back, and then we would have a vote. But to say to people in our States, we couldn't vote for what was right, we couldn't vote for this amendment which was all about human rights, which is what our country is about, because, you see, it might go to conference committee and we have to have a bill with the exact same language between the House and the Senate, people will look at you and say: Senator, just vote for what is right.

I say to my colleagues, vote for what is right. Vote for this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, noting the presence of the distinguished managers of the bill, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to speak briefly to the important issues my friend, the Senator from North Carolina, has raised and to suggest that we have the necessary international agreements already in place to address the more fundamental issues with which he is concerned, as is my friend from Minnesota.

It happens I have spent a fair amount of my early years as a student of the International Labor Organization which was created as part of the Versailles Peace Treaty of 1918. Samuel Gompers of the AFL-CIO was chairman

of the commission in Paris that put it together. A very major matter in the mind of President Wilson as he campaigned for the treaty, he talked about the ILO as much as any other thing.

The first international labor conference met here in Washington, just down Constitution Avenue at the building of the Organization of American States. It was a dramatic time.

President Wilson had been struck down by a stroke. The Congress, the Senate was tied up with the question of ratifying the treaty. But the treaty provided that this meeting should take place in Washington, and it did. It did so with great success. International labor standards were set forth, and China was one of the nations present at the international labor conference. The person who provided most of the facilities for it was the young Assistant Secretary of the Navy, a man named Franklin D. Roosevelt, who later became involved. One of the first things he did when he became President was move to join the ILO.

Now, over the years the United States has been an active member of the ILO. We had the Secretary General at one point, Mr. Morris, a former Under Secretary of Labor.

We have not ratified many conventions. I have come to the floor at least four times in the last 24 years and moved a convention. Once it was done by our revered Claiborne Pell, who then turned the matter over to me. We think of there being eight core conventions. The simple fact is that the United States has only ratified one of them, in a membership that goes back to 1934.

However, it is not necessarily the case that if you have ratified a lot of conventions, you are very much in compliance with the principles there involved. I once suggested, not entirely facetiously, that there was an inverse relationship between the number of ILO labor conventions that had been signed by a country and the actual condition of labor relations in that country. But no matter.

In 1998, at the 86th session of the International Labor Organization, the oldest international organization in the world of this nature—the postal union is the oldest—adopted an ILO declaration on fundamental principles and rights at work and its followup. I will read this provision:

The international labor conference declares that all members, even if they have not ratified the conventions in question, have an obligation, arising from the very fact of membership in the organization, to respect, to promote, and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those conventions; namely: (a), freedom of association and the effective recognition of the right of collective bargaining; (b) the elimination of all forms of forced or compulsory labor; (c) the effective abolition of child labor; and

(d) the elimination of discrimination in respect of employment and occupation.

These are international obligations. They obligate the People's Republic of China, and they obligate the United States. The provision for bringing the issues to the International Labor Conference which meets every year in June in Geneva are well established.

I find it very curious, almost at times sinister, that just at the point the ILO has said these are the world's standards, international standards, binding legal commitments, and here we are to do something with them, suddenly people are saying, no, these matters should be dealt with in the World Trade Organization, which can't deal with them.

It is interesting that the WTO now occupies the original buildings on Lake Lemman in Geneva of the ILO. But why not stay with the ILO and work with this history and hold China to its commitment as China can hold us? It is something we have believed in and worked with from 1918 on.

The issue of trade and its effect on the internal behavior of government is an elusive one. But, if I may say, I was in China during the regime of Mao Zedong. I stood there in Tiananmen Square and looked up at these two enormous flagpoles. On one pole were two 19th century German gentlemen, Mr. Marx and Mr. Engels. What they were doing in the center of the Middle Kingdom, I don't know. Over on the next pole was the rather Mongol-looking Stalin, and Mao.

That is gone.

At one of the entrances to the Forbidden City there is a sort of smallish portrait of Mao. That is all. That world is behind us. The world is looking forward from the 1960s.

The Cultural Revolution, which Mao declared because there had always been revolutions, may have resulted—I don't think anybody knows, and I don't think we will ever know—in somewhere between 20 million and 40 million persons murdered, starved, dead. It is beyond our reach of our imagination. It happened. That doesn't happen anymore. Do disagreeable things happen? Do illegal things happen? Do bad things happen? Yes. But a certain sense of proportion, I thought, that was very much in evidence in testimony that our revered chairman will perhaps recall, I am sure he will.

Before the Finance Committee on March 23 of this year, Professor Merle Goldman, who is at the Fairbank Center at Harvard University—a name for a great Chinese scholar and very fine group of people—said:

... the linkage of economic sanctions to human rights is counter-productive. As Wang Juntao [a Tiananmen Square coordinator who was sentenced to 13 years of prison] says, it arouses the antagonism of ordinary Chinese people toward the U.S. and fuels increasing nationalism in China, which ultimately hurts the cause of human rights in China. Even when the threat of economic sanctions in the past led to China's release of a small number of famous political pris-

oners, it did not in anyway [sic] change or end the Chinese government's abuse of human rights.

Nevertheless, China's views on human rights have been changing ever so slowly in the post Mao Zedong era primarily because of China's move to the market and participation in the international community. During the Mao era (1949–1976) when China was isolated from the rest of the world, China's government did not care about human rights and international pressure. But as China opened up to the outside world politically as well as economically during the Deng Xiaoping period (1978–1997) and during that of his successor Jiang Zemin (1989– ), China began to care about how it was viewed. It wants to be considered a respected, responsible member of the world community. . . .

Human rights abuses continue and in fact, increased in 1999, but compared with the Mao era when millions were imprisoned and silenced, the numbers in the post-Mao era are in the thousands.

That was from Professor Merle Goldman.

I say in conclusion of these small remarks that the head of the Chinese Government, Jiang Zemin, last week was in New York City talking to a luncheon of business executives. That is a world that would have been inconceivable when I visited George Bush in Peking, as it then was in 1975. A quarter century has gone by, and there is the President of China in a blue suit and a white shirt with the correct tie at the Waldorf Astoria or somewhere talking to a luncheon of businessmen interested in trade and development and such matters. That is another world. Let's not put that in jeopardy by losing this extraordinary important trading agreement.

Mr. President, I yield the floor. I thank the Chair.

THE PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do we have left?

THE PRESIDING OFFICER. The proponents have 29½ minutes.

Mr. WELLSTONE. I will take a couple of minutes to respond.

THE PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. First of all, let me say to the Senator from New York that there is a bit of irony in his remarks because I had intended in this debate to also quote the Declaration of Fundamental Principles and Rights of the ILO which states:

All members, even if they have not ratified the convention in question, have an obligation arising from the very fact of membership in the International Labor Organization to respect, promote, and to realize in good faith, in accordance with the ILO Constitution, the principles concerning the fundamental rights which are the subject of those conventions; namely freedom of association and effective recognition of the right to collective bargaining.

I could not agree more with my colleague from New York. It is very relevant language.

Here is the problem: the ILO has no enforcement problem.

Here is the problem: China has belonged to the ILO since 1918. How much

longer are we supposed to wait for the Chinese Government to live up to this? This has been a pretty long time now.

My colleague raises a very fair question. Why is this amendment necessary? Given this declaration of principles, and given the establishment of the ILO, my point is: (a) no enforcement power; (b) we have seen no evidence that the Chinese Government has lived up to it.

I quote from our own State Department's human rights report of the past year which confirms the Chinese Government has been persecuting and incarcerating labor activists. According to our State Department:

Independent trade unions are illegal. Following the signing of the International Covenant on Economic, Social and Culture Rights in 1997, a number of labor activists petitioned the Government, the 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.

The State Department then goes on. My colleague says: Why is this needed? I will take a couple of minutes to list what has happened to a number of these different citizen activists. This is directly from our State Department report.

The Senator from New York is the intellectual force of the Senate. He makes the point that the harsh repression during Mao's years has improved. I have no doubt that the situation has improved. But I would just have to say, look, go to our State Department report. I can only go from the empirical evidence over the last number of years and looking at our own Commission on International Freedom and their recommendations. They did a very careful study. We commissioned them to do the study of what the situation is on religious freedom. It is a picture of repression. It is not a picture of the ILO having enforcement power making any difference. It is not a picture of a country that has a respect for human rights. It is not a picture of a country respecting people who practice their religion.

From our own State Department report: Two labor activists were sentenced in January to reeducation through labor—and the Chinese Government insists their reeducation through labor camps are not prisons. They give no human rights organizations any access. They say they are not prisons. Where have we heard this before on reeducation through labor—for 18 months and 12 months, respectively. The two were arrested in 1998 after leading steelworkers in a protest because they had not been paid wages.

Another example: In January, the founder of a short-lived association to protect the rights and interests of laid off workers unsuccessfully appealed a 10-year prison sentence he received. He had been convicted of "illegally providing intelligence to foreign organizations," after informing a Radio Free Asia reporter about worker protests in the Hunan province.

I could go on and on. In August, in our own State Department report, another activist was sentenced to 10 years for subversion. They were arrested in January after establishing the China Workers Watch, an organization to defend workers rights. The family of one of these activist alleges that the police hung him by his hands in order to extract information on a fellow dissident. That is from a State Department report this year that I am now using as my evidence.

In August, another labor activist was given a 10-year prison sentence for illegal union activities in the 1980s, and more recently because he organized demonstrations in Hunan. This time he was convicted for providing human rights organizations overseas with information on the protests.

I have about 30 examples from this 1 report.

I say to the Senator from New York, I understand the ILO, its mission, its history—not as well as the Senator. I understand it does not have enforcement power and that China has belonged to it since 1918. I understand that China is not abiding by or bound by this. I also understand that all the reports we have over the last several years do not paint a picture of improvement. We do not have an amendment that says we don't have trade with China; we do not have an amendment that says we should boycott China or we should have an embargo of trade with China. We have an amendment that just says that before automatically extending trade relations every year or before automatically extending PNTR, our Government should insist that the Chinese live up to basic human rights standards.

My colleague from New York cited one of the great heroines of Tiananmen Square. I take what these brave people say very seriously. But it is also true that others, including Harry Woo and other men and woman who were at Tiananmen Square who are now in our country leading the human rights organizations, say the opposite. We know there are two different views.

I think we should not be silent on these basic human rights questions. We should not be silent when it comes to repression against people. We should not be silent about the prison labor conditions.

In 1992, the memorandum of understanding, and in 1994, we had another agreement with China where they agreed they would not export products to our country made by prison labor. They haven't complied with any of these agreements.

I think this amendment is timely. I think there is plenty of evidence that speaks for this.

Mr. MOYNIHAN. Since the 1930s, section 307 of the Tariff Act of 1930, and the Smoot-Hawley tariff, has made it illegal to send prison labor products to this country. If it still continues to be done, doesn't that problem involve our vigilance? Shouldn't we focus our at-

tention on our own Customs Service, the law is ours to be enforced.

Mr. WELLSTONE. The Senator is right, but the irony is that by this law the Chinese shouldn't be exporting and we shouldn't be importing. The problem is, because of the good work of Senator LAUTENBERG and Senator HARKIN, for the first time in 3 or 4 years we were finally able to go to one of these factories and do an on-site investigation.

The problem has been not that we haven't tried; it is that every 3 months we make a request and every 3 months we have been turned down. This has been going on for years now. It is hard to argue that this amendment is not timely, relevant, and important in terms of whether or not we go on record for human rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am as concerned about China's repression of its citizens as anyone in this Chamber. But I believe that in passing PNTR, Congress will actually take its most important step by far in fostering democracy and improving human rights in China.

That's because by enacting H.R. 4444, we will permit Americans to fully participate in China's economic development, thereby opening China to freer flows of goods, services, and information. Ultimately, that opening will change China's economy from one based on central planning to one based on free markets and capitalism. Moreover, H.R. 4444 will create a special human rights commission that will expose, and suggest remedies for, China's abusive human rights practices.

The forces unleashed by American and other foreign participation in China's market opening will help sow the seeds of democracy and human rights.

As Ren Wanding, the brave leader of the 1978 Democracy Wall Movement said recently, "A free and private economy forms the base for a democratic system. So [the WTO] will make China's government programs and legal system evolve toward democracy."

We should remember that in East Asia, the flowering of democracy in such former authoritarian countries as South Korea, Taiwan, and Thailand did not occur until economic growth in each had produced a substantial middle class.

American trade and investment, which will be fostered by PNTR, will help create just such a middle class in China, a group who will wield influence, and whose interests will inevitably diverge from the interests of the Communist Party.

But American companies will do more than simply assist in the development of a middle class. These firms will also bring with them business practices which coincide with traits best suited to democracies.

As Michael A. Santoro, a professor at Rutgers University who has studied the

impact of foreign corporations on human rights conditions and democratization in China for over a decade, said in testimony before the Finance Committee, "When Chinese workers learn the lessons of the free market they are also learning an important lesson about human rights and democracy."

Unlike workers in state-owned enterprises whose advancement often depends on fealty to the Communist Party, workers in American firms advance based on merit.

Such workers, who acquire wealth, status, and power through their own hard work instead of connections to the Communist Party are far less likely to respect the party or its functionaries. And make no mistake, today's best and the brightest in China all want to work for foreign businesses rather than in stifling state-owned enterprises, let alone for the government itself. Moreover, American firms are almost uniformly considered the most desirable because of the opportunities they offer.

Now, to compete in the global market place, foreign firms doing business in China must permit free flows of information. And such flows of information, of course, are the lifeblood of democratic government.

Professor Santoro stated the case well before the Finance Committee: "In the same way that information sharing is essential to good decision-making and operational effectiveness in a corporation, free speech is essential to good decision-making in a democracy. It is hard to imagine that ideas about the importance of information flow can be confined to corporate life. Inevitably, those who work in foreign corporations and have gotten used to the free flow of economic information will wonder why their government restricts the flow of political information."

In addition to introducing ideas about information flow within their organizations, foreign corporations are at the leading edge in terms of pressing the Chinese government toward greater legal reform and regulatory transparency. Indeed, if China is to realize the full benefits of trade with the rest of the world and comply with its WTO obligations, it has no other choice than to institute the rule of law.

In fact, China is readying itself for this transformation by engaging, among others, Temple University in providing training in the development of China's business law system with a special emphasis on WTO compliance. Temple Law School has been asked by senior officials of the Chinese government to educate more judges and government officials and to establish a business law center.

This endeavor will enable American and Chinese legal scholars to do joint research on issues related to business law and WTO compliance in China. It will also enable American legal scholars, attorneys, judges and government

officials to meet with their Chinese counterparts on a regular, organized basis to provide input into proposed or needed legislation and enforcement in an emerging Chinese legal system that will regulate aspects of a market economy.

Mr. President, foreign firms, in a very real sense, constitute the vanguard of social change in the PRC. As Professor Santoro said, "Ultimately these social changes will pose a formidable challenge to China's government, as profound contradictions emerge between the Communist Party's authoritarian rule and China's increasingly free economy and society being created by private enterprise and the free market."

Meanwhile, the United States and other countries must continue to press China on its human rights abuses. Such public condemnation complements the special changes that will accelerate with China's accession to the WTO.

That's why the Congressional-Executive Commission on human rights in China that is created by H.R. 4444 is so important and potentially so effective. Among the tasks of that commission will be monitoring China's compliance with the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. Specifically, the Commission will monitor: the right of Chinese citizens to engage in free expression without fear of prior restraint; the right to peaceful assembly without restriction; religious freedom, including the right to worship free of interference by the government; the right to liberty of movement and freedom to choose a residence within China and the right to leave from and return to China; the right of a criminal defendant to a fair trial and to proper legal assistance; the right to freedom from torture and other forms of cruel or unusual punishment; protection of internationally-recognized worker rights; freedom from incarceration for political opposition to the government or for advocating human rights; freedom from arbitrary arrest, detention, or exile; the right to fair and public hearings by an independent tribunal for the determination of a citizen's rights and obligations; and free choice of employment.

In addition, the Commission will compile and maintain lists of persons believed to be persecuted by the Government of China for pursuing their rights. It will monitor the development of the rule of law, including the development of institutions of democratic governance.

And the Commission will give special emphasis to Tibet by cooperating with the Special Coordinator for Tibetan Issues in the Department of State.

Finally, the Commission will submit to Congress and to the President an annual report of its findings including, as appropriate, recommendations for legislative and/or executive action.

Given the breadth of the Commission's work and the impact of foreign

firms in China, it should come as no surprise that so many of China's most prominent dissidents and human rights advocates support the United States providing permanent normalized trade relations to China.

Wang Juntao who was arrested after June 4, 1989, and was sentenced in 1991 to thirteen years in prison as one of the "black hands" behind the Tiananmen demonstrations provided the Finance Committee with the following statement, and I quote, "... if one needs to choose between whether or not China should be admitted [to the WTO], I prefer to choose 'Yes' ... In an international environment, independent forces will be more competitive than the state-owned enterprises. Such independent forces will eventually push China toward democracy ... An overemphasis on economic sanctions will contribute to the growth of nationalism and anti-westernism in China. This will limit both the influence of the U.S. as well as that of the democracy movement in China."

Wang Dan, who was one of the principal organizers of the 1989 democracy movement; and who during the crackdown that followed, was listed as number one on the Chinese government's black-list of student counter-revolutionaries provided the Finance Committee with a similar statement. "I support China's entry into the WTO," he said, because "I feel this this will be beneficial for the long-term future of China because China will thus be required to abide by rules and regulations of the international community."

Martin Lee, the brave and outspoken leader of the pro-democracy Democratic Party of Hong Kong, which yesterday took the largest share of seats in Hong Kong's elections, said that the "participation of China in WTO would not only have economic and political benefits, but would also bolster those in China who understand that the country must embrace the rule of law. . . ."

Mr. President, it was when China was most isolated in the 1950s through the early 1970s that the Chinese people suffered the most severe deprivations. The so-called Great Leap Forward and the Cultural Revolution led to tens of millions dying from starvation and untold millions more suffering social dislocation and the worst forms of human rights abuses.

Mr. President, at a very minimum, China's opening to the world through its accession to the WTO will make a repeat of atrocities on such an unthinkable vast scale far, far less likely.

But I am convinced, Mr. President, that in passing PNTR we will do more. I believe that in passing PNTR we will have taken our most important step in advancing human rights and democratic values in China.

I'd like to close with another quote from Ren Wanding, the leader of China's Democracy Wall Movement. Here's what he said: "Before the sky was black. Now there is light . . . [China's

WTO accession] can be a new beginning."

Mr. President, I ask my colleagues to join me in opposing this amendment.

I yield back all the time on both sides.

Mr. MOYNIHAN. Yes, Mr. President. I believe the yeas and nays have been ordered.

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

Mr. HELMS. 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. 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.

The question is on agreeing to amendment No. 4125. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

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

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

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—32

Ashcroft	Gregg	Reed
Boxer	Harkin	Sarbanes
Bunning	Helms	Sessions
Burns	Hollings	Smith (NH)
Byrd	Hutchinson	Snowe
Campbell	Inhofe	Specter
Collins	Kennedy	Thompson
Craig	Kyl	Thurmond
DeWine	Leahy	Torricelli
Dodd	Lott	Wellstone
Feingold	Mikulski	

NAYS—63

Abraham	Enzi	McCain
Allard	Feinstein	McConnell
Baucus	Fitzgerald	Miller
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grassley	Reid
Breaux	Hagel	Robb
Brownback	Hatch	Roberts
Bryan	Hutchison	Rockefeller
Chafee, L.	Inouye	Roth
Cleland	Johnson	Santorum
Cochran	Kerrey	Schumer
Conrad	Kerry	Shelby
Crapo	Kohl	Smith (OR)
Daschle	Landrieu	Stevens
Domenici	Levin	Thomas
Dorgan	Lincoln	Voivovich
Durbin	Lugar	Warner
Edwards	Mack	Wyden

NOT VOTING—5

Akaka	Jeffords	Lieberman
Grams	Lautenberg	

The amendment (No. 4125) 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. 4131

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Byrd amendment No. 4131.

The time period is 3 hours equally divided.

The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair. I don't think it is necessary to spend 3 hours on this amendment. I would like to have a vote on the amendment tomorrow morning.

Mr. ROTH. The Senator probably could have the vote tonight, if he wanted to.

Mr. BYRD. If I had my druthers, as they say back in the hill country—all right.

Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. Mr. President, this amendment seeks 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. The amendment is simple and straightforward and it may be vital to many U.S. industries, such as steel, footwear, and apples. It certainly causes no harm.

U.S. trade law provides for import relief authorities under sections 201, 202, 203, and 204 of the Trade Act of 1974, and relief from market disruption by imports from Communist countries, such as China, under section 406 of the Trade Act of 1974, as amended. These safeguard actions are intended to provide temporary import relief from serious injury to domestic producers. These provisions are essential in order to provide U.S. manufacturers or farmers with an opportunity to address sudden waves of imports—such as those brought on by economic crises in foreign markets, and under other unexpected conditions beyond domestic control.

Regrettably, however, the import relief procedures are widely recognized as overly complicated and generally ineffective. Import relief authorities require exhaustive investigations and must meet tough litmus tests. Remedies granted under these authorities are so difficult to achieve that only a handful of the most egregious cases ever receive an affirmative verdict. The number of cases that have received relief under the import relief provisions speak for themselves: In the last five years, only six Section 201 cases resulted in some form of remedy out of 21 cases filed.

Market disruption caused by imports from a communist country, such as China, is even more complicated. Tra-

ditional remedies for import surges and unfair trade practices, such as Section 201 and the antidumping and countervailing duty laws, are inadequate to deal with a sudden and massive influx of imports that can be manipulated by government control of state-owned enterprises, including pricing and distribution schemes. The Trade Act of 1974 attempted to address these complications through the establishment of Section 406. Although similar to Sections 201, 202, 203, and Section 406 was intended to provide a lower standard of injury and a faster relief procedure, and requires the investigation to focus on imports from a specific country. Given the difficulty of proving Section 406, however, only 13 cases have received remedy under the laws since the provisions were enacted in 1974.

In other words, in 26 years only 13 cases have received remedies under the law. It is not a very good batting average.

The United States Trade Representative acknowledged that the import relief authorities provided under current law are flawed, and, thus, to her credit, the Product-Specific Safeguard protocol language in the U.S.-China bilateral agreement was negotiated to enhance the ability of the U.S. to respond more genuinely and immediately to market disruptions caused by Chinese products entering the United States.

Nevertheless, the House of Representative recognized that the protocol language could not provide real relief to U.S. industries that might be threatened by a surge of imports from China, and, therefore, the House-passed PNTR measure includes the Levin-Bereuter language on import surges. This language is a significant improvement over current law and the language included in the protocol to the U.S.-China bilateral agreement.

However, the House import surge safeguard provisions continue to lack an essential element. They continue to fall short on a point of utmost importance. While very, very close to providing meaningful benefits, the Levin-Bereuter import surge safeguard language does not provide a reasonable assurance to U.S. industry or workers that remedies against harmful import surges will be taken in a timely manner.

One of the most serious problems encountered with the use of import surge safeguards is the delays in taking action. Whether required by law or not, the administration can never seem to meet specific dates, and days turn into weeks and weeks turn into months. Meanwhile, U.S. industries and workers must sit by, unable to respond, as they watch their market share, their profits and their jobs dwindle away.

My amendment finally adds a certainty to the import surge safeguards. It is simple and to the point. My amendment would put into effect the relief recommended by the International Trade Commission (ITC) in the case of an affirmative determina-

tion of market disruption in the event that no action is taken by the President or the U.S. Trade Representatives, seventy days after the ITC report is submitted. Again, my amendment assures U.S. manufacturers and farmers and workers that action will occur on an ITC affirmative determination that a market disruption has occurred, and under the exact time frame as provided under the Levin-Bereuter provisions.

The Levin-Bereuter provisions provide legislative time frames on market disruption investigations. First, the Levin-Bereuter provisions require an ITC determination within 60 days of the initiation of an investigation, or 90 days in the investigation of confidential business information. Following the ITC action, the U.S. Trade Representative has 55 days to make a recommendation to the President regarding the case. Within 15 days after receipt of a recommendation from the U.S. Trade Representative, the President is directed to take action. Thus, the Levin-Bereuter provisions were intended to initiate action within 70 days following the ITC affirmative determination.

In real life, however, Section 401 cases have not existed for years, and many of the six Section 201 decisions that received some remedy over the last five years were delayed by weeks and even months beyond the current statutory deadline! U.S. firms have lost confidence in these provisions, and they cannot afford to pay legal expenses for decisions that might never be.

I have been particularly concerned about the U.S. steel wire-rod case. Wire-rod producers had to wait almost five months beyond the statutory deadline to receive a decision by the President that remedies would be put into place! The U.S. steel wire rod industry filed for relief under Section 201 of the trade law on December 30, 1998, and followed lengthy, costly procedures consistent with the statute. The domestic wire rod industry was encouraged after a recommendation for relief was provided by the International Trade Commission, and the industry looked eagerly to the President's decision, which was required under statute within 60 days, or by September 27, 1999. The U.S. steel wire rod company officials, workers and their families and communities waited, and waited, and waited. However, September 1999 came and went, the fall foliage dropped from the trees, leaving them bare to the north, south, east and west, the Thanksgiving feast was held and the family gathered round and sang songs, and the Christmas season came and the Christmas season went—there was no Santa Claus, Virginia—New Year's Day was celebrated—and yet, no action. As the days slipped from the calendar, imports rose! In fact, imports rose 12 percent from November to December 1999 and were up 15 percent over 1998.

The real story is that, with each passing day, production was lost and

American jobs were sacrificed. Lost income to the company became lost income to the bankers, to the company suppliers, to the tax base that supports local schools and roads. Worse, there was lost income to American families. Who pays for the Christmas presents that every little child dreams of?

Time is money. That is what they say.

In February 2000, the President announced that relief would be granted to the U.S. steel wire rod industry. This was very happy news and received joyfully in the steel community. But, the fact remains that the money lost in the wait for a decision was lost forever.

China's trade with the U.S. continues to skyrocket. Imports of consumers goods, agricultural goods, and manufactured products from China are currently entering the U.S. market at an unprecedented rates! The United States has its largest bilateral deficit with China, which grew \$910 million to a record \$7.22 billion in June 2000 alone.

Why is my amendment necessary? Because when we are successful in plugging one hole in the Chinese dike, thousands more seem to spring through, gushing imports. According to official Department of Commerce import statistics, low-priced Chinese imports of steel rail joints have increased approximately 788 percent from 1997 to 2000. As in the steel wire rod situation, these Chinese imports have resulted in lost sales and depressed prices for the American industry. I have a manufacturer of steel rail joints in Huntington, West Virginia, the Portec Rail Products, Inc.

Speaking of Huntington, my recollection reminds me that there was a congressman from West Virginia who resided in Huntington, WV, around the turn of the century. His name was Hughes. He had a daughter on the *Titanic* when that great ship went down and carried with it his daughter along with more than 1,500 other victims. Only 713 persons were rescued off that *Titanic* that went to its watery grave on the morning of April 15, 1912.

I care about the future of this manufacturer of steel rail joints in Huntington, WV. I care about its future, and I care about the future of the people who work there. There are thousands and thousands of small manufacturers that have a critical need for strong trade laws and a critical need to have an assurance that the laws will work as intended. Portec Rail Products, Inc., is a small business. It makes steel rail joints that hold rail sections together and allow the construction of the many miles of railroad that provide smooth transit in this country for both commercial and passenger trains.

Portec has provided solid, semi-skilled manufacturing jobs for many hard-working West Virginians. It also supports the State's economy by purchasing high quality steel bars from other West Virginia steel producers. This company has added to the prosperity of my State of West Virginia

and to the Nation. This company is facing a flood of Chinese imports, however. During the first quarter of 2000, for example, Chinese imports were at a record pace of 175,000 pounds, a figure which, if annualized, would amount to a 788-percent increase since 1997. The situation facing Portec is an authentic, true-life example of why this Senate should adopt the Byrd amendment. The workers of Portec are being bled dry under this hail of imports. I urge the Senate to help these workers to ensure that they are not subject to the ugly situation that the U.S. steel wire rod workers endured. Let us not sit idly, twiddling our thumbs and biting our fingernails and watching our toenails grow, by watching also these workers' savings, so painfully secured, become washed away, and watch the slow erosion of morale and confidence. This amendment would help Portec to fight back.

I say to my colleagues, help me to help Portec and other U.S. manufacturers and farmers.

Chinese state-owned enterprise continues to remain a major source of jobs in China. Many of these state-owned enterprises are directly controlled by the Chinese Government and they play a central role in China's monetary scheme. In fact, the Bureau of National Affairs reported on July 21 of this year that the China Daily quoted Yang Zilin, President of the Export-Import Bank of China, as saying that China's state-backed financing played a strong role in boosting China's exports in the first half of this year. That's right, a Chinese official readily acknowledges the systematic use of export subsidies to help boost China's skyrocketing exports. In case anyone is wondering, export subsidies directly impede the ability of American firms to compete with the Chinese.

My amendment is consistent with the goals of the House-passed China PNTR bill. It improves the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission of market disruption to domestic producers of like or directly like products. It has been widely proclaimed by the White House and many in Congress supporting the China PNTR legislation that the product-specific safeguard provisions are a critical component of the U.S.-China bilateral agreement. My amendment ensures compliance to the timeframe that Congress intends. More importantly, it provides a standard upon which American workers and American businesses can rely.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. 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.

The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to the amendment of my good friend.

I do so with some reluctance because I am actually quite supportive of taking whatever action necessary to ensure that the President takes seriously the deadlines set forth in our trade remedy statutes.

In fact, I would like to take a few minutes now to express my mounting concern about the White House's actions—or should I say, inaction?—in administering our trade laws. Frankly, I am very unhappy about the President's failure to issue decisions in sensitive trade matters by the deadlines set forth in the statutes.

There are many examples. The most notable may be two recent section 201 cases, the first involving lamb meat and the second relating to steel wire rod.

Both these decisions languished somewhere at the other end of Pennsylvania Avenue for weeks—in direct violation of the law—before the President finally issued his decision. We are seeing the same thing now in the context of the President's decision on modifying the retaliation list in the bananas dispute.

I may agree or disagree with whatever decision the President ultimately chooses to make in each of these cases. But the credibility of the trade laws rests on the process being handled with a great deal more respect and seriousness than it has been thus far.

With that said, I must still oppose this amendment.

As a practical matter, there are many instances in which the process established in the proposal will simply be unworkable. For example, it is not unusual for the ITC to be divided on its recommendation of relief in a particular case. Because the Commission often speaks with many voices, it is unclear which of the Commissioner's recommendations would take effect under my colleague's amendment.

This problem may be remedied easily, but it clearly underscores the importance of allowing my committee the time to consider the proposal of Senator BYRD to ensure that we have considered its full implications. At least some of the problems that will arise if this amendment were to become law are already apparent to me, so I must oppose this amendment for the time being.

I am also concerned that we are isolating the Chinese for differential treatment in how a trade remedy is applied.

While this provision may not be inconsistent with the United States-China bilateral agreement, applying different rule to China in how we administer our trade laws could well

jeopardize our ability to secure the benefits of the underlying trade agreement.

I must also oppose the amendment for the reasons that I have stated many times during these deliberations, and that is because of the potential impact that amendments will have on the passage of this legislation. In my view, a vote for any amendment, including this one, is a vote to kill PNTR.

The stakes are too high for our workers and farmers to allow this legislation to die. That is why I urge my colleagues to vote against the amendment of my good friend.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Tennessee.

Mr. THOMPSON. Mr. President, I was wondering if I can take some time, if the distinguished chairman has finished.

Mr. ROTH. I ask the distinguished Senator how much time would he like.

Mr. THOMPSON. Mr. President, it depends on what his plans are. If I can have 20 minutes, it will be greatly appreciated. I understand we have 3 hours on this amendment.

Mr. ROTH. I yield 20 minutes to the Senator from Tennessee.

Mr. THOMPSON. I thank the Senator.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized for 20 minutes.

AMENDMENT NO. 4132

Mr. THOMPSON. I thank the Chair, and I thank Senator ROTH for his generosity.

Mr. President, I want to speak for a moment to a couple of things that have come up in the debate today with regard to the amendment on China proliferation offered by myself and Senator TORRICELLI. Of course, once again, our reason for offering this amendment is because we have been told time and time again by various bipartisan commissions that we are facing an imminent threat; that China, Russia, and North Korea—but historically as of 1996, for example, China—have led the way in selling weapons of mass destruction to rogue nations. We are told that these rogue nations pose a threat to our country.

The question now is whether or not we intend to do anything about it. Some say diplomacy should work. Perhaps it should. However, we see that diplomacy has not worked. The problem is getting worse. Our intelligence estimates, which have been made public, have shown that the problem is getting worse with regard to missile technology, especially with Pakistan, instead of getting better.

A couple of my colleagues, speaking on behalf of PNTR, have pointed out that the Chinese have signed several nonproliferation-type agreements that should give us some cause for optimism, and that is true. The problem is that they have repeatedly violated every agreement they have ever made. I emphasize that. At this time, when

we are getting ready to engage in a new trading relationship, hoping for the best, we should acknowledge that China has violated every understanding, agreement, and treaty they have ever made.

My concern is proliferation, although human rights is very important and religious freedom is very important. There is only one activity of the Chinese Government that poses a mortal threat to this Nation, and that is the one of proliferation, spreading weapons of mass destruction around the globe. How in the world can we claim we need a missile defense system because of the threat of rogue nations and the nuclear missiles they are developing that will have the capability of hitting us, when we will not address the folks such as the Chinese who are supplying these rogue nations? It is all carrot and no stick. They cannot take us seriously when we express concern about proliferation.

Let's talk about the proliferation agreements they have signed. In March of 1992, China ratified the Nuclear Non-Proliferation Treaty. However, in 1994, China sold to Pakistan 5,000 unsafeguarded ring magnets which can be used in gas centrifuges to enrich uranium.

In 1995, China built in Iran a separation system for enriching uranium.

As we know, China has outfitted Pakistan from soup to nuts. Under our watchful eye, they have made it so that Pakistan can now build their own missiles. We have watched them do this over the last few years in total violation of the Nuclear Non-Proliferation Treaty, which some of my colleagues so optimistically claim they signed; therefore, they must be abiding by it. They are not.

In May of 1996, China reaffirmed its commitment to nuclear nonproliferation. Again, however, in 1996, China sold a special industrial furnace and high-tech diagnostic equipment to unsafeguarded nuclear facilities in Pakistan.

In 1997, China was the principal supplier of Pakistan's nuclear weapons program.

In 1997, China transferred to Iran a uranium conversion facility blueprint.

In 1997, China promised not to begin a new nuclear cooperation agreement with Iran after completing a small nuclear reactor and a factory for building nuclear fuel rod encasements.

In 2000, U.S. intelligence reports state that ongoing contact between PRC entities and Pakistan's nuclear weapons program cannot be ruled out.

China is a member of the Zangger Committee which considers procedures for the export of nuclear material and equipment under the NPT but is the only major nuclear supplier of the 35-nation nuclear suppliers group whose nations agreed to guidelines covering exports for peaceful purposes to any non-nuclear weapon state and requires full-scope safeguards. The Chinese Government has agreed to a list of non-

proliferation treaties and agreements and then violated them, but with regard to those treaties that require safeguards, where someone can come in and inspect whether or not they are doing it, they will not agree to those, and that has been the history.

Are we so eager for trade that we accept this kind of behavior as in some way acceptable to us?

In February of 1992, China pledged to abide by the missile technology control regime and renewed this commitment in 1994. However, I have an entire list which I will not read, but in 1993 they transferred M-11 short-range missile equipment to Pakistan. In 1996, China helped Pakistan build an M-11 missile factory. In 1997, telemetry equipment to Iran.

In 1999, China supplied specialty steel, accelerometers, gyroscopes, and precision-grinding machinery to North Korea; a wind tunnel to Libya—on and on and on—the roughest nations on the face of the Earth in terms of their proliferation and dangerous activities. China consistently supplies them in violation of their own agreement.

In 1997, China ratified the Chemical Weapons Convention; however, they have violated it on numerous occasions.

In 1997, the PRC transferred chemical weapons technology and equipment to Iran.

In 1998, the PRC entities sold 500 tons of phosphorus materials, which is controlled by the Australia Group, to Iran—and on and on and on and on.

We cannot turn a blind eye to this. We can trade even with people with whom we have strong disagreements. We can trade with China. But can we really address a trade issue with them and envelop them into a new understanding with trade, from which we believe we will get some economic benefit, without telling them that they cannot continue to make this world a dangerous place? And it is the United States of America that is going to be most vulnerable to this; Belgium and France, with all due respect, are not going to be the primary targets of these rogue nations if and when they get the ability to hit foreign nations. It is going to be the blackmail that they will try against us.

What if Saddam Hussein had this capability in the gulf war? Do we really think it would have turned out the way it did? How much activity will breach the tolerance level of the Senate when it comes to the Chinese? We do not have to jeopardize trade with China. We must have some measures to get their attention.

What our bill does, when all is said and done, is provide a report on those proliferation activities and provide the President the opportunity to do something about it. It makes it a little more difficult for him to turn a blind eye to these proliferation activities because if he does not do something about it, he has to tell Congress why.

It also provides that if Congress feels strongly enough about it—if enough

people sign up—we can actually take a vote on the President's decision.

That is what it boils down to. We have had people come to this floor and say: If we pass this amendment, these unilateral mandatory sanctions, the sky will absolutely fall. It will mess up everything. It will make the Chinese mad. We might lose trade.

No. 1, even if all those things happened, I ask, what is the primary obligation of this body? To protect ourselves from these problems and trying to address them or not? But these things are not going to happen because we already have laws on the books that are unilateral sanctions that this body has voted for oftentimes without a dissenting vote, time and time again, to impose sanctions on various entities for various reasons. Perhaps we have done too much in some respects. Perhaps we have not done enough in others. But there are numerous laws on the books.

What our amendment does is provide for a more extensive report and provide for congressional input, as I have said. But in terms of sanctions, it is right along the lines of what we have done on numerous occasions. It is only when it comes to China, it is only when we identify China that everyone comes rushing to the floor saying: My goodness, we can't do this; Our allies will be against us; China will be against us; It will upset Russia; It will be a bad example to the world, and all of that. It is only when someone thinks that we are complicating the China trade deal that all of these concerns come to the fore. We can do better than that.

People say we need hearings, that no committee of jurisdiction has had hearings. My committee, the committee I chair, is a committee of jurisdiction. We have had 30 hearings on the issue of proliferation. There have been 60-some-odd hearings on the issue of proliferation.

Some people say: THOMPSON's committee has had several drafts. They keep coming up with different drafts. That is true because we keep trying to satisfy the critics who do not want to do anything to irritate the Chinese Government.

They have said: You identified China specifically. We broadened it to include Russia and North Korea because they are also major suppliers.

They say: You do not give the President enough discretion. Now we give him almost total discretion. He has to make a determination before anything happens.

They say: You are going to hurt farmers or small businessmen. We specifically eliminated any potential involvement of farmers or small businesses.

Some people say: Farmers still don't like it because if we are mean to the Chinese Government, they might retaliate, and it might be against farmers. Not my farmers in Tennessee. I think if my farmers in Tennessee had a choice between us responding respon-

sibly to this irresponsible behavior on the part of the Chinese Government and risking their getting mad, and in some way affecting them in some export that they might have, they would be willing to take that chance. The farmers are not involved in this.

Some said that any Member of Congress could force a vote to override the President. So we made it so it had to be 20 Members of Congress.

Yes, there have been several reiterations of this bill because we have been trying to answer the reasonable complaints.

What it boils down to is that not all of these various complaints are the reason for the opposition. My opinion is that the root of it is a genuine desire not to irritate the Chinese Government at a time we are trying to enter into a new trading relationship with them.

Generally speaking, I think that is a laudatory idea. I cannot complain about that as a general rule. But these are not times to apply the general rules. These are extraordinary circumstances. We have been getting reports on what they have been doing for years now and have not done anything about it.

Now we are about to enter into a new trade relationship which they want desperately. They have a favorable trade balance with this Nation of \$69 billion. They are not going to turn their back on that. They want this.

If we do not have the wherewithal to raise the issue of the fact that they are making this a more dangerous world and threatening our country now, when are we going to do it?

A Senator actually said yesterday that one of the problems he had with this bill, in light of the nuclear proliferation that we are dealing with, is that this report will be too onerous, this report which we are requiring on these activities will be too voluminous for our intelligence. Why would it be so voluminous? I agree with him. It would be. Why? Because of all of the proliferation that is going on. Do we not want to know about it because it is too voluminous?

I suggest that we get serious about this. Some complained that we might catch up some innocent Chinese company, where there is credible evidence that they are selling these dangerous weapons, but they may later prove to be innocent. That is not a major problem is all I have to say.

If I have to come down on the side of doing something to address this problem or running the risk that we may for a period of time unjustly accuse a Chinese company and, therefore, cut off military exports to them, I am willing to run that risk.

Others say we have to give engagement a chance. One of the most distinguished Senators ever to serve in this body spoke a little while ago, someone I respect tremendously, the senior Senator from New York. He talked about the fact that Jiang Zemin met with our President last Friday at the Waldorf-

Astoria in New York. He also mentioned the fact that he met with American businessmen, and it was a good thing for the leader of the Chinese Government to be meeting and talking with American businessmen. I think, generally speaking, that is true. But we have to consider the context in which this happened.

According to the New York Times story the next day, that luncheon meeting with America's top business executives was to declare that China was plugging into the New World. Jiang Zemin said: We have over 18 million citizens, more than 27,000 World Wide Web sites, over 70,000 Chinese domain names, and 61 million mobile phones in China.

It goes on to say what he did not mention: China's recent efforts to crack down on the use of the Internet for the spread of dissenting opinions in China. Mr. Clinton said that he never broached the subject.

It went on to say that President Clinton brought up the proliferation which we all know, and they admit that we know, they were doing and asked him to do something about it.

He smiled and wished the President well in his retirement and thanked the President for his assistance with regard to getting China into WTO—smiled and went on, knowing there would be no repercussions.

We have sent three delegations to China this year beseeching them, on the eve of this PNTR vote, to stop some of their activities. According to our own people who were there in the meetings, they were told by the Chinese Government officials that they intended to continue their policies with regard to weapons of mass destruction unless we backed off on our missile defense system and our positions on Taiwan.

You have to give the leadership of the Communist Chinese Government credit for being up front about it. They are doing it and telling us they are going to continue to do it. We are over here worried about whether or not to upset them because it might cost us some trade or it might in some way be counterproductive and we need to exercise diplomacy.

What has diplomacy gotten us so far? They say: Unilateral sanctions never work; we need to get our allies together. What have we been able to get our allies together on in the last several years? When you can't get multilateral action on something that is dangerous to your country, what do you do, go home? We can't get a U.N. resolution to criticize China's behavior with regard to human rights. We can't get our European friends to let us send them bananas. Yet we are supposed to sit back, in light of this nuclear and biological and chemical threat to our Nation, until we can get all of our allies together to do it at once. Otherwise, it would be ineffective and somebody might be critical of us?

Some say Chairman Greenspan thinks our provision that allows the

President to cut some of these companies out of our capital markets is a bad idea. What we did is list one option. The President has this authority anyway, but I think it has a salutary effect to have it listed up front, telling the world this is what we intend on doing as a possibility. One of the options the President has, when he catches these folks doing this and he makes a determination—or when it comes to a country, in his complete discretion, one of the options he has is to tell the companies that are in our capital markets in the New York Stock Exchange that they can't be raising any more money.

The Deutch Commission, comprised of distinguished Americans, told us one of the things that is happening to us—and the American people ought to know about it—is that proliferating companies under the control of the Chinese Government are raising billions of dollars on the New York Stock Exchange from American citizens who don't know what they are doing. The Deutch Commission suggested the capital markets are among a wide range of economic levers we could use as carrots or sticks as part of an overall strategy to combat proliferation. That is from this thoughtful commission of experts in this area. How many Americans know that these companies are raising billions of dollars on the New York Stock Exchange? That is an option the President could or could not use as he sees fit.

Some of my colleagues—in fact, all of my colleagues—who oppose this amendment have quoted Mr. Greenspan, Chairman of the Federal Reserve. He was in the Banking Committee. I am not sure what the subject was. I can assure you it was not nuclear proliferation. Opponents of my amendment asked him this specific question: Basically, do you oppose the idea of cutting people out of our capital markets? He said, no, he thought that was not a good idea generally, and went on to explain why.

I have a couple of comments about that. This is not a capital market issue, this is a proliferation issue. I have extreme respect for Chairman Greenspan, but I would not ask a proliferation expert whether or not he thought interest rates ought to be raised. I don't think Chairman Greenspan would claim to be an expert on the nature of the problem this country faces and what we should do about it.

As a general proposition, I agree with him. I think we ought to be expanding all of our markets, including our capital markets. But on an occasion, if we catch a company and our intelligence agencies come forth and say there is credible evidence that this company just sold missile capabilities to Libya, and we have caught them, we have the intelligence on it, the President looks at it, makes his own evaluation and says, yes, I believe it is true. I hereby make that determination, and this same company is listed on the New

York Stock Exchange, should we not do something about that, raising money from the very American citizens who would be targeted potentially by a Libya?

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired.

Mr. THOMPSON. I urge adoption of the amendment, Mr. President. I thank the Chair and my chairman, Senator ROTH, for their indulgence.

I yield the floor.

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. ROTH assumed the Chair.

Mr. ROBERTS. 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. ROBERTS. Mr. President, I am going to be speaking on the PNTR issue. From the time allotted, I yield myself 15 minutes.

The pending business is the Byrd amendment, but I was intensely interested in the comments and remarks by my good friend and colleague, Senator THOMPSON.

I thought now would be an appropriate time to urge my colleagues to oppose the China nonproliferation act—that is how the act is described—offered as an amendment to the legislation. But, again, I want to point out to my good friend and distinguished colleague from Tennessee that as a member of the Senate Intelligence Committee, and as chairman of the Armed Services Subcommittee on Emerging Threats, I speak with at least some understanding on this very serious subject of the proliferation of weapons of mass destruction. The fact is the distinguished majority leader has appointed Senator BOB BENNETT to be on the task force, as well as Senator THOMPSON, myself, Senator KYL, and Senator GREGG on this very issue.

More especially, in regard to the threat of terrorism, which is a very serious threat, among its many duties the Emerging Threat Subcommittee is responsible for congressional oversight of programs called the Nunn-Lugar cooperative threat reduction programs. They annually authorize the use of Defense Department funds—the fact is we are right in the middle of the defense authorization bill—to assist with the safe and secure transportation, storage, and dismantlement of nuclear, chemical, and other weapons of the former Soviet Union. We would hope we could do similar activities with the other nations concerned more specifically mentioned by my distinguished colleague.

In that enterprise, I have spent countless hours in committee methodically and hopefully meticulously debating these issues. This is a very important issue to me.

As the Senator pointed out, our first obligation is our national security. Our first obligation as Senators is to do what we can to safeguard our national security. There is no question about that.

As the distinguished Senator and, I guess, all of my colleagues, I have very serious concerns about China. I have no illusions about China. They are spreading, as he has indicated, weapons of mass destruction technology all around the world, more specifically to nations of concern. But I don't think this is the reason to erect what we call trade barriers, which is exactly what I think this amendment will do. Quite the opposite. It seems to me we should really reject this amendment because trade, on the other hand, has a stabilizing effect on international relations. The more that two nations trade and invest in regard to the economics of both countries and each other, the less likely it is that they will engage in any kind of military conflict.

Let me spend a few moments explaining to my colleagues why I think this amendment, which requires the President to once again impose sanctions on China, would be counterproductive.

First, again, I don't know how many times we have to say this on the floor. I have had the privilege of being in public service in the other body since 1980, and, as a matter of fact, I was working as a staff member 10 or 12 years prior to that time. In speech after speech after speech, primarily involved with agriculture, we have tried to point out that unilateral sanctions simply don't work as a foreign policy tool. Study after study by respected foreign policy experts and economists, academics, not to mention the farmer who has gone through this I don't know how many times, all agree that unilateral sanctions are overused; that they are ineffective and counterproductive. I know that they send a message.

I know from the intervention standpoint the sanctions we have on approximately 71 countries around the world send a very strong perception. We have them on almost virtually everything that we are worried about. But unilateral sanctions do little to change the behavior of the offending country. Yet they put American businesses and American workers and farmers at a huge competitive disadvantage.

I remember so well the 1980 embargo by President Carter. The Russians had invaded Afghanistan—something we all disagreed with without question and viewed as a great tragedy. I remember that the United States canceled the Olympics. At that time, President Carter said no more grain sales to Russia. Not one Russian troop left Afghanistan. And, yet, in terms of contract sanctity and our trade policy, our export policy was like shattered glass. I tell you who paid the price. It wasn't Russia. The fact is they were becoming more dependent on our food supply,

and the Russian people were demanding more in that regard because of a higher protein diet.

It was the Kansas wheat farmer and farmers all over this country. Our export policy suffered for years afterwards. It took us 2 years after that to get any contract sanctity. The price of wheat at the country elevator in Dodge City, KS, went from \$5 down to about \$2. Boy, did we feel good, except that Vietnam veteran who went out there to harvest his field and who had a good crop all of a sudden found it diminished in value and price. He was wondering and scratching his head: Wait a minute, these sanctions are not helping quite the way I thought they would.

I am saying again that sanctions simply don't work as a foreign policy tool. Unilateral sanctions are often used as an easy substitute for the harder work of finding more effective and long-term responses to foreign policy problems. They create the false impression that these problems have been solved. We need to take, it seems to me, a harder look at alternatives such as multilateral pressure and more effective U.S. diplomacy.

The Senator from Tennessee indicated what time we had in regard to multilateral pressure in regard to China. He makes one excellent point: We have not been successful to the degree that we should have been.

More effective U.S. diplomacy. Let's see, 18 months ago, or 2 years ago, we were going ahead with this trade agreement. We worked on it for years. All of a sudden, it was pulled back. Then we got into a conflict in regard to Kosovo. We had the unfortunate incident of the Belgrade bombing. I am going to be very frank. This is after about six times of drawing lines in the sand in regard to Bosnia and Kosovo, the Balkans, and the former Yugoslavia.

It seems to me that our word in regard to standing firm with what we would do in reference to foreign policy objectives would go a long way in convincing the Chinese, more especially the hard liners and the Communists in that country, that we mean what we say. It seems to me that a clear and rational and defined foreign policy of the United States where we define precisely what our U.S. vital national security interests are and make that very clear to the Chinese would go a long way to helping this matter rather than sanctions.

Let me point out that unilateral economic sanctions almost never help the people we want to help and almost always fail to bring about the actions that we seek to promote. By acting alone, America only ensures that its responses are ineffective since the target country can always circumvent a U.S. unilateral sanction by working with one of our competitors. That certainly will be the case and would be the case with regard to China. Unilateral sanctions should be one of the last tools out of America's foreign policy toolbox—not the first.

Second, the China nonproliferation act requires the mandatory—I have it in caps, in a higher type case here, to underline it—imposition of sanctions rather than allowing the President the discretion in determining whether sanctions or some other response will promote our U.S. goal.

The measure requires the imposition of the full complement of U.S. sanctions for even minor infractions instead of mandating a predetermined one-size-fits-all response. It seems to me that history and prudence tells us that the President's hands should not be tied. Flexibility is a must when dealing with sensitive foreign policy issues.

The thought occurs to me that if we are unhappy about the President not using all the venues, all of the opportunities, and all of the various means at his disposal to send strong messages to China in regard to this specific issue, we might want to quarrel with the policies and the recommendations and the actions of the President—not impose more unilateral mandatory sanctions that, quite frankly, might be followed up by more wrong-headed policy decisions, say, by the Executive.

First, this amendment is redundant. A substantial body of law already exists in regard to governing the real proliferation of weapons. The President already has authority to adequately respond and report to the Congress on this issue, on this concern, which is real, about China and other nations. Examples include the Arms Export Control Act. I know the criticism will be; we haven't done that. Let's get back to the people who are implementing the policy. It is certainly not the alternative that is there.

Second, the International Emergency Economic Powers Act.

Third, the Nuclear Proliferation Prevention Act. All those are on the books.

Fourth, the Export Administration Act.

Fifth, the Export-Import Bank Act.

And many others too numerous to list. You can go on and on.

Let's utilize and enforce the laws already on the books instead of hastily creating new statutes without properly studying the issue in the committee process, although, the Senator from Tennessee has spent many long hours on this subject area. I truly appreciate that.

Finally, it seems to me we must defeat this amendment because of the obvious: Its success will kill the effort to achieve trade concessions with China. It will kill the PNTR. My former House colleagues have assured me. I know it is easy to say let's pass it and see. In my view, in talking with people on both sides of the aisle on this issue, from the Speaker to the rank-and-file Members of the House, this is a killer amendment.

I also know the Senator from Tennessee has tried for a free-standing amendment. I understand that. That is

a different matter. But tied to this particular effort, it represents the death of I don't know how many years of work in regard to PNTR. I think Senators must understand a vote for this amendment, or any amendment, serves ultimately as a vote against PNTR.

It will be a tough vote for many of my colleagues simply because, as the Senator has pointed out, that is our first obligation. That is why we are here. It is such a serious issue.

I am much more discouraged by the thought of explaining to the American people why we failed to rise to the occasion and remain economically and diplomatically engaged with one-fifth of the world's population. I think that course of action would help us in regard to our national security.

I took some notes while I had the privilege of being the acting Presiding Officer, and perhaps this will be a little redundant. Hopefully, it will be helpful. Senator THOMPSON said the reason he has introduced the amendment, he has told all of us—especially those privileged to serve on the Senate Intelligence Committee, Senate Armed Services Committee, bipartisan commission, and virtually all Members of the intelligence community—that we have a problem here in regard to the real, certain spread of weapons of mass destruction and selling these weapons to rogue nations. We don't call them rogue nations anymore; we call them nations of concern. I am not too sure what the difference is. We all know who they are.

The Senator from Tennessee is exactly right. He says the problem is getting worse. He refers to Pakistan and says, What do we do about it? Then he says the Chinese have violated virtually all the agreements we have entered into with them prior to this date. I am not sure they have violated each and every one, but obviously we have not reached the progress we would like to reach with the Chinese.

He says, How on Earth can we claim the need for a national missile defense when these adversaries are causing the proliferation of weapons of mass destruction?

Excellent point.

Then he indicated that he could read a considerable amount of the intelligence reports—the itemized situation there in regard to the nations of concern and the spread of weapons of mass destruction.

That is true. But my question is, How can killing trade answer that challenge? How can killing this bill answer that challenge from a practical standpoint? With our competitors all over the world and the concessions we have arranged for in this trade bill, how can taking those sales away from American businesses, American farmers, and American ranchers help this situation? I don't understand that. I understand the means, but I don't understand the end.

If nothing else happens, China will become a member of the WTO and one-

fifth of the world's population will be a market to all the rest of the population, except the United States, and our competitors will take those markets. Kansas sales will not go to China; they will go to our competitors. I don't understand how that affects the Chinese decision in regard to these matters of grave national concern.

Will the Chinese change their military policy? I doubt it. I have no illusions. I share the Senator's concerns about Taiwan. I have been to Taiwan several times. I share the concern in regard to human rights. I share the concern, as I have indicated, about the spread of weapons of mass destruction. I sit on those subcommittees. I am worried about the espionage.

I worried a great deal 2 years ago when the distinguished Senator from Tennessee led the effort to have a little transparency, to shine the light of truth into darkness in regard to the campaign contribution violations involving China. He was stymied in that effort—we won't go into that—and tried very hard to reach a logical conclusion.

The Senator mentioned it is our primary obligation in regard to national security. I agree. But it seems to me, again, a partial answer is a clear foreign policy.

I am very hopeful with a change of administration we can achieve that, so that the Chinese fully understand what is acceptable and what isn't in regard to our national interests. It is not only China; it is all nations of concern. As a matter of fact, this administration has already announced we have exempted food and medicine sanctions in reference to all these nations of concern. They have not gone ahead and said that we can compete with our competitors and use our export credit programs, which is another step. Right now, with Iran we are trying to work this out as best we can. Obviously, we have a lot of concerns about the nation of Iran.

So it involves all of the nations. The same thing with Cuba. You can make the same argument with Cuba, except obviously Cuba today does not pose a national security threat. We hear the same arguments with regard to sanctions.

Trade is not a productive way to achieve foreign and military policy goals. I mentioned the Carter embargo. I will not go back over that. The issue is in regard to all of the reports. Send strong signals. We should be willing to take a strong stand. We should be able to draw a line in the sand and have reasonable policy discussions with the Chinese.

If we don't have that kind of engagement with the current leadership in regard to trade, to whom does it turn over the decisionmaking? Who gains ascendancy if we kill PNTR? I will tell you who it is: It is the two generals who wrote the book on how they can gain supremacy with the United States by the year 2020. I haven't read all the

book, but I read a portion of it. It is a chilling book. Equal superpower status with the United States. I think they probably wrote the last chapter after we were involved in the bombing of the embassy in Belgrade because they worry about NATO going outside of its boundaries and taking action like this. I think that crosses the T's and dots the I's. I am not saying that was a one-for-one cause, but I think that certainly was the case. If we don't remain engaged with trade, it will turn that decisionmaking over to those very people.

Let's say we pass the Thompson amendment, the House doesn't take the bill up, and PNTR is dead. We sure showed them. We showed them. Basically, the Chinese hardliners will gain ascendancy, the Chinese will buy some Ericsson cell phones, and the Chinese will buy French wheat and the Airbus aircraft. The President will still have the options he should be using right now to convince the Chinese we ought to be making progress on this, but we won't be trading with Chinese. It seems to me that is the question.

I thank Senator THOMPSON for making this such an issue of concern and having what I think has been excellent dialog and debate. I share his concern about the national security risk this poses. I do think this is the wrong way to get it done. I think this is a killer amendment. It is as simple as that. We have come far too far in our efforts to engage the Chinese with trade and, yes, with a serious national policy dialog with regard to our national security, to go down this road.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I ask unanimous consent I may have 10 minutes.

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

Mr. THOMPSON. Mr. President, I thank my colleague from Kansas for the level of his debate. This is a good discussion. This is what we ought to be doing. This is what we should have been doing for some time now. These are legitimate problems and legitimate disagreements.

But let me disagree with my good friend on a couple of very important points. The trade we talk about here, the only trade that would be stopped by my amendment, is trade that is already prohibited in other legislation. It is trade that is basically on the munitions list; that is, armaments and things of that nature, munitions and dual-use items. Under the Export Administration Act, if these entities are caught proliferating, it is already required that we stop that. We are certainly not arguing, are we, that the President should not enforce that law? It is already on the books. The worst that can be said about ours is that it is duplicative.

I have had a lot worse things said about things that I have done than that I have been duplicative. I hardly

think that is a major problem, in light of the fact there are additional items in our bill which help which are not on the books now.

But in terms of the trade that we would be losing, if that is the case, we would be losing it now if the President was applying the law the way he is supposed to apply the law. It is already on the books. Suppose it was not. Do we really want to be sending munitions list items and dual-use items to companies we find are proliferating? Can't we stand to lose that trade? We are not talking about Kansas farmers. We are not talking about Tennessee farmers. We are talking about those folks in this country—if you are in the business that would be affected by the munitions or the dual-use items that have either domestic or military capability, you would be affected if the President decided he wanted to go that route. That is the limitation. I think it is over \$1 billion a year in exports that we have in a \$9 trillion economy. Can't we afford that in light of this threat? Can't we afford that?

My friends on the other side say this is a killer amendment. Let's analyze that for a minute. I submit to you that is not the case. It is being used, but it is not the case.

The House of Representatives passed PNTR by about a 40-vote margin—more than anybody thought. All of us in this body have had a chance to express ourselves, and the votes are overwhelming here. The support and the leadership in the House is solid. You cannot stir with a stick the lobbyists in support of it around this town. The fight is over. We are going to have PNTR. The idea that we would send it back to the House with a proliferation amendment on it and people will say, "My goodness, we are trying to do something about Chinese proliferation. We can't have that. I voted for it before but I am going to change my vote now and vote against it," is ludicrous.

People say: Who is going to change their vote? With that 40-vote margin, who is going to change? Is it going to be the Republicans because we added a proliferation amendment? Of course not. Is it going to be the Democrats because the labor unions are pressuring them? When the Democrats are so close to taking back control of the House? When the labor unions have already lost this PNTR battle, and they know it, they are going to put their members in that kind of position so they can go into the election with a vote for it and a vote against?

With all due respect, that is not going to happen. If we add a proliferation amendment and do what we should have been doing a long time ago—and say we are just going to ask for a report, and if we catch you, we are going to give our President the clear option to do something about it or, if he does not, he is going to have to tell us why—if it went back to the House, it would be ratified within 24 hours and that would be the end of it.

We are not going to know until it happens. If we are so intent on avoiding what I consider to be a minute risk that we will turn a blind eye to what is going on because we are so intent on this trade agreement that we cannot even do the minimal of requiring an additional report, requiring some additional congressional involvement and making it a little tougher for the President to game the system—the way, quite frankly, this President has—then we have bigger troubles than I think we have.

How can this help? My friends ask: How can this help? I will ask a question. Why is the PRC so against this amendment? Is it because it is ineffective or duplicative? They are against this amendment because they don't want the additional attention on their activities. They don't want the President to have it highlighted that he has this discretion and has to give a reason why he does not take action. They think it will be effective. I think it will be effective. I think it will have an effect on them where they will think at least one more time before they do something that they know is going to be another major debate on this floor. That is my belief.

My friend makes a good point with regard to the issue of sanctions in general. That has been the source of a great debate for a long time. He makes some good points. But I reiterate: Sanctions are not sanctions are not sanctions. There are different kinds of sanctions. We can't lump all sanctions in one group. There are sanctions that differ in terms of the targeted country. There are sanctions that differ in terms of the activity that is going to be addressed. There are sanctions that are different in terms of the commodities or goods on which you are placing some limitation. We have had sanctions that have dealt with agriculture, as he points out. They have dealt with goods in general in times past. What we are dealing with here basically is munitions and dual-use items. Should we not stop that, if we catch these companies proliferating weapons of mass destruction?

Over the years when the U.S. has been serious about implementing measures to signal our displeasure with a foreign government's actions, these measures have had an effect. For example, U.S. economic pressure in the late 1980s and early 1990 led to China's accession to the Nuclear Non-Proliferation Treaty in 1992. In June of 1991, the Bush administration applied sanctions against the PRC for missile technology transfers to Pakistan.

They have been doing this for a long time, folks. These measures led to China's commitment 5 months later to abide by the Missile Technology Control Regime. They systematically violate it, but perhaps, hopefully, not as much as if they had not even agreed to abide by it.

In August of 1993, the Clinton administration imposed sanctions on the

PRC for the sale of M-11 missile equipment to Pakistan in violation of the Missile Technology Control Regime. Over a year later, Beijing backed down by agreeing not to export ground-to-ground missiles if sanctions were lifted. They entered into this agreement in order to get sanctions lifted. I wonder why they wanted those sanctions lifted—because they were having no effect? And that occurred in 1994.

Some of these examples were provided to me by Sandy Berger, the National Security Adviser, to illustrate how unilateral sanctions and/or the threat of sanctions have been effective when dealing with the PRC in the past.

The President's security adviser opposes my amendment because he doesn't want any complications to PNTR. We respectfully disagree with that. We certainly disagree over the extent to which they have attempted to do something about China's activities, but they have, on occasion, taken some action. He cites these particular instances when they have taken action, and he acknowledged they had some effect.

So we cannot have it both ways. We cannot lump all this together and say sanctions are bad, period, forever, regardless. We can't say, "Let's not tie the President's hands," when all of this is discretionary. He has to make a determination. I do not know how many times I have to repeat this. We are not tying the President's hands. He can do it if he wants to and he doesn't have to do it if he doesn't want to. That is not tying the President's hands. We are not talking about agriculture or any other general goods. We are talking about dual-use items.

So we have a legitimate debate here. Some think we should go ahead and pass PNTR and have no amendment strategy.

The PRESIDING OFFICER (Mr. ROBERTS). The time requested by the distinguished and articulate Senator from Tennessee has expired.

Mr. THOMPSON. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection? The chair hears none. The distinguished Senator is recognized.

Mr. THOMPSON. Legitimate debate. Some think we ought to pass this: No complications, no amendments, no muss, no fuss; worry about this later.

If not now, when? I thank the Chair and relinquish the floor.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I want to take a couple of moments. I already mentioned my concerns about the Thompson amendment, but I have to say it is interesting that the Senator is curious as to why there are objections to this amendment. He ought to recall that the Senate has already rejected three or four amendments for the same reason, and that is, we want to send a clean bill to the President.

The idea that his is being rejected because of certain things is just not the

case. There is a notion here that this bill ought to be sent, right or wrong. I happen to think that he is exactly right. There is also the implication that if you do not agree with this amendment, you do not care about these things. That is not true, either. We do separate things. There are seven or eight bills now in place.

The Senator says we are not going to tie the President's hands and then on the other hand says this is going to force the President to do something. We need to get it clear.

I wanted to make the point that there is no evidence that people do not care about these things. They do, indeed. There is a belief that these issues ought to be separated and we ought to deal with PNTR and then deal with the other issue. We should not think this is going to cause the President to do a number of things when we already have in place at least seven laws that are not being adhered to.

Those are the things on which I wanted to be clear. I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The distinguished Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to speak on the underlying bill as in morning business so as not to take time away from the Byrd amendment.

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

Mr. SMITH of New Hampshire. Mr. President, yesterday and today we heard my distinguished colleague, Senator THOMPSON, speak eloquently on the whole issue of the Chinese non-proliferation amendment. It is interesting that no one in the Senate wants to give us the opportunity to amend the legislation for fear somehow it might mess it up. On the other hand, it did not bother the House. They amended HR 444 and sent it over here, and I believe the Senate has a responsibility to do likewise. Frankly, I believe we have that right to offer amendments, such as the Thompson amendment, whether I agree or disagree with it. I believe people ought to vote on those amendments based on how they feel about it.

This is a very important issue. Permanent meant permanent when I went to school. When you say "permanent normal trade relations with China," permanent means permanent. I am going to touch on a number of issues, including the subject Senator THOMPSON has spoken so eloquently on over the past couple of days, but there are many other issues one might want to stop and have serious reflections on whether or not this is really what we want to do.

To the leader's credit, he has given us ample opportunity to have these debates. As Senator THOMPSON just said, one gets the feeling that it is a foregone conclusion; that we are wasting our time; we are basically taking the Senate's time for no apparent reason;

that it is already in the cards; that everybody is for permanent normal trade relations; we do not have to worry; we are just wasting time.

We waste a lot of time around here. I suppose we can say some of the greatest debates of all time have taken place in this Chamber. If it is a waste of time, so be it, but I believe these comments should be made, and I believe they ought to be considered. If people want to vote against the Thompson amendment, a Smith amendment, or other amendments, they have every right to do so. If they want to say proliferation matters, then they have a right to do so, and they will have a right to vote.

I applaud Senator THOMPSON for adding this amendment to the PNTR debate. He has been involved in the committee investigating some of these matters. He is able. He knows about these issues. It would be a shame if the Senate did not heed what he has advised them to consider.

I believe one of the greatest threats to the U.S. today is China's proliferation of weapons of mass destruction—nuclear, chemical, and biological, all three—and the means to deploy them; not just produce them, but have the mechanism to deploy them. We do not know whether they have the will or the desire. We do not deal with will and desire. What we deal with is capability.

This is a fact. This is not opinion, as Senator THOMPSON has pointed out. It is a fact that the proliferation of weapons of mass destruction—biological, chemical and nuclear—are occurring today by the Chinese. It is a fact. Despite words to the contrary, China continues to transfer technology to Pakistan, Iran, North Korea, and Libya. One can say: Fine, I do not care; it is more important to sell my agricultural products to China than it is to worry about proliferation of nuclear and missile technology.

That is fine if that is your opinion, but do not come to the floor and say that it is not happening because it is happening. This technology is being transferred to North Korea, to Libya, to Iran, and to Pakistan. It is happening, and that is a fact. One can say: Fine, I don't care about that; we will go ahead and feed the people who are doing it, but it is a fact that this technology is being transferred.

The Director of Central Intelligence reported on August 9 that China remains a "key supplier," his words, of these technologies, particularly missile or chemical technology transfers. Some of these transfers have raised questions about violations of the Non-Proliferation Treaty which China signed and contradictions to the Missile Technology Control Regime which China promised to abide by, and U.S. laws, violations which may require sanctions.

China has not joined some of the international nonproliferation groups. The Clinton-Gore administration policy of "comprehensive engagement"

with Beijing seeking to improve bilateral relations has failed. It is time for a tougher approach to advance U.S. nonproliferation interests.

This is not about coming out here and beating up on a country. The facts are the facts. They threatened Taiwan. They have threatened us if we interfere with them threatening Taiwan. They have actively engaged in seeking to control the Long Beach naval shipyard, the Panama Canal, and other regions in the Caribbean, and yet we are supposed to stand by and ignore this threat, all of it in the name of free trade.

Not only are we supposed to ignore it, we are not even supposed to have a vote on it; we are just wasting the Senate's time to point out that this is happening in the world today.

Maybe Senators have made up their minds, but I want to speak to the American people because, frankly, I am not sure the American people have made up their minds on this issue. Maybe they need to know.

I ask you: If you are a parent with a 17- 18- 19-year-old son or daughter—I have one 21 and one 18—whether or not you feel safe in providing this country of China with permanent normal trade relations; that is, giving them the best opportunities we can to trade with them and you are not worried about the fact that they are spreading weapons of mass destruction all over the world. If you are not, then I think you should sit silently and say to yourself: I am going to get my way; the Senators are going to vote the way I want them to vote. But if you are not satisfied, then you ought to let your Senators know because we are going to have a vote on this in the very near future.

Many in this body are adamantly opposed to amending this trade legislation. They argue that trade and national security concerns are not connected. We should go ahead and trade with China. We open up our country. We open up the dialog. We open up debate and just ignore all the other issues. Proliferation, human rights abuses, religious persecution, and all the other issues I plan to speak about will take care of itself. Don't worry about China. They will not hurt us. Don't worry about it. Just keep trading with them and provide more assistance.

No one is talking about ignoring 1 billion-plus people in the world. That is not what this debate is about. No one proposes to ignore them. I do not propose to ignore them. No one proposes to not talk with them or not to have relations with them. That is not what we are talking about.

What we are talking about is permanently establishing these normal trade relations, which gives them benefits that American companies do not even have and American citizens do not have. So if you want people who are trying to spread weapons of mass destruction all over the world—chemical, biological, and nuclear—to have better

situations—their companies don't have to abide by environmental standards; they put people in slave labor in the textile mills, or whatever, for 50 cents a day—if that does not bother you, then fine, don't call your Senators and tell them. Leave it alone. They are going to vote your way. But if it does bother you, you may want to speak up.

This amendment, the Thompson amendment, is very relevant. People should be heard on it. Every Senator should be heard on it.

The Chinese Government realizes we are willing to abdicate our national security concerns to gain access to their meager markets at all costs. You think the Chinese are not watching this debate? You think they don't know what is going on? Here is what they are hearing: You know what. These guys will do anything to get our business. They will do anything to get our business. They will let us go ahead and spread weapons of mass destruction all over the world. They don't care about that. The United States will let us move into Panama and threaten the people of Taiwan as long as we can buy their corn and their wheat. Man, that is a good deal for us.

Boy, I will bet they are laughing in Beijing right now at this debate. But I will tell you what. If it ever comes, God forbid, to a conflict in the future, if you have a son or a daughter in that conflict, you are not going to be laughing. That is the reality. That is the way life is.

Ronald Reagan stood firm against the Soviet Union; and it worked. When President Reagan told Gorbachev to tear the Berlin Wall down, he tore it down. We won the Cold War because we stood firm. We did not kowtow to the threats and the intimidation to sell products. Some wanted us to, but we didn't.

Leaders in China believe the actions of this body are a foregone conclusion—over and done. The Chinese have acted accordingly by continuing to proliferate nuclear and missile technology during this whole process. It is still going on, as is evident by the latest report from the Director of the CIA. They are still doing it. And we are still going to give them permanent normal trade relations.

Sometimes—and I have been on both sides of many issues; I have lost debates and I have won debates—sometimes you have to have the debate. You know what. I want history to judge me on what my position is on this issue. I hope to God that I never ever have to come back to the Senate floor and say: See, I told you so.

I hope tomorrow the Chinese all become democrats—little "d"—and we become one big, happy world family between the Chinese and the Americans. I hope that happens.

You know what, folks. Are you sure that is going to happen? Do you feel real good about that happening based on what is occurring right now as we speak? Spies spying, stealing our secrets, stealing the whole arsenal of our

weapons, and we are about to let the person who stole that—he is going to go free very shortly. We are the laughingstock of the world. Unbelievable. Yet we sit here—so many of us—without even uttering a whimper and criticize those of us who speak up and talk about it, criticize us for even offering amendments to try to stop it.

I commend Senator THOMPSON. I admire him. I respect him. I served with him on that committee when he did this investigation. I respect what he has done. He is right. History will judge him right. Those of us who stood up and spoke out, history will judge us right as well.

That is all that matters because when you stand up here, you can speak and you can vote. That is about it on the Senate floor. And sometimes you lose. But it doesn't mean you shouldn't be heard. It doesn't mean you are always wrong when you lose. It doesn't mean you are always right, either.

The recent release of the State Department's annual human rights report states that China's human rights record has worsened, not improved. Are these the actions of a country that we believe are going to curb their dismal record of missile and weapons of mass destruction proliferation, atrocious human rights violations, or honor their trade agreements signed with the United States?

Quite frankly, actions speak louder than words—a trite expression. China has not even attempted to clean up its act. As Congress has debated this issue this year, they have not even attempted to clean it up because they know what the result will be. They have known all along: Free and open trade, and reduced vigilance. Free trade will facilitate the proliferation of technologies and systems for weapons of mass destruction and the means to deploy them. Make no mistake about it. Free and open trade, permanent normal trade relations with the Chinese, will foster the ability of this nation, China, to send weapons of mass destruction around the world, and the means to deploy them. We should speak up on the Senate floor about it. Frankly, we should adopt the Thompson amendment. If that means it defeats PNTR, good.

The same technologies that create Chinese space threats to the U.S. also enhance Chinese capabilities. We in Congress should not stand by passively and watch that happen, either.

Voting against the Thompson amendment will send a green light to Red China to continue to destabilize regions already mired in centuries-old conflicts. China's proliferation activities have sparked a nuclear arms race on the Indian subcontinent and have assisted Iran's nuclear missile programs, not to mention Libya's desire to become a nuclear power—a very comforting thought. The Chinese are helping Libya, Mr. Qadhafi, to become a nuclear power. I am sure that will comfort everyone. Why not? Let's help

them. Let's feed them. Let's trade with them. Let's treat them as if they are a nice nation that does not do any of this; ignore it all, and let Libya be a nuclear power. That will be nice.

It is time that this body takes action. I urge Members to reconsider. Those of you who believe that THOMPSON is wrong, I urge you to reconsider that in the face of this debate.

It would seem that the main argument against these and every other amendment that is being offered is that since it was not in the House bill, as I said before, then we can't have it in the Senate bill. That, frankly, is an insult to all of us in the Senate. We have an obligation, as I said, to amend if we want to.

The proponents argue there can be no conference; that is, don't have the House and Senate sit down to work out any deal. That takes too much time. That is too much trouble. We just want to pass what the House sent over, even though they amended it.

Are the proponents suggesting that the Senate will not ask for any more conferences between now and the end of the session on any bill? Are we going to conference appropriations bills?

We do 13 conferences usually on appropriations bills. But we can't do a conference on permanent normal trade relations with China? That is the process. The process calls for conferences between the House and the Senates. Even if we conceded that it was too late for a conference, the suggestion that a conference is needed is totally inconsistent with our framework of government.

When we pass a bill, it does not go to conference. It goes to the House. We all know that. If the Senate—given the overwhelming support for PNTR in this body—approves some commonsense modifications, then those amendments would eagerly be accepted by the House. It would not be a big deal. If there is an argument over it, fine. We settle the argument, as we do in every conference.

So if we amend the bill, it goes to the House. It takes no time. The clerk engrosses the amendments and sends it over. We can pass an amended bill at lunchtime, have it passed in the House in time for the Members to be home for dinner; President Clinton wakes up in the morning, has a little breakfast, and signs the bill. Over and done with.

What is the big deal? We make things too complicated around here. Frankly, they are phony arguments, as if this conference is going to take decades to finish. We are going to finish the conference. The fact that we might add a couple of amendments, whether it is proliferation or anything else, to this bill and that it is going to delay the conference and somehow mess up PNTR is nonsense, total nonsense.

I taught history. I taught civics. I taught how a bill becomes law. I have been on conferences. I am on two right now, the Department of Defense and the Water Resources Development Act.

I can assure you, those bills are much larger and have many more time-consuming issues than this one. But I might ask you, are those bills any more important than this one? I don't think so. So why, then, are we conferring them and not wanting to conference here?

Some have argued that the annual debate over whether to renew this was counterproductive. I would argue that it served as one of the few constraints on Chinese behavior. The fact that we had this debate in the Senate is good. At least China knows there are some of us who are concerned about it.

If we yield permanent MFN on PNTR to China, then we forever relinquish one of the few tools we have to foster change in China, which is our agricultural leverage. Unfortunately, since 1989, when MFN was once again renewed despite the carnage at Tiananmen Square witnessed by the rest of the world, the Chinese came quickly to understand that the U.S. Government valued its trading relationship with China above all else. It is a fact; that is how they view it.

What is of greatest concern is that a majority in Congress, like the CEOs of many major companies, appear to be mesmerized by this mythical Chinese market and are willing to ignore the egregious conduct. China's conduct should have, at a minimum, postponed China's admittance in the WTO. It is the kind of conduct you cannot ignore. You cannot ignore the atrocities that are occurring in this country. We don't have to ignore it. We can pass amendments to PNTR that highlight those atrocities in an effort to leverage the Chinese to stop it. I will get into some of those in a moment.

We are familiar with the 1996 campaign finance scandal where millions of dollars were delivered from China through conduits in an attempt to buy the White House. It was a big embarrassment for our country. We know that China plundered nuclear secrets from our national labs and that in fact, according to our own intelligence agencies, Chinese agents continued to steal that technology in the United States, including from DOE labs. This is happening. Countless news articles have underscored China's dangerous proliferation of missile technology and weapons of mass destruction to rogue regimes all over the world. As I said, two Sovremenny-class destroyers equipped with Sunburn missiles, these missiles were specifically designed to defeat our Aegis system and our carrier battle groups. That is the specific purpose of this class of destroyers. This represents a great leap forward on the part of the Chinese Navy and a serious threat to the 7th fleet and our allies in the Pacific. Are we so blinded by trade and the lure of profits that we can't recognize the danger to our strategic vital interests? Are we that blind?

In Hong Kong, only recently turned over to the Chinese Government, news reports over the weekend indicated

that pollsters are being discouraged from reviewing information which shows the declining popularity of Hong Kong's Chief Executive. The Chinese Government has warned businessmen on Taiwan they cannot be pro-independence if they expect to do business with Beijing. The Chinese military on a regular basis truly speaks of invading Taiwan, and the proliferation of missiles aimed at Taiwan lends credibility to this threat. While the Clinton administration rewards Beijing with support for MFN and PNTR and has supported military-to-military exchanges with the People's Liberation Army, it has opposed the Taiwan Security Enhancement Act which seeks to bolster the capabilities of the degraded Taiwanese military and upgrade United States-Taiwan military relations.

Most recently and, frankly, most shamefully, the Clinton administration discouraged members of both parties of Congress from even meeting with the democratically elected leader of Taiwan. What an insult. I just don't understand it. We are going to give permanent normal trade relations to China, sell them our products and feed them, and we are not going to offend them by talking to the leader of Taiwan. We are the world's greatest superpower. The rest of the world, I hope, still views us as the land of liberty and the beacon of freedom. And we are afraid to offend China by talking to the leader of Taiwan? What must they think when the administration denies the freedom of assembly, that all Americans enjoy, to a visiting democratically elected dignitary? Think about that. What signal are we sending? Are we not rewarding the intelligence of the regime in Beijing by snubbing the duly elected leader of the Chinese democracy? It is un-American and it is inexplicable. It just can't be about money because, in fact, we sell more goods to Taiwan than we do to China.

So why are we doing it? If we sell more goods to China than we do to the People's Republic, why are we snubbing the leader of Taiwan? We won't even talk with him. What is it about this administration that makes it so eager to kowtow to Communist leaders?

It may not be an accident. I ask unanimous consent that this be submitted as part of the RECORD.

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

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES.

VOTE WITH AMERICA'S VETERANS ON MEMORIAL DAY—VOTE "NO" ON PNTR FOR CHINA

DEAR COLLEAGUE: This week the VFW, the Military Order of the Purple Heart and AMVETS, joined the American Legion, and several other veterans organizations in opposition to PNTR for China.

VETERANS ORGANIZATIONS OPPOSED TO PNTR  
FOR CHINA

Veterans of Foreign Wars, Military Order of the Purple Heart, AMVETS, The American Legion, United States Army Warrant Officers Association, Reserve Officers Association, Naval Reserve, and Fleet Reserve.

This vote is scheduled just a few days before Memorial Day, a day which honors our armed forces personnel who have given their lives for our freedom. We should heed the voices of our men and women in uniform and America's veterans who are asking us to vote no on PNTR for China.

Sincerely,

FRANK WOLF,  
Member of Congress.

Mr. SMITH of New Hampshire. This is from Congressman FRANK WOLF, which is a listing of the organizations opposed to PNTR. It is not an accident that most of the veterans organizations are opposed. They are the folks who have sacrificed. The Legion, Veterans of Foreign Wars, Naval Reserve, Fleet Reserve, Amvets, Order of the Purple Hearts; these are the guys who paid the price. They are not for PNTR. They have a right to talk. They have a right to be heard. They have a right to this debate occurring. They have a right to say to those folks who say let's not debate this, let's just pass it: Sorry, we paid the price; we paid the price to have this debate, and we should have this debate.

I am standing up for the American Legion and the Veterans of Foreign Wars and the Military Order of the Purple Heart and others. I am proud to do it. They are right. They have been right before. They have been right in the past and they are right now.

I conclude on six very brief amendments I have already offered but didn't get an opportunity to speak on the other day because of time constraints.

There is a commission that is created under this permanent normal trade relations bill to monitor certain levels of Chinese cooperation. One of the amendments I introduced last week was called the POW-MIA amendment. The purpose is to monitor the level of Chinese cooperation on the POW-MIA issue and to pass this information on to the American people as part of an annual report the commission will issue. All I am asking is that this be part of the commission's report, that we do a study on this, put it into the report. That is all the amendment is.

I have been a longtime advocate of the POW issue. I believe the U.S. Government should make every effort to account for its missing servicemen in our Nation's conflicts, all of them. I am sure my colleagues would agree that we have a solemn obligation to these brave men and women and their families. There are over 10,000 accounted for American soldiers, airmen, and marines from the North Korean, Vietnam, and cold wars. The fate of many of these Americans, especially from the Korean war, could be easily clarified and determined by the People's Republic of China.

I have written to the People's Republic of China. They have basically ignored my letters. They are not willfully coming forth with information. This is a humanitarian issue. What is wrong with having an amendment that says the Chinese should cooperate and help us account for our missing? Yet

the sponsors of this bill are saying don't vote for the Smith amendment—it is being put around here on all the desks—don't vote for the Smith amendment because it will cause a problem. If we sent it over to the House, the House would have to agree that we should account for our missing POWs, that we ought to ask the Chinese to help us. Don't complicate things, don't put that amendment on.

I hope the American people are listening. Don't complicate PNTR by having China help us find our missing. Really. Unbelievable.

Let me share a small fraction of information that leads me to believe China knows a lot more than they are telling us. It is precisely this type of information that makes it all the more important for the Chinese to cooperate. I know some people say that is just a bunch of baloney, the Chinese don't have any information on POWs and MIAs. There are numerous declassified CIA intelligence reports from the 1950s that indicate Chinese knowledge about American POWs from the Korean war. I will enter all of these in the RECORD, but let me cite a couple of them.

Central Intelligence Agency, May of 1951, subject: American prisoners of war in Canton, China. It goes on to describe the sighting. June 1951, subject: American prisoners of war in South China. It goes on to talk about it. Fifty-two American prisoners were incarcerated in a Baptist church in Canton, on and on. A staff member of the state security bureau in Seoul on 12 February stated—this is 1951—that all American prisoners of war were sent to camps in China, Manchuria, where they were put to hard labor in mines and factories. Documented, and yet they don't give us any answers.

Prisoners of war in Communist China is another subject. In 1961, another report; another report in September 1951. American prisoners of war in Communist China; Chinese student had a sighting.

Whether these are true or not—I make no representation whether or not they are, but they have been brought to our attention. We know the Chinese have information as to what happened to those people. Yet, I repeat: We are told not even to amend PNTR because it is going to cause a couple of minutes of delay over on the House side to conference this and get it in there.

That is a real fine "how do you do" for the people who served our Nation and are now missing Americans. That is a fine "how do you do."

I hope Senators who oppose this amendment can look into the eyes of the families of those prisoners and say: I had to do this because I wanted China's permanent status so badly, I couldn't care less whether I got any information on POWs and MIAs; I am going to be able to look in the mirror quite fine.

I could go on and on through 100 more. I have them. But I am not going to do that.

Secretary Cohen, to his credit, raised this issue with the Chinese during his visit to China last summer at my request. He raised it very forcefully. Once again, the Chinese simply said: We don't have any information on your POWs. And under their breath, as they walked out of the room, they said: What the heck, we have going to get PNTR anyway. Why bother? It is a foregone conclusion.

They make billions and billions of dollars in trade with the United States. Shame on us if we fail to demand that they provide answers on our missing servicemen. Shame on us for the sake of a few minutes in a conference with the House of Representatives—shame, shame, shame, shame.

Three-hundred and twenty-thousand Chinese military personnel served in Vietnam from 1965 to 1970. It seems to me pretty likely that some of those troops could tell us something about what they saw in Vietnam that may account for 1, 2, 3, 10, or 100 of our missing. We need the Chinese to tell us what they know.

Although I am opposed to permanent normal trade relations with China, this amendment would address these concerns. And at least, if it passes, it would be in there so that we would be saying to the Chinese: Here is your PNTR, but at least we care about our missing; help us. No. It might take a few minutes in conference. We can't do that.

The second amendment I offered deals with Chinese companies.

According to the proponents of PNTR, surrendering America's only real leverage to Communist China's actions on a myriad of national security and human rights issues is being heralded as a win-win scenario for the American people and the oppressed Chinese. This not only false, but it is detrimental to the American people and U.S. national security.

In the zeal to gain potential profits in China, we will be surrendering our most useful leverage tool that can be used to redirect China's atrocious human rights, religious persecution, and increasingly belligerent military. The proponents of PNTR have claimed that the Chinese citizens will enjoy economic prosperity and eventually democratic freedoms.

Both of these assumptions are uncertain. However, what is certain and can be tangibly observed right now is that the PLA and their companies—many of them increasingly high-tech in scope—are eagerly anticipating the benefits and profits of increased exposure to American consumers in the United States. It is almost "laugh-out-loud funny" to hear people say those companies in China don't have anything to do with the Government, that they are private companies. Hello. Private companies in China? Maybe you ought to look at the Lippo flow chart, and how all of that works, and find out where it leads. Where does the trail lead to all of these companies? It leads directly to

the People's Liberation Army. That is where it leads—to the Chinese Communist leaders.

Without a doubt, PNTR will facilitate and improve the People's Liberation Army's military capabilities. The profit they will make and the money we are going to provide them in these sales is going to go directly into the technology spread of weapons of mass destruction and improve their military capabilities, which—may God forbid and I hope not—may be used against us in the future.

Experts have concluded that the U.S. trade deficit with China is expected to grow if China wins PNTR. Our deficit will grow. That means more capital for China to modernize its military. That is what it means. Let's face it. Fine. OK. We sell wheat. Great. Sell corn. Great. Enjoy your profits, because let me tell you where it is going: More capital to China to modernize its military.

As PLA companies gain increased access to U.S. high-tech, dual-use technology, they will be able to buy increasingly advanced weapons from Russia and other nations. What they can't build they can buy.

To illustrate, the PLA navy has been aggressively improving its surface fleet by purchasing, as I said earlier, state-of-the-art Sovremenny-class destroyers from Russia. The Chinese military's ability to purchase these types of weapon platforms poses a direct threat to U.S. Navy aircraft carrier battle groups in the Pacific and our friends in Taiwan.

Is there anyone out there listening with a son or a daughter on a military or Navy ship in the South Pacific? You ought to be worried. You ought to be thinking about what your Senators are going to shortly do here. They are going to provide the capability of the Chinese military to knock those carriers and those destroyers right out of the water with the most sophisticated technology known to mankind. We are going to help them do it. We are going to help them do it.

If somebody wants to come down here and debate that and tell me that is not the case, come on down.

Currently the U.S. Navy has no defense—none—against the Sunburn missile which the Sovremenny destroyers of the Chinese military could use against U.S. aircraft carriers with 3,000 or 4,000 people, and some have as many as 6,000 people. It is a vulnerable city out there with your sons and daughters on it, and we are helping them to have the capacity to knock it out.

While many have opted to dismiss the national security risks that will accompany China PNTR, our own intelligence apparatus—that is the worst part of this for me to deal with. Our own intelligence has identified the threat the United States faces from trade. They have told us. It is not an opinion. They have directly told us trading with China threatens our national security. It threatens our na-

tional security, and we still ignore it. Not only do we ignore it, but we are being told not to debate it.

According to the U.S. Defense Intelligence Agency, the PLA has established "sixteen character" policy guiding the mission and profits as companies realize from the sale to U.S. consumers. Specifically, these companies wish to profit from the manufacture of ordinary consumer goods to pay for the development and production of weapons; subsidize and profit from these industries in times when the PLA does not need to use their manufacturing infrastructure to produce defense-related weapons and goods; and to seek foreign trade and investment to modernize its defense infrastructure.

According to reports in the South China Post, the PLA has kept 1,346 companies, dumping thousands that were not profitable for the Chinese military.

Think about that—dumping companies that were not profitable to their own military.

These military-owned companies produce and ship a wide variety of goods to the United States for sale to unknowing American consumers.

What do we do? We say to them: As long as we can sell our corn and our wheat, we don't care. No problem here.

Regrettably, these same U.S. consumers were unaware that the People's Liberation Army goods they purchased in 1989—do you want to know what happened when American consumers purchased goods in 1989? They helped to fund the Chinese Communist Party's brutal crackdown and massacre of the countless pro-democracy demonstrators in Tiananmen Square. That is where the money went.

Currently, President Clinton and his administration have impeded the process by which the United States monitors and keeps track of PLA businesses allowing American citizens to fill the PLA coffers unchecked. The increased trade embodied in PNTR may only contribute to a future of more brutal crackdowns by the PLA and Chinese security forces funded by unknowing American citizens.

I am trying to help American citizens know: Don't do it. Urge your Senators to vote against this.

I propose at the very least that the Senate consider and accept a simple commonsense amendment, which I am offering, which would allow the Defense Intelligence Agency of the United States and the FBI to monitor and report to Congress on the activities and national security assessments and implications where U.S.-consumer-generated money is being directed within the PLA. That is all my amendment asks.

I believe the American people would be aghast if they knew that their hard-earned money was greasing Communist China's brutal crackdowns, dangerous saber-rattling toward the democratic island of Taiwan, and increasing the credibility of the Chinese Communist

Army's weapons of mass destruction as top generals in Beijing threaten to vaporize cities on the American west coast should the U.S. come to the defense of our democratic friends in Taiwan.

That is an eye opener. Not a comforting thought if you live on the west coast.

As this Nation's top decisionmakers, I believe the American people deserve to have a Congress that watches out for their best interests. Sometimes in the short run what one thinks is in the best interests are not the best interests in the long run; it is nice to make a little profit on the sale of food, but look at the long run.

I know I am not supposed to be up here taking all this time to talk about this. "Permanent" is a long time after this debate—a long, long time. Once the damage is done, recovery is going to be difficult.

I have an amendment regarding space and the implication of the Chinese and what PNTR will do to that. Space is of huge importance. Whoever controls the skies in the future, I believe, is the winner in the next war. The U.S. is becoming ever more reliant on space capability, especially in the areas of command and control. While we are ahead of any potential rival in exploiting space, we are not unchallenged, and our future dominance is by no means assured. We have already observed major national efforts to conceal the Indian and Pakistan nuclear tests and the North Korean space launch capability from U.S. space assets. It would be naive to think our adversaries are not considering and capable of a wide range of methods to counter U.S. military muscle in general, and our current space advantage, in particular.

A 1998 report said, one, China is constructing electronic jammers that can be used against our GPS receivers; two, China's manned space program will contribute to an improved military space system.

We hear the argument in the United States, let's not put weapons in space. That is exactly what the Chinese are doing. That is their goal. We will help them do it. We will help them out. Feed them, trade with them, have them make some money, and help them to move right on and get their technology into space while we sit back and argue whether or not we should militarize space.

I will not go into all of the arguments on that other than to simply say this amendment directs the Congressional Executive Commission on the People's Republic of China, which was created in the House language, to monitor—that is all I am asking—a number of important issues so that we can report annually on Chinese space capabilities and the activities that affect the development. All we are asking in this amendment is it be monitored as part of this Commission.

Again, same argument; same old story: Don't waste the Senate's time,

don't amend it. If we amend that we have to confer with the House—it might take a couple of hours, who knows—to come to a conclusion. No amendments. We don't want to delay this. But look at the long-term implications.

Another amendment that I have offered, No. 4, is in the area of environment. I serve as the chairman of the Environment and Public Works Committee in the Senate. I will briefly explain this. In America, if you run a business, there are environmental regulations; strict, EPA-regulated laws that you have to abide by. It costs money. I am not complaining. I think some of the environmental regulations are good. Some have been a little bit too harsh. On the whole, the Clean Water Act, Safe Drinking Water Act, the Clean Air Act, all the bills and laws we have passed through the years have been effective in cleaning our air, lands, and water. I think companies now realize that.

However, it has cost a lot of money. We have accepted it. Why do we want to allow the Nation of China, which we are now giving permanent normal trade relations to, to not enforce any environmental laws? Why do we want to say to China, you can produce a product, dump it on America's market to one-third or one-fourth, or one-tenth of what we can sell it for, and not have to abide by any of the environmental regulations?

China is part of the world. America is part of the world. The atmosphere and the oceans and the land are all part of the globe. Why do we let them off the hook? Why do we punish our people and not even ask that the Chinese be forced to somehow abide with basic environmental laws? That is why we need this amendment. It simply says that the Commission will monitor the lack of environmental regulations and use that as leverage for when we trade with them.

Here again, the same old argument: Let's not debate it. Let's not add it on. Don't vote for the Smith amendment on environmental regulations because we may have to go to conference and it might slow the bill down.

Why is the environment such a disaster in China today? The answer is simple: Because the people in China don't enjoy political and economic freedom. They don't have any choice. They have no choice but to breathe that filthy air. Per capita emissions in China are 75 percent higher than in Brazil which has an economy of similar size. The difference is, communism doesn't work. A prosperous economy and healthy environment can go together. A free people wouldn't consent to this type of environmental disaster. We shouldn't consent to it, either. But we are. We are saying: No problem, don't want to have a conference, don't want to waste any time, don't want to take an extra day or two to add an amendment here that says we will monitor China's lack of environmental

standards and regulations. No problem. We don't want to slow it down.

That is what my amendment does. If you feel it is fine that China continues to pollute at a 75-percent higher rate than any other country in the world, for the most part you don't care, you want to keep right on trading with them and keep on making profits, keep on feeding them, fine.

Former U.N. Ambassador Jeane Kirkpatrick once criticized my colleagues across the aisle on the Democrat side for their tendency to "blame America first," for their belief that there must be something wrong with this great Nation that causes the world's ills.

Keep that in mind when you consider my amendment. If laws such as the Clean Air Act and the Clean Water Act are necessary for the environmental health of this Nation, shouldn't they be beneficial to China as well? Do we really want to make a profit so badly that we are willing to say let those people live in that filth, in that dirty air; let that dirty air move out of China and across the ocean and into other parts of the world? Do we really want to make a profit that badly? If we do, shame on us.

I have two more amendments.

No. 5, one of the most shameful experiences regarding human rights violations in the country of China. I have already heard the argument and been told by colleagues, don't offer this amendment because we don't want to delay the process again. I think the picture that I am showing is not pleasant to look at. I don't like to look at it. But the American people need to see this picture. My colleagues need to see it. This amendment that I am offering seeks to improve the quality of life for orphans such as this little girl who are currently waiting to be adopted out of Chinese orphanages. What a horrible experience, to be a child in a Chinese orphanage.

What are we saying? No problem, no problem, that is China. We need to sell our wheat, man. We need to sell our corn. We need to make a profit. We will just ignore that. That will take care of itself. Don't worry.

What would happen if that was an orphanage in the United States? We all know what would happen, and justifiably so; it would be shut down. The Government would be in there like hornets, as well they should be.

But we are not going to worry about it, it is China, it is not our country.

We can't shut their orphanages down. I am not proposing to do that. But we can monitor it and we can say to the Chinese if PNTR passes, you keep this up and we are not going to trade with you.

But, oh no, that might mess up the deal. This amendment would encourage the Chinese Government to provide specific data such as the survival rates of orphans—like this young lady, certify that orphans are receiving proper medical and nutritional care, and show that all efforts are being made to help

the children—particularly those with special needs, who are the ones who are the most punished in these orphanages—to be adopted into loving homes by way of Chinese international or U.S. adoption agencies.

How can we ignore this? How can anybody in good conscience say: Senator SMITH, you are right, this is a terrible atrocity but we are not going to put this on the bill because it might delay the bill and it might cause a problem with the Chinese and we might not get PNTR passed. How can you say that?

The conditions of millions of orphans in China are deplorable, just like this. Many Chinese people want—and frankly feel they need—to have a baby boy with the expectations that a son will take care of them when they are old. A son carries the family name. It is considered honorable to have a son. Not so with a girl. A girl is expected to grow up and leave the family with her husband and will not care for her parents when they are old. If a Chinese woman bears a baby girl, many times they will drop her off anonymously at an orphanage, abandon her, kill her outright, or throw her into the garbage. Or even worse, as I think Senator HELMS is going to talk about shortly—abort the child without the consent of the mother.

It is unbelievable what these little children suffer. Some are lucky and they get adopted, but believe me, not many. Americans have adopted 20,000 Chinese baby girls. Some babies leave China for America every month. However some of these little girls and baby boys with special needs are left to languish and die in dark rotting rooms in state-run orphanages in China.

How can you ignore it? How can you come down here and say we are going to ignore all this and give them permanent normal trade relations?

One of my constituents, a young couple, came to me a few months ago. They were here on a green card. They said: Senator, if I go back, I am pregnant, they have told me they are going to abort my child. I want my child.

One of the greatest experiences I have ever had was crying with them when we got their deportation blocked and she had that baby right here in America. You cannot ignore this kind of horrible atrocity.

Many of these babies were not even fed or given water. Some are starved to death. Why is it so bad? Why is it so harmful, I plead with my colleagues, to say let's ask the Commission to report on this in PNTR? It is not so bad. Is that so terrible that maybe the House has to agree with me and the conferees have to agree and send it back over for another 5 minutes of debate? Really?

This baby girl is Mei-Ming. Do you know what Mei-Ming means in China? "No name." She was discovered in one of these orphanages in 1995 and, according to the orphanage staff, Mei-Ming became sick. They had no medication for her—none. So they put her in a

back room under a pile of clothes and they shut the door.

This is a picture of her at 10 days without food or water—in an orphanage. She lived another 4 days just like this and then she died. The orphanage denied that she even existed. They said she was never there, this Chinese Government that allows this, the Government that allows this to take place.

The only remaining memory of Mei-Ming—let's hold it up here—the only remaining memory of Mei-Ming is this photograph right here. I say to my colleagues, in the name of Mei-Ming: Please, agree to this amendment; agree to this amendment. Let the House take a few minutes to add language in there that the Commission, in the name of Mei-Ming, could report on this kind of atrocity as you reap your profits. Is that asking too much?

Some orphanages in the 1990s had death rates estimated as high as 90 percent. I have heard reports that, since the public scrutiny of the last decade, the conditions in the Chinese orphanages have improved. I would like to thank the Chinese Government if that is, indeed, true. But it would be nice to have this as part of the language, to find out.

The last amendment and then I will not delay the Senate any longer, Senator BOB SMITH will no longer hold up the Senate business, you will be able to pass PNTR, ignore all these things, ignore all the amendments and we will be able to move on and make our profits. Just a few more minutes.

Organ harvesting in the People's Republic of China. You think that's bad? It is bad. Let me tell you about organ harvesting.

In America what organ harvesting means is in America you are willing to donate your kidney to your sister or brother or mother or dad; or your heart when you die in an accident you give so someone else may have life. That is organ donors.

Organ harvesting in the Peoples Republic of China, sponsored by this Chinese Government that we are so hellbent to help—let me tell you what they do. They take prisoners—we are not talking about murderers here, we are talking about prisoners who have, for the most part sometimes minor crimes—and they take their organs so they can place them in the military officers or other high, important people in the Communist hierarchy.

In 1997, ABC News televised a very shocking documentary on the practice of organ harvesting in Communist China. The documentary—this is ABC, now, not BOB SMITH talking—depicted prisoners who were videotaped lined up, executed by a bullet to the head—a technique of execution which unlike lethal injection preserves the organs for harvesting.

Don't tell me it doesn't go on and don't tell me you are going to ignore it, because it goes on, it happens. Probably right now as we speak. This documentary claimed that prisoners are ex-

ecuted routinely and their organs are sold to people willing to pay as much as \$30,000 for a kidney. Human rights organizations estimated at the time the ABC documentary aired, that more than 10,000 kidneys alone—not to mention other organs—from Chinese prisoners had been sold, potentially bringing in tens of millions of dollars. Guess where those dollars went? To the Chinese military. That is where the money went.

The Chinese Government, as it does with most human rights abuses, denies that this happens. My amendment simply requires the commission, under permanent normal trade relations, to monitor this, to try to secure as much information as they can so they can report on it annually as we continue the process under PNTR.

It is important to keep in mind that China has no rule of law, therefore prisoners are subject to arbitrary arrest and punishment without any due process. Can you imagine a young man or woman being arrested, not told what they are charged with, because there is a need for an organ, to be shot in the head, executed with no due process, no trial, and then their organs are donated to somebody who is willing to pay \$30,000 to the Communist Chinese Government.

Pretty bad. After the Tiananmen Square massacre in 1989, when peaceful student protesters, including the sons and daughters of the Communist Party's elite, were mowed over by PLA tanks, there are far fewer dissidents in China than there were 11 years ago. It is pretty tough to speak up against China. Do you want to go to jail for publicly speaking out against the Government? That is the good news. The bad news is you will be shot in the head and your kidneys, your heart, and other organs will be donated to somebody in the Chinese military.

ABC's report also found that Chinese nationals living on student visas were harvesting these organs to Americans. Hello? That is right, harvesting these organs to Americans and other foreigners who have the funds to make a \$5,000 deposit, who then travel to China to the PLA, People's Liberation Army, hospital where they receive the kidney transplant. The kidneys are tissue typed, and the prisoners are also tissue typed in order to achieve an ideal match.

Can you imagine the horror of being thrown in jail for a political crime—speaking out against the Government, perhaps—and having your tissue samples taken, knowing full well what it is for, then to be summarily shot and your kidneys sold perhaps to an American? There is no way anyone in the Senate or the House 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 the Laogai Research Foundation, we are aware of ongoing Chinese engagement in organ

harvesting of executed prisoners. I will not go into any more detail on this.

In conclusion, we are talking about the most unbelievable and atrocious violation of human rights. I have just identified six. There are dozens more. I did not want to come down and offer 40 amendments. I believe I made my point. I had about 20 of them identified, and we were looking at another 20 more, but I said I am going to take some of the worst. I do not support PNTR, but all I am asking is for those of who do, allow these amendments—the proliferation amendment of Senator THOMPSON and the other six amendments I have outlined, and maybe others as well. Allow them to pass. What harm does it do? Take a few minutes and go to conference for the sake of people such as this little girl or somebody right now who may be fattened up for execution for kidneys.

It is time that America wakes up and understands what is happening in the world. I know some are going to say this is Smith again beating on China. It is not a matter of beating on China. These are facts. These are not opinions. These are facts. These are documented. Every single thing I read to you, every single thing I said to you is documented from proliferation to organ harvesting. It is documented.

The issue before the Senate when we vote on PNTR and on these amendments is very simply this: I am against PNTR and not going to vote for any of it, which is fine, that is my position. Or I am for PNTR and I am willing to pass these amendments to at least monitor these kinds of atrocities in an effort to stop them.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so the Senator from South Carolina can call up four amendments. They are short. I thank the distinguished Senator from Tennessee and the distinguished Senator from New York, the manager of the bill. It is not my purpose to debate these amendments but to call them up so they can be printed in the RECORD. I will not consume over 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is laid aside.

AMENDMENTS NOS. 4134 THROUGH 4137, EN BLOC

Mr. HOLLINGS. Mr. President, I call up four amendments which are at the desk, and I ask the clerk to report them.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:.

The Senator from South Carolina [Mr. HOLLINGS] proposes amendments numbered 4134 through 4137, en bloc.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 4134

(Purpose: To direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10-K reports)

At the appropriate place, insert the following:

**SEC. . FOREIGN INVESTMENT INFORMATION TO BE INCLUDED IN 10-K REPORTS.**

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information in 10-K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

AMENDMENTS NO. 4135

(Purpose: 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)

At the appropriate place, insert the following:

**SEC. . BALANCE OF TRADE WITH CHINA IN CEREALS AND SOYBEANS.**

(a) IN GENERAL.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

(b) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (a) for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(c) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (a).

AMENDMENT NO. 4136

(Purpose: 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)

At the appropriate place, insert the following:

**SEC. . BALANCE OF TRADE WITH CHINA IN ADVANCED TECHNOLOGY PRODUCTS.**

(a) FINDINGS.—The Congress makes the following findings:

(1) The trade deficit with the People's Republic of China in advanced technology products for 1999 was approximately \$3.2 billion.

(2) The trade deficit with the People's Republic of China in advanced technology products for 2000 is projected to be approximately \$5 billion.

(b) REPORT.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data becomes available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products for the previous year.

(c) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (b) in excess of \$5 billion for any year, the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(d) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (b).

AMENDMENT NO. 4137

(Purpose: To condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications)

At the appropriate place, insert the following:

**SEC. . RISK INSURANCE CERTIFICATIONS.**

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by law, regulation, or rule, neither the Export-Import Bank of the United States nor the Overseas Private Investment Corporation may provide risk insurance after December 31, 2000, to an applicant unless that applicant certifies that it—

(1) has not transferred advanced technology after January 1, 2001, to the People's Republic of China; and

(2) has not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

Mr. HOLLINGS. Mr. President, the first amendment to H.R. 4444, No. 4134, has to do with jobs and the trade deficit. It says:

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information and 10-K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture, or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

It is not a burdensome amendment. They report where they are working and the number of employees in those countries. I was intrigued by the report from the National Association of Manufacturers that came out today. I quote from it:

Of the total \$228 billion U.S. merchandise trade deficit so far this year, 77 percent has been in manufacturing.

We are losing our manufacturing capacity, and as Akio Morita, the former head of Sony, said some years back, the world power that loses its manufacturing capacity will cease to be a world power.

The second amendment has to do with technology and the export of technology. Our distinguished Ambassador engaged in the conduct of trade, Ambassador Barshefsky, said before the press and the Finance Committee:

The rules put an absolute end to forced technology transfers.

This particular amendment is to then monitor that statement:

The Congress makes the following findings:  
 (1) The trade deficit with the People's Republic of China for . . . 1999 was approximately \$3.2 billion.

It is estimated that it will be \$5 billion this year. So beginning with the first business day of January 2001 and thereafter, "the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products . . . ."

If the President reports a trade deficit in favor of the People's Republic of China . . . in excess of \$5 billion—

I want to be realistic; it probably will get to that \$5 billion this year—

the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate that imbalance.

And, of course, report.

I ask unanimous consent to print in the RECORD an article entitled "Raising the Technology Curtain."

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

[From the Financial Times (London), August 16, 2000

**RAISING THE TECHNOLOGY CURTAIN: CHINA'S BURGEONING HIGH-TECH SECTOR IS SQUEEZING OUT US IMPORTS**

(By Ernest Hollings and Charles McMillion)

The US faces sharply worsening deficits with China in the trade of crucial advanced technology products. Moreover, these losses are accelerating and spreading to new products even after China's tariff cuts and official promises regarding the protection of intellectual property and an end to technology transfer requirements.

Although high-tech companies are enthusiastically lobbying to end the annual negotiation and review of China's trade status—a vote in the US Senate is expected in Sep-

tember—they could be big losers if US trade law and commercial leverage is permanently forsaken in dealings with China's unelected rulers.

Advanced technology products have represented a rare, consistent source of earnings for the US: during the last decade alone the surplus in global sales is Dollars 278bn.

During the same period, US trade deficits with China totaled Dollars 342bn, and have worsened sharply each year. That has occurred in spite of numerous agreements with China to end the obligatory transfer of technology from US companies to their Chinese counterparts, to protect intellectual property and to assure regulatory transparency and the "rule of law". Failure to implement these agreements goes a long way in explaining why the total US deficit with China has doubled from Dollars 33.8bn in 1995 to Dollars 68.7bn in 1999.

The US also lost its technology trade surplus with China in 1995 and has suffered deficits in this area every year since then. Last year, US technology exports to China fell by 17 percent while imports soared by 34 percent. The record Dollars 3.2bn technology trade deficit in 1999 may reach Dollars 5bn this year as technology imports now cost twice as much as US falling exports.

Quite simply, China is developing its own export driven high-tech industry with US assistance.

A recent Department of Commerce study found that transferring important technologies and next-generation scientific research to Chinese companies is required for any access to China's cheap labor force or market. Three of the most critical technology areas are computers, telecommunications and aerospace.

The US lost its surplus in computers and components to China in 1990 and now pays seven times as much for imports as it earns from exports.

Compaq and other foreign computer brands dominated the Chinese market a decade ago but now are displaced by local companies such as Legend, Tontru and Great Wall that are also beginning to export.

After 20 years of "normal" trade relations with China, no mobile phones are exported from the US to China. Indeed, US trade with China in mobile phones involves only the payment for rapidly rising imports that now cost Dollars 100m a year.

China has total control of its telephone networks, recently abrogating a big contract with Qualcomm. Motorola, Ericsson and Nokia sold 85 percent of China's mobile phone handsets until recently. But last November China's Ministry of Information and Industry imposed import and production quotas on mobile phone producers and substantial support for nine Chinese companies. The MII expects the nine to raise their market share from the current 5 percent to 50 percent within five years.

The US now has a large and rapidly growing deficit with China in advanced radar and

navigational devices. Nearly half of all US technology exports to China during the 1990s were Boeing aircraft and 59 percent were in aerospace. But according to filings by the Securities and Exchange Commission, Boeing's gross sales to—and in—China have generally fallen since 1993. The first Chinese-made Boeing MD90-30 was certified by the US Federal Aviation Administration last November with Chinese companies providing 70 percent local content.

More troubling, with the help of Boeing, Airbus and others, China has developed its own increasingly competitive civilian and military aerospace production within 10 massive, state-owned conglomerates and recently announced a moratorium on the import of large passenger jets.

China is a valuable US partner on many matters but it is also a significant commercial competitor. Experience in the US with deficits worsening after tariff cuts and other agreements shows this is not the time to abandon strong US trade laws but rather to begin to apply them, fairly but firmly. Since 42 percent of China's worldwide exports go to the US—and their value is equal to China's total net foreign currency earnings—the US certainly has the commercial means to enforce fair trade laws.

That is the type of real world engagement that can help to assure both peace and prosperity for the two countries in the future.

Mr. HOLLINGS. Mr. President, the next amendment is the Export-Import Bank:

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by . . . the Export-Import Bank . . . or the Overseas Private Investment corporation . . . .

The applicant, in making those applications before those entities, will certify that they have not transferred advanced technology after January 1, 2001, to the People's Republic of China, and, two, have not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

With more time, I can go into the reason for it. I only want to substantiate what the distinguished Ambassador said.

Finally, the fourth amendment has to do with agriculture. I ask unanimous consent to print in the RECORD a schedule of commodity groupings of the trade balances with the People's Republic of China in the years 1996, 1997, 1998, and 1999.

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

**UNITED STATES AGRICULTURAL TRADE BALANCE WITH CHINA**

HS Community groupings	In millions of dollars each year—			
	1996	1997	1998	1999
Total Agricultural Trade Balance .....	\$1,512	\$937	\$615	-\$218
01 Live Animals .....	6.2	6.1	4.3	3.9
02 Meat And Edible Meat Offal .....	64.2	61.8	53.4	58.3
03 Fish And Crustaceans, Molluscs, Other Aquatic .....	-179.5	-181.2	-228.9	-266.6
04 Dairy Produce, Birds' Eggs, Honey, Edible .....	-28.2	-16.8	-11.6	-14.8
05 Products Of Animal Origin, Nesoil .....	-65.2	-77.3	-96.2	-93.7
06 Live Trees And Other Plants; Bulbs, Roots .....	-6.2	-2.7	-2.5	-3.7
07 Edible Vegetables And Certain Roots, Tubers .....	-34.5	-36.8	-48.9	-55.8
08 Edible Fruit And Nuts; Peel Of Citrus Fruit .....	-20.1	-20.5	-13.3	-30.6
09 Coffee, Tea, Mate And Spices .....	-35.6	-38.8	-45.9	-43.1
10 Cereals (Wheat, Corn, Rice) .....	.....	43.4	90.1	39.6
11 Milling Industry Products; Malt; Starches; Inulin; .....	-2.8	-3.3	-1.4	-1.2
12 Oil Seeds; Oleaginous Fruits; Misc Grain (Soybeans) .....	366.7	355.1	224.6	288.1
13 Lac; Gums; Resins And Other Vegetable Saps .....	-33.3	-49.4	-70.3	-44.9
14 Vegetable Plaiting Materials And Products .....	-4.4	-1.2	0.2	0.5
15 Animal Or Vegetable Fats And Oils (Soy Oil) .....	106.1	160.1	310.3	67.9
16 Edible Preparations Of Meat, Fish, Crustaceans .....	-23.6	-24.4	-22.6	-69.9

## UNITED STATES AGRICULTURAL TRADE BALANCE WITH CHINA—Continued

HS Community groupings	In millions of dollars each year—			
	1996	1997	1998	1999
17 Sugars And Sugars Confectionary .....	-4.8	-7.9	-8.1	-7.8
18 Cocoa And Cocoa Preparations .....	-32.4	-42.4	-29.2	-15.2
19 Preparations Of Cereals, Flour, Starch Or Milk .....	-17.7	-16.1	-20.7	-23.1
20 Preparations Of Vegetables, Fruit, Nuts .....	-133.6	-146.2	-136.6	-118.9
21 Miscellaneous Edible Preparations .....	-9.1	-10.3	-8.4	-17.1
22 Beverages, Spirits And Vinegar .....	-6.1	-6.5	-6.4	-6.6
23 Residues And Waste From Food (Soy Residues) .....	131.2	103.4	187.1	25.7
24 Tobacco And Tobacco Substitutes .....	-7.4	-4.2	-4.3	-2.7
41 Raw Hides And Skins .....	115.6	134.5	157.4	126.3
520 Cotton: Not Carded/Combed .....	728.3	575.9	118.4	-12.3

Source: U.S. Department of Commerce, Bureau of the Census and MBG Information Services.

Mr. HOLLINGS. Mr. President, amongst all articles, you can see, generally speaking, China has a glut in agriculture. Their problem, of course, is transportation and distribution. But there is no question that once that problem is solved, that 7800 million farmers can certainly outproduce, if you please, the 3.5 million farmers in the United States.

All of the farm vote is in strong support of PNTR because they think, of course, it is going to enhance their agricultural trade. The fact is there are only a few here—the significant ones—and I have picked those out; cereals—wheat, corn, rice—and soybeans. Yes, there is a plus balance of trade in the cereals—wheat, corn, and rice—but it has gone from 440 million bushels down to 39 million bushels. With soybeans, it has gone from 366 million bushels, in the 4-year period, down to 288 million bushels.

So this particular amendment states that beginning on the first day of next year:

[T]he President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

If the President reports a trade deficit in favor of the People's Republic of China . . . for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

The President shall [also] report to the Congress the results of those negotiations . . . .

In a line last week, I saw the Prime Minister of Great Britain at the conference in New York. He was all stirred and upset with respect to 1,000 cashmere jobs in the United Kingdom. He was really going to bat for them. The story had his picture politicking, trying to convince the United States in particular not to take retaliatory action against his 1,000 cashmere jobs.

Here I stand, having lost 38,700 textile jobs in the State of South Carolina since NAFTA—over 400,000 nationally. According to the National Association of Manufacturers, we are going out of business. And I can't get the attention of the White House and I can't get the attention of Congress.

I thank the distinguished Senator from New York for permitting me to have these amendments called up and printed, and then, of course, obviously

set aside. Let me take my turn in behind the distinguished Senator from Tennessee and the Senator from West Virginia. The Byrd amendment is up, and I think several others. I will take my turn.

But I want my colleagues to look at these reasonable, sensible, pleading kind of amendments so that we can fulfill, as a Congress, under the Constitution, article 1, section 8: The Congress of the United States shall regulate foreign commerce.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, let me say again that I think we have made good progress. We have had good debate on both sides of the underlying China PNTR bill, and also on the amendments. But we are reaching the point where we really need to pick that speed up. We need to get an agreement on what amendments will be offered, time agreements for them to be debated, and votes. And we ought to do it tomorrow. Without that, certainly we will have to file cloture; and I may have to anyway. But I think the fair thing to do is give everybody who is serious a chance to offer amendments, have a time for debate on both sides, and then have votes.

I am going to try to get that started with this request. And we may have other requests. We are working on both sides of the aisle to identify amendments that really must be moved.

I just want to say to one and all that in the end we are going to get the bill to a conclusion. It is going to pass. We have been fair to everybody. But it is time now we begin to get to the closing. With a little help, we can finish this bill Thursday, or Friday, or, if not, early next week. I just have to begin to take action to make that happen so we can consider other issues.

I ask unanimous consent that a vote occur on or in relation to the pending Thompson amendment at 11 a.m. on Wednesday, and the time between 9:30 and 10:30 be equally divided in the usual form, and that no second-degree

amendments be in order prior to the vote in relation to the amendment.

I further ask unanimous consent that a vote occur on the pending Byrd amendment immediately following the 11 a.m. vote and there be time between 10:30 and 11 a.m. for closing remarks on that amendment to be equally divided in the usual form.

Before the Chair rules, I want to say that if any objection is heard to this agreement, we will attempt to set two votes tomorrow on these or other issues beginning at 11 a.m.

Therefore, there will be no further votes this evening, and votes will occur at 11 a.m.—hopefully including the Thompson amendment in those 11 o'clock votes. But if there is a problem with that, then we will ask consent to put in place two of the other amendments.

With that, I ask the Chair to put the request to the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, I have a great deal of respect for Senator THOMPSON and the issues he has raised. The problem is these issues fit more closely on the Export Administration Act. They have not been considered in committee. I think they represent a very real problem in this bill. I think it is important that if we are going to debate issues such as this, they be not just fully debated but they be subject to amendment.

On that basis, let me yield. Senator ENZI wants to be recognized.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, reserving the right to object, there isn't just an amendment that is being put on. It is an entire bill—33 pages—of very important information that has been changed each and every time we have seen a copy. My staff and I on the International Trade Subcommittee of the Finance Committee have been working on these issues for a long time. We have tried to take this moving target and worked on some amendments that could be put on it. It would need to be extensively amended to keep both national security and industry moving forward in the United States.

On that basis, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I believe there will be another consent request

propounded later so that we can have two—the Byrd amendment and another—considered and voted on at 11 o'clock.

I note that the Senator from Tennessee will want to respond to the objection just heard.

Let me say on that issue that I have been supportive of the Export Administration Act and tried several different ways earlier to get that to the floor. There were problems raised by a number of our committee chairmen. We were not able to get that done. I think the Thompson amendment is a very serious and legitimate amendment that has been considered, and it should be voted on. I think we should go ahead and vote on it tomorrow. I think people know where we are. We ought to go ahead and have that vote and move on.

I also must say I am trying to get these votes done so that the largest number of Senators can be accommodated and be here for the vote.

I also want to say I don't know exactly what the Senator from Tennessee is going to do. But I predict right now that if we don't get this agreement to vote on the Thompson amendment tomorrow, we are going to vote on it at some point—I believe probably on or in relation to this bill.

I don't think it serves anybody's purpose to try to put this off or to object to it. In fact, it may make the situation worse, not better. I think we are ready to go. I think everybody knows how they are going to vote. I think while it may be a close vote, everybody pretty much is reconciled to getting it done tomorrow.

I regret that there was objection. I hope we can still find a way to get a vote on it in the next sequence that we will try to put together.

By the way, on the Export Administration Act, I believe we are prepared to try to find a way to consider that because I think we need to act on it, making sure that we consider national security interests. That, obviously, is an underlying factor on the Export Administration Act. I have no doubt that the Senator from Wyoming wouldn't be for it if he had any doubts in that area himself because he has worked so extensively on it.

The same thing applies on this amendment. Senator THOMPSON is trying to raise a general concern about national security interests. The Chinese are not complying with the nuclear proliferation regimes to which they have committed.

What worries me is we are going to have this vote, we are going to pass this bill, and in a month or 6 months we may have a lot of explaining to do. I spent 2 months trying to get a way to have this issue considered separately. That is the way it should have been considered. But it will be considered, I predict, before we get out of here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. First, I thank the majority leader and agree with him

completely on the proposition that we will have a vote on this issue. It might not be the exact wording of this bill, but we will have a vote on this issue.

We introduced this bill last May because, as chairman of the Governmental Affairs Committee, the committee that has jurisdiction on proliferation matters under the statute, we receive briefings, as a few committees do, on proliferation developments, for example. In that position, we have had numerous hearings and have been told there is a longstanding and growing threat because of proliferation of China, primarily, and Russia and North Korea.

We haven't had a lot of attention with regard to that, or a whole lot of interest, until we started discussing it in the context of trade. Trade interests everybody because there is money to be made. That is understandable. I am all for it.

We introduced this bill because we were told by our intelligence people that there was a threat to this country. I can't think of anything more serious that we could possibly be dealing with than a nuclear, biological, or chemical threat, and the fact that rogue nations are rapidly developing the capability to hit this country with all three of those. Let that sink in for a little bit.

All the time that we spend around here in budget and other votes that take up most of our time, trying to divide up the money, we are being told by our experts—whether it is the Rumsfeld Commission, the Deutch Commission, the Cox Commission, or the biennial intelligence assessment—there is a present danger and it is growing, and the Chinese are actually increasing their activities as far as missiles are concerned.

That is why we introduced the bill. People raise various objections. Last night some were saying the report that we want to have produced is too extensive and we might catch up some innocent Chinese companies that might later prove to be innocent when we accuse them of proliferating. Frankly, I am willing to take that risk.

We tried to get a separate vote. We said: Let's not put it on PNTR. Our amendment shouldn't be considered a trade measure. The bipartisan bill shouldn't be considered a trade bill. It is a proliferation bill. So let's discuss it in the context of our overall relationship with China, but don't force us to put it on the China trade bill.

No, you wouldn't have that. We couldn't have that. You wouldn't give me a separate vote on that because it might complicate things.

So I said OK, if you don't do that, I will put it on the bill. So I put it on bill. Senator TORRICELLI and I did. And now it is an amendment to the China trade bill.

They said: My goodness, we wish you wouldn't have done that. We wish it was a freestanding bill now that we see you are serious, but we can't possibly vote on it as an amendment to the

trade bill because it might complicate the trade bill.

So we have gone through all of that. Frankly, we were told from the minority side that our Democratic colleagues were the ones who sunk—a few over there were the ones who had a problem with this. We have discussed this since May and there have been some changes. Anybody who wanted to discuss this bill—and there were staffers from many, many Senators, Democrats and Republicans, who have worked with Senator TORRICELLI and my staff—anyone who wanted some input certainly had the opportunity to do that for months. There have been changes because we have been trying to accommodate the concerns: It is too tough; we didn't give the President enough discretion. We made changes because of that. We have been discussing this since May, with all of the foot-dragging that we have seen along the way.

We had a good debate last night, and we had a good debate today. We debated over sanctions and whether or not they were effective—things that we ought to be debating. Good things, good substance, important subjects that we ought to be debating, and raising the issue now. When we are obviously getting ready to engage in this new trade relationship with China, what better time to address the fact that they are the world's worst in selling weapons of mass destruction to these rogue nations.

We claim we need a national defense system because of the threat of these rogue nations. How can we talk to the Chinese Government without addressing it? That is what the debate has been about. It has been good.

Now it is time for a vote. I have been around here a few years. I don't remember another occasion where a colleague has objected to a vote under these circumstances. My Democratic colleagues have raised no objection, but my two good friends on this side of the aisle raise objections. I am sad to say that it appears the real objection all comes down to one of jurisdiction. My friend from Wyoming apparently believes this should be a part of his bill if it is going to be anything, the Export Administration Act; and that this should be presumably under the purview of the Banking Committee if it is going to be considered. He will have the opportunity to correct me if I am wrong, but I thought that is what I heard.

I think that is a sad set of circumstances, if after all of that we finally flush out the real reasons for the objection to even having a vote. Oppose it if you will, but the objection to even having a vote is because somebody got somebody else's jurisdiction.

All my colleagues should know that according to the Parliamentarian, this bill, if it were referred to committee, would be referred to the Foreign Relations Committee.

Let's look at some of the hearings we have had in the Governmental Affairs

Committee. The Banking Committee has some jurisdiction with regard to export administration. The Governmental Affairs Committee has some jurisdiction with regard to proliferation. I can't believe we are even talking about this, but here goes. It is like kids squabbling in the back of the school-bus.

If the issue is that nobody has paid any attention to this and nobody has had any hearings, this committee of jurisdiction, the Governmental Affairs Committee, in May of 2000, had a full committee hearing on export control implementation issues with respect to high-performance computers.

In April of 2000: Full committee hearing on the Wassenaar Arrangement and the future of the multilateral export controls;

February of 2000: Subcommittee on Internet Security, Proliferation and Federal Services hearing on National Intelligence Estimate on the Ballistic Missile Threat to the United States;

June of 1999: Full committee hearing on Interagency Inspector General's Report on the Export-Control Process for Dual-Use and Munitions List Commodities;

June of 1999: Full committee hearing on Dual-Use and Munitions List Export Control Processes and Implementation at the Department of Energy;

May of 1999: Subcommittee on International Security, Proliferation and Federal Services—that is Senator COCHRAN's subcommittee. He had a hearing on the Report of the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.

Senator COCHRAN's subcommittee, of course, has been in this area, the proliferation area, the missile area, the whole problem with China and Russia in particular, the problem with the rogue nations—Senator COCHRAN has been dealing with this for years and has put out published reports. The last one was within the last couple of weeks, for anybody who is interested.

September of 1998: Subcommittee on International Security, Proliferation and Federal Services hearing on GAO Reports on High Performance Computers;

June of 1998: Subcommittee on International Security, Proliferation and Federal Services hearing on the Adequacy of Commerce Department Satellite Export Controls;

March of 1998: Subcommittee on International Security, Proliferation and Federal Services hearing on the Comprehensive Test Ban Treaty and Nuclear Proliferation;

October of 1997: Subcommittee on International Security, Proliferation and Federal Services hearing on North Korean Missile Proliferation—again Senator COCHRAN's subcommittee. Once again, in September of 1997, his Subcommittee on International Security Proliferation and Federal Services had a hearing on Missile Proliferation in the Information Age.

In June of 1997, his subcommittee had a hearing on Proliferation and U.S. Export Controls.

In May of 1997, his subcommittee had a hearing on National Missile Defense and the ABM Treaty. Senator COCHRAN, of course, is chairman of this subcommittee. He is the leader on the national missile defense issue and has been for some time. Of course, again, it is directly relevant because the reason we are claiming we need a national missile defense is the very issue our amendment brings up.

April of 1997: Subcommittee on International Security—again, Senator COCHRAN's subcommittee—hearing on Chinese Proliferation—Part II;

April of 1997: His subcommittee, Chinese Proliferation hearing, Part I.

So, for the uninformed, we have various committees here with various jurisdictions. Sometimes jurisdiction overlaps, where more than one committee has jurisdiction in the subject area. This is one of those cases.

Over the past 4 years, the Governmental Affairs Committee alone has held 15 hearings on proliferation; over 30 hearings have been held by my committee, the Armed Services Committee, and in the Foreign Relations Committee. Furthermore, this legislation has the full support of the chairman of jurisdiction, Senator HELMS, chairman of the Foreign Relations Committee. The issue of proliferation, of course, has had a full, full consideration for some time now.

So we will have an opportunity to discuss this further, including further tonight. I don't know if anyone wants to speak to this. I will give them the opportunity, give my colleague from Wyoming an opportunity to further address it. But it is a sad situation, when our country faces this kind of threat, that we cannot even get a vote on an amendment that would address that threat.

Vote it down if you must. Oppose it if you will. But the very idea of us not having a vote because it has not been considered enough by the right committee or that it is more properly a part of somebody else's bill instead of our bill? Surely it has not come to that.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Tennessee for his comments. I want to assure him I am not doing this on a jurisdictional basis. I am a little incensed at the implication of that accusation, and, in the objection I raised, I did not mention anything about jurisdiction. In the speech I gave yesterday, I didn't mention anything about jurisdiction. I mentioned the concerns about items that are in this bill and there are amendments that would need to be made to this bill. I am sure, if it went through the normal process—and one of the things I am learning about here is process. I learned a lot about process as I did the

bill my colleague mentioned, the Export Administration Act. I took it through a process. I got a 20-0 vote on it. I brought it to the floor. I learned a little bit about process that sometimes, even when you think you have the right to bring it up on the floor, people can object after that point and you can have it taken down. But it went through a process there. That process has undoubtedly been effectively stopped for this year. I have not been whining about that.

But I did learn a lot of things through that process because it involved going into a number of the reports the Senator from Tennessee has mentioned. I did not just go through the public part of those reports. I took the time to go over to the Intelligence Committee and have the special briefings and read the documents from a number of the things that have been cited, and particularly the Cox report. So I learned a lot of things about these areas of problems.

There are some problems there, and they need to be solved, but they ought to be solved through the regular process so we do not wind up with some things we are going to be embarrassed by, or believe are lacking, or have pointed out to us later that just a little bit more deliberation would have changed.

We have been suggesting changes. We can make some amendments. It is very difficult to go into another person's bill and make extensive amendments, but we have mentioned the need for some pretty extensive amendments. I am certain if this would have gone through the process of going through the Foreign Relations Committee first—not just hearings. Hearings are valuable. They build some basis for building things. I know these extensive hearings that have been done are where this bill came from. But it goes through another step in that process called a markup. That is where very detailed amendments are made to a bill by people who have a wide knowledge of the items that are included. It is kind of a free-for-all, putting on amendments. A number of them do not make it and should not make it. But it gives a more thorough review than if one of us drafts a bill, or two of us get together and draft a bill, and then occasionally talk to other people and occasionally listen to part of their criticisms but discard large parts of their criticism.

I know this bill was originally drafted in May and we have been registering objections to things that are in it since May. They have been tweaked a little bit, and part of the process is, if you are not going to make the changes, then you have to go through this process here on the floor, which the Senate designs to be an extremely excruciating one—as I learned on my EAA bill.

It is a part of the process. There needs to be additional work on it. There needs to be additional amendments.

As I mentioned yesterday, if one listens to the debate, it sounds as if we can solve the export-import imbalance by doing PNTR, and that is not going to happen. The way that imbalance gets solved is if U.S. folks stop buying Chinese products or we get extensive sales over there. Extensive sales over there probably is not going to happen because the people over there on an average wage do not make much, so they cannot buy much. We do have a hope of getting in the door with some of the bigger equipment items. To listen to the debate, everything will be solved by PNTR, and that is not going to happen.

I have to congratulate the Senator from Tennessee for the title he put on the bill. I noticed when he expanded the bill to include a couple of other countries in light of our objection, that it was aimed solely at China and they are not the only proliferators. A couple of others were stuck in there. But the title was not changed because the title is so great. One of the things I learned a long time ago in legislation is one does not vote on a bill because of a good title. One votes on it because it is good through and through.

Those have been the reasons for my objections. I am sorry if the Senator from Tennessee put in all of that work. This delays his plan for a vote, but it does not stop it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, first, I am sorry if I drew the wrong conclusion this might be jurisdictional. When the Senator mentioned this would be a better part of the Export Administration Act legislation, which happens to be his legislation, and it was not referred to the right committee, I just thought that might be jurisdictional. That is where I got that idea. If he resents that implication, I am sorry, but that is the source of that idea.

I think back to a time not too long ago when the Senator from Wyoming and the Senator from Texas worked long and hard on a bill called the Export Administration Act. Several of us who are committee chairmen had problems with that because of some of the same things we are talking about.

In my view, and I think my colleagues' view, it liberalized our export rules at a time when we should have been tightening them up. The chairman of the Armed Services Committee, the chairman of the Intelligence Committee, the chairman of the Foreign Relations Committee, and myself as chairman of the Governmental Affairs Committee, looked at this and said that it had some major problems. The statement was made by the sponsors of the bill that they would not bring it up, as I recall, without our signing off on it, and we never signed off on it.

If the hangup here is the fact my colleagues have not gotten a vote on their Export Administration Act, I suggest they offer it as an amendment to my amendment. Let's have a second-degree

amendment. If that is the problem, then let's have a vote on both of them.

Let's be frank with each other. The Senator's opposition is the same opposition and arguments in many respects that we have heard from four other amendments that have been considered. The only difference is we have had votes on those four other amendments. The Senator was not over here complaining that we had not had sufficient process, I guess, with regard to the Wellstone amendment or the Byrd amendment or the Hollings amendment or the Helms amendment. The process was OK with regard to those, but now we have an amendment, the only amendment that deals with a direct threat to this Nation, and we are talking about process.

One of the big complaints of the opponents of the Thompson-Torricelli amendment has been that we have changed it so much they hardly know what is going on here anymore. The reason we changed it is we kept responding to the complaints. Staffs met numerous times. Everybody knew these meetings were going on. It was not an open forum for somebody to come down and lay down a bunch of requirements if they did not get what they wanted the first day, leave, and not show up again. It was an open, rolling forum with various staff members.

I sat in on an occasion or two. It was very open since May that we were talking about trying to come together because we all appreciate the proliferation problem and we need to do something.

While we are talking about trade with China, we ought to be talking with them also about the fact they are endangering this country by arming these rogue nations, and we tried to work it out. Some Members objected. We had mandatory sanctions and they said we did not give the President enough discretion. We gave him more discretion. Some people claimed we are singling out the Chinese; it will make them angry; and it will be counterproductive. We broadened it. Some people claimed we were giving Congress too much authority; that any Member of Congress could come in and have a vote to override a Presidential decision in this regard, so we raised the requirement to 20 Members. There have to be 20 Members who have to have that concern. We made all of these changes.

Now I understand the complaint is that we did not change it enough, or is it the process? Is that process? Is that a process issue? There are still problems with it. Everybody who has spoken against this bill has raised problems with it, but none of them have raised an objection to taking a vote.

I just received the latest in a series of fliers I have been graced with over the last several days; this one from an industry coalition. The first thing we got today was a report from the president of the Chamber of Commerce who came out against our bill. Somebody told me they were at a Chamber of

Commerce meeting not long ago and they mentioned my bill, and most of the people there broke into applause. I ought to be careful talking about the Chamber of Commerce.

This is coming from the president of the Chamber of Commerce, who I do not think speaks for the average business person in America on this issue. Let's get that straight. First of all, he complains that it is limited to one country—obviously, he has not read the bill—that if we do this, it will effectively kill the bill, not that we have this serious problem and we should do something about it, but effectively it will kill the bill.

Then he says he is getting ready to leave for a tour of Asia and going to wind up in Beijing, but before he leaves, he delivers his last salvo against my amendment, purporting to speak for all the members, I suppose, of the Chamber of Commerce. I hope while he is in Beijing, he will ask them to quit selling weapons of mass destruction to our enemies. I hope that is on his agenda while he is talking about his trade.

The latest has been a sheet put out by the High-Tech Industry Coalition on China, the American Electronics Association, Business Software Alliance, Computer Systems Policy Project, Computer Technology Industry Association, Consumer Electronics Association, Electronic Industry Alliance, Information Technology Industry Council, National Venture Capital Association, Semiconductor Industry Association, Semiconductor Equipment Materials International, Software and Information Industry Association, Telecommunications Industry Association, and United States Information Technology Offices.

All of them have joined together to put out this opposition sheet to this bill. Some people have been so crass as to imply that maybe it was this feverish lobbying that is going on from exporters that might have something to do with the opposition to this bill.

But I have the greatest respect, from what I know, about this entire group here. Our high-tech industry has done phenomenally well. They are creative. They have contributed mightily to our economy. They want to export; I understand that. They want to make more money; I understand that. God bless them. More power to them. But I do not see any association listed on here that has any responsibility for the protection of this country.

We can vote on human rights, religious freedom, and all the other important things, but the only thing that poses a danger to this country we can't get a vote on because we didn't go through the "process" because it needs to go back to a committee. The chairman of that committee gave the most eloquent statement that has been given on behalf of my amendment. One Senator just said he wants to send it to a committee that does not want it, whose chairman, Senator HELMS, says

we do not need it; that we have had enough hearings; that we know what the problem is.

Give me a break. There will be a vote on this issue. But let's get back to the latest salvo, which may or may not have something to do with what we are dealing with tonight. The information they are putting out says this undercuts China PNTR; that it will undo PNTR; that it will return us to inflammatory annual votes on China.

I have been involved in a few annual votes on China. I do not remember the flames, but be that as it may, this will not kill PNTR. The die is cast on PNTR. The House has passed PNTR. We are going to pass PNTR. The only issue is whether or not in doing so, we raise the issue with our new "strategic trading partners," the issue that we are making this world a more dangerous one.

The House passed it by a 40-vote margin. Are you here to tell me that if we passed it and added on a nuclear proliferation component, that it would make it more difficult for the House to pass it again? It would have to go back to the House if we add anything new. So for the folks who might be listening and watching, the deal is, they say: You can't pass the Thompson amendment because it is different from what the House passed. If you make any changes, it has to go back to the House for another vote, and they might not vote for it again. That is the bottom-line argument for those who oppose this amendment.

My first response is, so what. If we have a serious national security problem and issue that is paramount, it begs the question: Is this problem serious enough for us to address? I can join issue on that argument and respect my friends who disagree with it. But don't tell me that even though it may be that serious, we can't add it on over here because the House might have to take another vote. That is an insult to this body. Since when did we stop being the world's greatest deliberative body and become a rubber stamp for the House of Representatives?

The practical answer to this particular accusation is that it will not kill PNTR. Before the sun sets, they will have it back over there, and they will revote on it. Nobody is going to go into an election just having cast a vote for it and then a vote against it, and the vote against it has a proliferation tag-on. That is going to make it more difficult to vote for it? Give me a break.

Please, be serious in your arguments, I say to my friends. There are some serious arguments to be had around here. I had a good discussion with the Senator from Kansas today on sanctions in general—a good discussion. But don't tell me, as a Senator, I have to rubber stamp something, when the House of Representatives identifies problems—religious persecution, slave labor, Radio Free Asia—and then it comes over here, and we can't identify the

only thing that is a threat to this Nation.

All those things are things that ought to be identified. They were correct in doing that. But to tell us that we have to rubber stamp it, that the benefits of PNTR to this country are so great, and so obvious, and so overwhelming, and so clear, that we are afraid to risk letting the House, with a 40-vote margin, with a nuclear proliferation add-on, have another shot at it because it is going to cost us a few more days—while the Chinese Government, as we speak, is trying to undercut the WTO agreement. That is just kind of a sideline. We see this in the paper now. We understand. They are trying to mess with Taiwan coming into the WTO later. They are trying to renege on some of the agreements that they have previously made in their bilateral agreement with us. They must not have any respect at all for us right now. We have danced to their tune now for a few years. We do not make any big fuss about the theft of nuclear secrets. We say: Boys will be boys. Everybody does that.

The Chinese military puts money into our campaigns, and they say, again: Maybe the higher-ups didn't know about it. We give them WTO. We give them a veto on a national missile defense system. That is the reason the President put off that decision, because the Russians and the Chinese objected to it.

We send delegations over there asking them to please stop their proliferation activities. They give us the back of their hand and say: We're going to continue our activities as long as you continue with the missile defense system and your friendship with Taiwan.

Then the President meets Jiang Zemin at the Waldorf in New York on Friday. According to the New York Times, the President once again raised the issue of what they were doing with regard to Pakistan. They have outfitted Pakistan. They took a nation, a small nation with no nuclear capability, and have outfitted Pakistan, soup to nuts. Not only do they have missiles, M-11 missiles, goodness knows what else, but they now have, apparently, missile plants where they can make their own.

The Chinese are probably ready to sign a new agreement now not to ship any more in there. They do not need to. They have equipped Pakistan so they can do it themselves. They have made that place a tinderbox. So the President rightfully brings this up, according to the New York Times.

Jiang Zemin's response, apparently, according to the New York Times, was to smile, wish the President well on his pending retirement, and to thank him for his assistance in getting them into the WTO. They must not have much respect for us anymore.

And we are over here saying we are afraid to give our House of Representatives another vote on this, regardless of the merits of the case. It would kill,

as they say, the PNTR. They are incorrect. They are wrong. They are brilliant people. They have contributed mightily to our economy. I am talking about all these high-tech people. I want to help them in every way I can. I am with them on most things. But they do not know this subject. We are supposed to know it. We are given access to classified information. We are paid the big bucks to spend long hours poring over these documents that the intelligence people bring to us—and the Rumsfeld Commission and the Deutch Commission and the Cox Commission, and all the rest. It is not their responsibility.

But they are papering this town. I said today, you can't stir the lobbyists with a stick. Everybody is petrified of this amendment. I think the reason is because they fear it will irritate the Chinese and maybe cause us some problems, trade retaliation, or something like that. But the Chinese want this mightily. They want this PNTR badly. They have a \$69 billion trade surplus with us.

There will be no killing of that golden goose. They are not foolish people.

They also said that it is ineffective because it is a unilateral sanction. Unilateral sanctions rarely achieve the intended results of the targeted country, but they penalize American companies, workers, and investments. Let me tell you when an American company or worker would be penalized. If we catch the Chinese entities selling missile parts or the ability to make bombs, nuclear weapons, to Libya, let's say, then we are going to cut off military and dual use that can be used for military purposes, we are going to cut those sales off. So if you make those items, you are going to be affected. The President has the discretion—let me add that—and it does not happen automatically.

The process, under our bill, is that we have a report. Our intelligence agencies give a report. It identifies these entities, companies that are doing these things. Then our President has the discretion or he has to make a determination, depending on the category, but it is within his power to exercise the appropriate remedy. We are not talking about cutting off sales of wheat or food or shoes—we would not be selling them shoes—or any other commodity. We are talking about munitions and dual-use items.

If you are affected by that, you will be affected by this bill. I don't know about the company president, but I will bet you, if you said to the average worker—that is 2 percent, by the way, of our dual use and munitions; our entire trade with China is 2 percent of our exports; 2 percent is what we are so afraid of here—if you said to the average worker: we are going to impose these restrictions or these sanctions on China for a year to try to get them to clean up their act because we have caught these Chinese companies doing these things. Obviously, it is going to make it a more dangerous place for

your kids if we keep on down this road. We need to get their attention. It is going to mean some loss of sales for the company you work for. Do you think we ought to do it?

I don't think there is any question about that. I have more faith and confidence in the American worker and the American farmer.

They talk about farmers being concerned. Well, agriculture is not directly affected, but what if the Chinese get mad at us and decide to cut off some of our agricultural exports?

I think my Tennessee farmers are willing to take that chance. If that is the price we have to pay to sell corn, then that is too high a price to pay. I am like all these other agriculture Senators here. I have agriculture. I have farmers. They are concerned about these issues. But they are also very patriotic. When you come right down to it, there are a lot of organizations running around using the names of various people, but when you come right down to the workers of America and the farmers of America, you are not cutting off exports of goods across the spectrum, and you are certainly not cutting off agricultural exports. They would see through that. They would say, well, yes, there is an indirect possibility, if I am in a certain area, that there might be some ramifications down the road. But if that possibility were to occur, if that is what I have to do to help make this place a little bit safer and get their attention because, goodness knows, if we can't get their attention while we are about to give them this trade bill, we are never going to get their attention, I think they would be willing to go along with that.

What else do they say? It duplicates current U.S. proliferation laws. The last point was the unilateral sanction. Of course, this was drafted by some lobbyists downtown. We all know that that works for these folks. All the points are always the same. They hand them around town. Everybody uses them. Do you really think their real concern is that these sanctions won't work or that we are duplicating current laws? Is that what is stirring up all this activity, that we are being inefficient in some way? Please.

Unilateral sanctions don't work. Well, some don't. And there is a chance these might not. But there is a good chance they might.

Why is the Chinese Government so upset? If you read the French newspapers—and I assure you, they are translated in English before I read them—or the Chinese, you will see that there is tremendous consternation over the Thompson-Torricelli amendment. Why do you think that is, if we are only duplicating what is already on the books and unilateral sanctions don't work? Do you think they are concerned because we are about to do something that doesn't work, or do you think they are going to maybe think twice before they continue their activity be-

cause they know that at least the Congress is serious about this? They are going to continue to get highlighted and embarrassed in the world community for making this a more dangerous world. I think it is the latter.

I have had Mr. Berger, the President's national security adviser, tell me that on occasions when they have actually used or threatened unilateral action in times past, that it has had an effect. I don't think they have done it nearly enough, and we have strong disagreements about that. That is part of the problem we have had. They have gone around the barn to apologize for 95 percent of what the Chinese Government has done here. That is the reason we are here tonight. But when they have on occasion done this, he has told me it has had effect.

You can't have it both ways. Unilateral sanctions sometimes do work. We are not talking about these blanket agricultural sanctions or going towards some particular country. We are going to the supplier and saying that we are going to cut off the relevant goods and items if we continue to catch you doing these things that you are flaunting disrespectfully.

Unilateral sanctions undercut PNTR, will kill PNTR, and duplicates current laws. To a certain extent that is right. There are laws on the books now that require sanctions, just as we are proposing, or close to it.

So you say, THOMPSON, why are you doing this? Well, because we have other provisions, such as a little more congressional oversight, such as a more extensive report where it would make it more difficult for a President to game the system and do what President Clinton said he had to do on occasion—that is, to fudge the facts—because if he made a finding against a company that he didn't want to move against for diplomatic reasons, the law would require him to do that. He didn't want to do that.

What this does is make it more transparent. The President can still do it, but he has to give Congress a reason why he is not imposing sanctions on an entity that has been found to have been selling weapons of mass destruction.

While it duplicates current law in many respects, which is a point in our favor because we are not doing something new and dangerous and onerous and burdensome, the President should already be doing some of these things. What we are doing is saying, yes, that, but also in addition to that, a mechanism whereby we can have some enforcement to it, have some congressional oversight and highlight the fact that the President has some options here.

The President can address the capital markets issue. One of the things the opponents have complained about is the fact that our bill actually gives the President the authority to say to a particular Chinese company or, for that matter, a Russian or a North Korean

company, but the big players right now, such as Petro China or the Chinese companies, raising billions of dollars in our stock markets, in the New York Stock Exchange, going back, in some cases, to enhance the Chinese military—and in many cases, according to the Deutch Commission and according to the Cox committee, these are proliferators of weapons of mass destruction, raising all this money in our capital markets. How many people know about that? You know, we don't want to close our capital markets. We can't do that without thought. But, for goodness' sake, that is a privilege; that is not a right for them to come in and raise money from our people who do not know who they are dealing with—raise billions of dollars, while at the same time selling stuff that is making the world more dangerous for that investor's kids. Do we really want to keep financing these people that way? I don't think so.

According to this latest leaflet, it is inconsistent with current nonproliferation regimes. It would be activated by a hair-trigger mechanism—a hair-trigger mechanism—based on credible information. Well, that just comes from a misunderstanding of the law and what the bill says.

What the bill says is that if you get credible information that they are doing these things, you have to put it in the report. That is the only thing it activates. That is the hair-trigger they are talking about. If our intelligence people find that you are selling these things to these rogue nations, you have to put it in the report.

Now, the President takes a look at that. If it has to do with a country, he has total discretion as to what to do. If it has to do with a company, an entity, say a state-owned company in China, as so many of them are, the President has to make a determination that in fact the credible evidence is true. Then the President has an option to have a waiver. Even after he makes a determination that the allegations are true, he still has a waiver that he can exercise before all of this happens, before any sanctions are levied. That is the hair-trigger they are talking about.

They are just misinforming folks. I think it comes from a lack of understanding of what is in the bill. Somebody downtown, hopefully, will read it more carefully. You can have a lot of complaints about it, and so be it, but let's not misrepresent what it does. There is no hair-trigger, there is no automatic sanction, no automatic anything; it is discretionary with the President. If it is credible evidence, it goes into the report.

Some people say: Well, it might be credible evidence, but it might not be proof beyond a reasonable doubt; we might catch up some innocent Chinese company. We are not trying a criminal lawsuit here. We are talking about information to go into a report for the

American people to see and for Congress to see. If it turns out we are incorrect, we can correct that when the time comes.

I don't want to be callous about this just because they are Chinese companies and maybe had proliferation problems in the past. I don't want to accuse anybody of anything of which they are not guilty. My guess is, if our intelligence community takes the time and effort and concludes that this information is credible enough to go into the report, they probably did it. Considering the fact that they are the world's leading proliferators of weapons of mass destruction, somebody over there is doing it—not proof beyond a reasonable doubt, but, then again, we are not putting anybody in the penitentiary. We are trying to protect the American people.

Contains automatic overbroad sanctions. The bill mandates automatic U.S. sanctions against any private or governmental entity, even for acquisition of commodity level products.

Somebody is not paying attention, are they? "Mandates automatic U.S. sanctions." It is just not true. The bill doesn't do that. There is nothing automatic about it. It is within the power and determination of the President if he chooses to do that. Then he has a waiver if he wants to use that. It is a modest step.

I think this report is the most important part of this legislation. It is a more extensive report. We get these halfway jobs, summaries, but this is a more extensive report. The President will know we are getting it, and we will have a dialog about who is on it and why and to the extent the President is doing anything about it. The report requires the President to tell us what he intends to do about it. He doesn't have to do anything. But there is the pressure, I would think, for most Presidents, to want to have a pretty good reason if they didn't choose to do anything about it once that credible evidence was there.

So, my friends who may be listening to this, there is an awful lot of false information going around. I know these people didn't intend to do this. They are in the business of advancing technology. They are the world's best, and God bless them. But they are not in this business. Somebody downtown is doing this who wants to win too badly. There are no automatic sanctions.

Underwent an inadequate public process.

Well, we are getting back to my friends from Wyoming and Texas.

Deserves a full vetting by the Senate, not the hurried and nonpublic process that has characterized the consideration of this bill. Subsequent drafts and basic proposals have not addressed the bill's deficiencies. Should not be substituted for critical processes, such as public hearings.

In other words, we haven't had any public hearings. Somebody is not paying attention. I just read off two pages of the public hearings that we have had on this general subject matter. Nobody

paid attention then because trade was not involved; it was only national security. Now they are shocked to find out that all this time we have been having public hearings, and we have been getting the reports from bipartisan commissions all this time warning us, warning Congress, warning the American citizens, that it is becoming more dangerous. Countries such as North Korea will have the capability of hitting us within 5 years of their decision to do so. We know that some time ago they decided to have that capability. We know that some years ago they already decided to have the capability.

Shortly after we got the report, they fired a two-stage rocket over the country of Japan—another one of our allies. I guess, now that I think about it, that delivered more than one message, didn't it? It told the good old USA: Yes, we have that capability that you are debating over there. This is what we have. It shocked our intelligence community and surprised us. The Rumsfeld Commission told us they feared that was the case, and then they showed us the capability. Of course, Japan is one of our closest allies. So I suppose that accentuated it.

So we have gone through all that. How much does it take? And now my friends from Texas and Wyoming say we can't have a vote. We can't even have a vote on an issue that poses a direct threat to the security of this Nation because it hasn't sufficiently gone through the process.

Then we had the Deutch Commission telling us some of the same things. And then the Cox Commission told us that, relevant to our export laws, the Chinese Government was using our technology and the supercomputers we were sending to them to perfect and enhance their nuclear capability.

Was it Lenin who said, "The U.S. would sell the rope with which to hang itself"?

That is what that issue is all about. That is serious business. That opens another whole question about our export laws. That is why we have this debate and concern. My friends from Wyoming and Texas and I disagreed. So did these other Senators from various other committees, chairmen of these committees. It wasn't just me. At this particular time, while we can't put the genie back in the bottle, we can't keep technology from circling the globe eventually. But there is great dispute among experts as to what people can get their hands on and how long it will take other countries to get their hands on our technology. We shouldn't ship it out willy-nilly and let the Commerce Department decide. Some of our friends would let the Commerce Department decide whether or not these things ought to be sent around. The Commerce Department is in the business of business. Again, more power to them. But this is not a commerce issue. This is a national security issue. We should not be blind to our commercial interests, and we should not be unreasonable about that.

But there are more important things than whether we should be loosening our export laws and saying, well, if we can make it, everybody is going to have it eventually. So we might as well give it to them tomorrow. Even if we are able to slow them down somewhat, this is a dangerous world. I am looking to the day we find out the direct proof that one of these rogue nations has what we shipped to China and China just passed it along. I assume it has already happened, but we don't have any proof of that. That is what all of this is really about, in my opinion.

It goes on to say here—this is the last objection—it provides for dangerous procedures and fast-track procedures would inevitably lead to highly politicized annual votes.

Our bill, of course, says the President's actions have been, frankly, inadequate. I think some of President Clinton's actions have been totally inadequate with regard to some of these decisions.

Our intelligence has proof that the Chinese Government sent M-11 missiles to Pakistan, and the response from the State Department is: No. We are not going to impose sanctions there because we cannot prove it. We only see canisters on the ground that we know were put there by the Chinese on Pakistani docks. But we do not really know that there are missiles inside the canisters.

What can you say to that?

Then there was another occasion where we proved that they sent ring magnets to the Pakistanis, and those go to enhance the uranium enrichment process that goes into these nuclear weapons. The answer there was that we did not have sufficient proof that those high up enough in the Chinese Government really signed off on that.

We are requiring courtroom-level proof. Instead of requiring them to bear the burden, you had better prove to us that you didn't do it because it sure looks as if you did it. No, we are putting the burden on ourselves to have a level of proof that no one can ever reach because our diplomats and some of our administration officials are living in another world. They think if they can continue to dialog with the leadership of the Communist Chinese Government that things are going to magically fall into place.

In this bill we said if we run into one of those situations Congress ought to have some input. Congress hasn't done enough in this regard. We can't sit back and say that we can't mess with the President's authority. We have done that too much—go into wars, and everything else—partially under the jurisdiction of this body. And we really do not want to take the political heat for making the decisions.

Our tendency, it seems to me nowadays, is to sit back and let the President do the tough stuff and make those decisions. We will criticize him every once in a while. We don't want to be involved. That exposes us to criticism if we make a mistake.

If you look at the national political polls, national security and foreign affairs ranks, only 2 percent of the people in this country would put it at the top of their area of concern—2 percent. That doesn't get the attention of a lot of people around here. So we sit back. We have done it too long. The problem is that this administration has sat back right along with us. The result of that has been a more dangerous world.

We signal to our allies that we claim we need a national missile defense system because of rogue nations. But the signal is we are really not that worried about it; Trade is more important. We are signaling to the leadership of the Chinese Government that we may or may not be concerned about this. We may issue a sanction in one out of every five times we catch it.

That is still going to lead to a more dangerous world because they somewhere along the line are going to misjudge how far we will go in response to some action.

What we need to do is have something right now that is measured, that is reasonable, and that is not extreme to put in place to simply send a signal that while we are approving the trade bill, that trade is not the only thing that is important to us and that we are going to blow the whistle on them and maybe cut off some of their dual-use technology. Yes—perhaps even with hardship on one or more of those conferences. That is the signal we need to send.

So we fashioned the provision in this bill that said if 20 Senators agree that we should disagree with the President's action—that we think it is clear and he is doing nothing, or that we think it is not so clear and he is doing something and we believe we should become involved—if 20 of us think that way, we can become involved in a variety of actions. He can veto that. Or it would take a tremendously unusual situation for us to actually get anything done, quite frankly. Everybody knows that. I know that. Overriding the President's veto on something like that would be tremendous. It would have to be an egregious situation. That is the kind of thing we need to signal to the world that we are willing to do, at least in an egregious situation.

They say that it is dangerous. I say to them that we already have 60 laws on the books that in one form or another have this general procedure I just described. They are making it look as if it is a dangerous, unusual thing. We have at least 60 laws on the books which provide for expedited procedure in one way or another.

We will have an opportunity to discuss this further. As I say, I particularly want to get a vote on this. I guess I am having a hard time absorbing what has happened here. After all of this debate, all of this discussion, this clearly would not cause any harm and would not cause any problem, except some people think it would complicate the trade bill. It is not as if we are

about to do something dangerous or we are about to do something where some of our critics say the law is already on the books and you don't need to do it. That is the level of danger we are talking about.

Our colleagues are keeping us from even having a vote. And we let all of these other things go? The Senator from Wyoming and the Senator from Texas say we haven't gone through the process enough. It has nothing to do with the fact that we couldn't get our Export Administration Act up for a vote, or chose not to. Frankly, I don't know which. If that is the case, that is the case. I take them at their word. I don't want to accuse them of having jurisdictional concerns. I say when it is in the wrong committee and it is on the wrong bill, to me that is a jurisdictional problem. If I am using the wrong word, I apologize. But the very idea that in light of this threat and in light of the good debate that we have had—and we have pros and cons on the Republican side and pros and cons on the Democratic side as to whether or not we ought to pass this. We have had a good debate. We are talking about one of the few things that really matter around here.

Our first obligation in the preamble of our Constitution is the reason for the creation of this Government, the kind of matters we are considering here tonight.

To come down to this, after all these hearings and all this time, with no one denying the nature of the threat, saying it needs to be sent to the committee of jurisdiction—they know by now, of course, that the Parliamentarian has said it would go to the Foreign Relations Committee; it would not even go to their Banking Committee. The only problem they have with that is Senator HELMS is chairman of the Foreign Relations Committee and says he doesn't want that to happen. He wants my amendment to pass.

I don't understand. It has nothing to do with anything other than some jurisdiction. We need to go back and massage this a little bit more, send it back to a committee that doesn't want it. Maybe we can offer some amendments. Why not offer it now, I ask my friends from Wyoming and Texas. If you want to offer amendments, offer them now. I don't understand the nature of the problem. I cannot for the life of me understand the nature of the problem.

But we will have a chance, perhaps, to explore that further.

I yield the floor.

Mr. BAUCUS. Mr. President, we have heard a lot on the Senate floor the last few days about the advantages to the United States of granting PNTR to China. In commercial terms, PNTR means that American farmers, ranchers, workers, manufacturers, and service providers can take advantage of what will be an unprecedented liberalization in the world's most populous market, and an economy that has

grown almost ten percent annually for two decades. PNTR and China's accession to the WTO means that China will enter the global trade community, liberalize and open up much of its economy, and be subject to the operating rules and regulations of the WTO.

I would like to focus my remarks on the effect of PNTR on one very important sector of America's economy—agriculture.

We are in the third year of a severe agricultural crisis in the United States. Our farmers are suffering terribly from drought, record low prices, increased costs, and now damage due to unprecedented forest fires this summer. At the same time, the American food market is a mature one with almost no room for growth for our farmers and ranchers. Therefore, one part of the solution to the agricultural crisis lies in increasing the quantity and value of our agricultural exports, bringing the products of the world's most efficient farming to the people of the world.

That means ensuring that our producers are not besieged by dumped imports. That means our producers need time to adjust to surges in imports. That means working to dismantle the European Union's system of massive trade-distorting export subsidies to its farmers. That means reversing the trends that have reduced our agricultural exports by ten billion dollars since 1996. And that means bringing China into the WTO and granting them PNTR so that our farmers and ranchers can benefit from the significant liberalization commitments that China is making.

Let me review those changes that China has agreed to make as part of its WTO accession commitments. And remember, if we don't grant China PNTR, our competitors can take advantage of this new liberalization in China, while our ranchers and farmers will lose out.

First, the US-China Agricultural Cooperation Agreement. Although this was technically separate from China's negotiations for WTO accession, it was an integral part of our bilateral negotiations. This agricultural agreement provides three specific benefits to American producers.

On wheat, China agreed to end a thirty year ban on Pacific Northwest wheat. This ban was based on spurious sanitary and phyto-sanitary standards. We completed the first shipment of Pacific Northwest wheat to China earlier this year.

On beef, under the agricultural agreement, China will accept meat and poultry from all USDA Food Safety Inspection Service-approved plants, honoring USDA inspection certificates.

On citrus, the agreement provided for a series of measures that would approve citrus for export to China. Chinese officials made several inspection trips to the United States, and the first shipment occurred earlier this year.

Second, China made significant trade concessions on bulk commodities. For

example, China agreed to a tariff rate quota on wheat of 7.3 million metric tons for its first year of membership in the WTO, increasing to 9.6 million tons in 2004. This contrasts with recent annual import of wheat at around two million tons. Ten percent of the tariff rate quota will be allocated to non-state trading entities. If state trading entities do not use their portion of the quota, the unused part will be given to non-state entities. Tariff rate quotas at similarly high levels will also be in effect for other commodities such as corn, cotton, rice, and soybean oil.

Third, tariffs themselves will be cut significantly. By January, 2004, the overall average for agricultural products of importance to the United States will drop from 31 percent to 14 percent. Beef goes down from 45 percent to 12 percent for frozen and to 25 percent for fresh. Pork drops from 20 percent to 12 percent. Poultry goes from 20 percent to 10 percent.

Fourth, foreigners will have the right to distribute imported products without going through a state-trading enterprise or middleman.

Fifth, China has committed not to use export subsidies for agricultural products. They have also committed to cap, and then reduce, trade-distorting domestic subsidies.

Sixth, there are several provisions that most people think apply only to manufactured goods, but, in fact, apply to agriculture as well. The United States can continue to use our non-market economy methodology in anti-dumping cases for 15 years, an important protection against dumped Chinese products. Also, for the next 12 years, we can take safeguard measures against specific products from China that cause, or threaten to cause, disruption in our market.

In short, once we grant China PNTR and the WTO accession process concludes, our farmers, ranchers, and food processors can begin to take advantage of vast new opportunities in China. Americans need to move aggressively to follow-up on these Chinese commitments. And we in the Congress and in the Executive Branch must put resources into monitoring closely Chinese compliance with those commitments.

Following my own advice about follow up, I will lead a delegation of Montana ranchers, farmers, and business people to China in December. I encourage all my Congressional colleagues to do likewise. I have also sent a letter to Chinese Premier Zhu Rongji insisting that China fully comply with its agriculture commitments.

We have a lot to do in the Congress this year and next to help our farm economy. Approving PNTR is one important part of that agenda.

Mrs. FEINSTEIN. Mr. President, I would like to explain why I oppose all amendments offered to H.R. 4444, a bill to establish Permanent Normal Trade Relations (PNTR) with China.

Much is at stake here; the effects of this vote may be felt for years to come.

I am convinced that amendments at this stage create a procedural problem that could derail passage of this important bill. Adopting any amendments would mean sending this bill to conference, where it could become mired in wrangling over differences of language and content. It is clear to me that we do not have time remaining in this Congress to resolve a bicameral conflict over this bill. We can allow nothing to interfere with what may be this Congress's most important decision concerning China.

I am convinced we must not let our focus be drawn away from the real point in question: pure and simple, this vote is about deciding whether or not the United States wishes to join with the world community in having normal trade relations with China, and whether we are prepared to conduct our dealings with China according to the terms and conditions established by that community under the World Trade Organization framework (WTO).

This vote is about protecting U.S. interests in an increasingly competitive global marketplace and about ensuring that American workers, managers, entrepreneurs, and investors do not miss out on the opportunities that are bound to grow as China brings itself further into the modern world.

I do not think we further U.S. interests by undermining this nation's ability to function effectively in the world's most important multinational trade organization, or by cutting Americans off from the full benefits of WTO membership.

This is what will happen if we pass a bill that does not conform to WTO requirements, or if we are forced to send the bill to conference, and fail to pass a bill, at all. I believe it is in America's best interests that this body pass a clean, focused bill establishing permanent normal trade relations with China that is the same as the House bill and does not need conferencing.

Mr. THOMPSON. Mr. President, I ask unanimous consent that at 10 a.m. on Wednesday there be 60 minutes for closing remarks for two amendments, with the following Senators in control of time: Senator ROTH, 15 minutes; Senator MOYNIHAN, 15 minutes; Senator BYRD, 15 minutes, Senator Bob SMITH, 15 minutes. I further ask consent that the vote on the pending Byrd amendment occur immediately at 11 a.m., to be followed by a vote in relation to division 6 of Senator SMITH's amendment, No. 4129.

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

#### MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

#### SENATOR SLADE GORTON'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, it is a long-standing tradition in the Senate to recognize and honor those Senators that serve as presiding officers of the Senate for 100 hours in a single session of Congress. Today, I have the pleasure to announce that Senator SLADE GORTON is the latest recipient of the Senate's coveted Golden Gavel Award.

This Golden Gavel Award is not the first or even the second for Senator GORTON but is the sixth. Senator GORTON is the first Senator in the history of the Golden Gavel Award to attain the six gavel mark. This is a great achievement.

On behalf of the Senate, I extend our sincere appreciation to Senator GORTON and his staff for their efforts and commitment to presiding duties during the 106th Congress.

#### SENATOR WAYNE ALLARD'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator WAYNE ALLARD has achieved the 100 hour mark as presiding officer. In doing so, Senator ALLARD has earned his second Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator ALLARD and his staff for their efforts and commitment to presiding duties during the 106th Congress.

#### VICTIMS OF GUN VIOLENCE

Mr. ROBB. 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 12, 1999:

Arthur Adams, 41, Philadelphia, PA; Anita Arrington, 36, Charlotte, NC; Robert Bason, 21, Detroit, MI; Keith Brisco, 23, Chicago, IL; Shiesha Davis, 19, Detroit, MI; Clinton Dias, 24, Baltimore, MD; Steve Esparza, 15, San Antonio, TX; Friday D. Gardner, 21, Chicago, IL; Tony M. Gill, 28, Gary, IN; Elaine Howard, 47, Detroit, MI; Greta

L. Johnson, 33, Memphis, TN; Rickey D. Johnson, 36, Memphis, TN; Willie Johnson, 20, Miami, FL; Roberto E. Moody, 30, Seattle, WA; Donald Morrison, 20, San Antonio, TX; Deric Parks, 23, Washington, DC; Harry R. Penninger, 69, Memphis, TN; Albert Perry, 31, Detroit, MI; Artemio Raygoza, 22, San Antonio, TX; Douglas M. Stanton, 33, Chicago, IL; Rodrick Swain, 24, Houston, TX; Ramon Vasquez-Ponti, 56, Miami, FL; Damon Williams, 21, Kansas City, MO; Derrion Wilson, 19, Memphis, TN; Margaret Wilson, 52, Dallas, TX; Dwayne Wright, 28, Detroit, MI; Unidentified Male, 18, Norfolk, VA.

One of the gun violence victims I mentioned, 20-year-old Donald Morrison of San Antonio, was shot and killed one year ago today when an irritated driver followed Donald into a convenience store parking lot and shot him in the head.

Another victim, 33-year-old Greta Johnson of Memphis, was shot and killed one year ago today by her husband before he turned the gun on himself.

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.

#### HEALTH CARE SAFETY NET OVERSIGHT ACT OF 2000

Mr. HATCH. Mr. President, I am pleased to cosponsor the Health Care Safety Net Oversight Act of 2000, which is an important step toward addressing a critical issue facing our country: the fact that over 40 million Americans lack health insurance.

While it is natural to question the need for any new commission, I believe this legislation is more than warranted given the fact that there is such a substantial number of Americans who are uninsured and there is to date no comprehensive solution to this problem.

Despite the hard work of Community Health Centers in Utah and throughout the Nation, and despite the many, many efforts of others who are working to improve health care delivery in hospitals, emergency rooms and clinics, two facts remain. First, it is deplorable that in a Nation as great as the United States, we still have so many people who lack basic health care services. And second, there is no national consensus on how this problem should be addressed by the public and private sectors.

It is obvious that we need to begin the process toward developing that necessary consensus, and I believe the Health Care Safety Net Oversight Commission's work will help us meet that goal.

I commend Senator BAUCUS and my colleagues for their work which has led to introduction of our bipartisan bill tonight. As the legislation progresses, I do want to work with them to improve a limited number of provisions in the

bill, including the funding source for the Commission.

#### THE MEDICARE BENEFICIARIES' CHOICE STABILIZATION ACT

Mr. SANTORUM. Mr. President, I rise today to address a matter of critical importance to our Nation's 39 million Medicare beneficiaries, 2 million of whom live in Pennsylvania alone. I speak of the current erosion of the Medicare+Choice program, a situation which demands attention by Congress and this administration.

Currently, more than 6.2 million Medicare beneficiaries are enrolled in the Medicare+Choice program, receiving high quality, affordable health care services through HMOs and other private sector health plans. Beneficiaries are choosing these plans because they typically provide a more comprehensive package of benefits (including coverage of prescription drugs), lower out-of-pocket costs, and a stronger emphasis on preventive health care services than the old Medicare fee-for-service system.

As my colleagues well know, for more than ten years Medicare beneficiaries have had access to this array of enhanced health benefits and options through the Medicare's risk contract program, and the success of this program was evidenced by the fact that beneficiaries signed up for Medicare HMO coverage in large numbers. From December 1993 through December 1997, enrollment in Medicare HMOs increased at an average annual rate of 30 percent. In states such as Louisiana, Pennsylvania, Ohio, and Texas, enrollment in Medicare HMOs increased even more rapidly. In December 1997, shortly after the enactment of the BBA, Medicare HMO enrollment stood at 5.2 million, accounting for 14 percent of the total Medicare population—up from just 1.3 million enrollees and 3 percent of the Medicare population in December 1990.

The success of the Medicare HMO program inspired Congress to establish the Medicare+Choice program in 1997 through the enactment of the Balanced Budget Act (BBA). In establishing the Medicare+Choice program, Congress had three goals in mind: (1) to build on the success of the Medicare HMO program; (2) to give seniors and persons with disabilities the same health care choices available to Americans who obtain their health coverage through the private sector; and (3) to further expand beneficiaries' health care choices by establishing an even wider range of health plan options and by making such options available in areas where Medicare HMOs were not yet available. Three years later, however, the Medicare+Choice program has not fulfilled its promise of expanding health care choices for Medicare beneficiaries. Instead, a large number of beneficiaries have lost their Medicare+Choice plans or experienced an increase in out-of-pocket costs or a reduction in benefits.

This disturbing trend is especially harmful to low-income beneficiaries, who are almost twice as likely to enroll in Medicare HMOs as are other Medicare beneficiaries. For many seniors and persons with disabilities who live on fixed incomes, having access to a Medicare HMO means that they can spend their limited resources on groceries and other daily essentials. Beneficiaries also like Medicare HMOs because they provide coordinated care and place a strong emphasis on preventive services that help them to stay healthy and avoid preventable diseases.

Mr. President, when Congress enacted BBA in 1997, plans were still joining the Medicare+Choice program and 74 percent of beneficiaries had access to at least one plan. But today, access dropped to 69 percent, with 2 million fewer beneficiaries having access to a plan. Next year, 711,000 Medicare beneficiaries will lose access to health benefits and choices as a result of Congressional underpayment and burdensome HCFA regulations.

In addition, many Medicare HMOs have curtailed benefits, increased cost-sharing and raised premiums. Average premiums have increased \$11 per month in 2000.

Two major problems are responsible for this outcome: (1) the Medicare+Choice program is significantly underfunded; and (2) the Health Care Financing Administration (HCFA) has imposed excessive regulatory burdens on health plans participating in the program. The funding problem has been caused by the unintended consequences of the Medicare+Choice payment formula that was established by the BBA, as well as the Administration's decision to implement risk adjustment of Medicare+Choice payments on a non-budget neutral basis. Under this formula, the vast majority of health plans have been receiving annual payment updates of only 2 percent in recent years—while the cost of caring for Medicare beneficiaries has been increasing at a much higher rate.

When plans withdraw from communities, beneficiaries are forced to switch plans, or in some cases revert back to the traditional Medicare program, which does not cover additional benefits like eye and dental care, or, more importantly, prescription drugs.

It is in response to this crisis in the Medicare+Choice program that I am pleased to be introducing The Medicare Beneficiaries' Choice Stabilization Act. This legislation will make numerous changes to the way Medicare+Choice rates are calculated and will seek to sensitize the funding mechanisms in the current Medicare system to the difficulties of health care delivery in all communities, and particularly in rural areas.

As the costs of providing care in some areas can be higher than the payments from Medicare, The Medicare Beneficiaries' Choice Stabilization Act will also give plans the opportunity to negotiate for higher payment rates based on local costs.

Realizing the importance of assuring that the benefits of programmatic regulations outweigh their costs, my legislation will also provide Medicare+Choice providers regulatory relief from overreaching HCFA dictates. Rather than devoting substantial human and financial resources toward compliance activities, which leaves fewer resources available for paying for health care services provided to beneficiaries, Medicare+Choice plans ought to be left to the fullest extent possible to the business they know best: providing high quality and cost effective health care to our Medicare beneficiaries.

Congress must devote more adequate funding to the Medicare+Choice program, and work to ensure that resources are allocated in such a way as to assure that the Medicare+Choice program is viable in areas where beneficiaries have already selected health plan options and that the program can expand in areas where such options are not yet widely available. I am sponsoring Beneficiaries' Choice Stabilization Act with just these goals in mind, and I hope my colleagues will join me in a bipartisan effort to save and strengthen the Medicare+Choice program and the valuable health benefits it provides for our Medicare population which relies on them.

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#### DEPARTMENT OF JUSTICE REPORT OF RACE AND GEOGRAPHIC DISPARITIES IN FEDERAL CAPITAL PROSECUTIONS

Mr. FEINGOLD. Mr. President, in recent months, our Nation has begun to question the fairness of the death penalty with greater urgency. Now, with details of the Justice Department report being released, we have learned that just as we feared, the same serious flaws in the administration of the death penalty that have plagued the states also afflict the federal death penalty. The report documents apparent racial and regional disparities in the administration of the federal death penalty. All Americans agree that whether you die for committing a federal crime should not depend arbitrarily on the color of your skin or randomly on where you live. When 5 of our 93 United States Attorneys account for 40 percent of the cases where the death penalty is sought; when 75 percent of federal death penalty cases involve a minority defendant, something may be awry and it's time to stop and take a sober look at the system that imposes the ultimate punishment in our names.

I first urged the President to suspend federal executions to allow time for a thorough review of the death penalty on February 2 of this year. I repeat that request today, more strongly than ever. While I understand the Attorney General plans further studies of some of the issues raised by the report, additional internal reviews alone will not satisfy public concern about our system. With the solemn responsibility

that our government has to the American people to ensure the utmost fairness and justice in the administration of the ultimate punishment, and with the first federal execution since 1963 scheduled to take place before the end of the year, a credible, comprehensive review can be conducted only by an independent commission.

This is what Governor Ryan decided in Illinois. He created an independent, blue ribbon commission to review the criminal justice system in his state, while suspending executions. The wisdom of that bold stroke by Governor Ryan is clear, both to supporters and opponents of capital punishment. The federal government must do the same. The President should appoint a blue ribbon federal commission of prosecutors, judges, law enforcement officials, and other distinguished Americans to address the questions that are raised by the Justice Department report and propose solutions that will ensure fairness in the administration of the federal death penalty.

I urge the President to suspend all federal executions while an independent commission undertakes a thorough review. That is the right thing to do, given the troubling racial and regional disparities in the administration of the federal death penalty. Indeed, it is the only fair and rational response to these disturbing questions. Let's take the time to be sure we are being fair. Let's temporarily suspend federal executions and let a thoughtfully chosen commission examine the system. American ideals of justice demand that much.

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#### CABIN USER FEE FAIRNESS ACT OF 1999

Mr. CRAIG. Mr. President, soon the Senate will take up S. 1938, the Cabin User Fee Fairness Act of 1999. It is designed to set a new course for the Forest Service in determining fees for forest lots on which families and individuals have been authorized to build cabins for seasonal recreation since the early part of this century.

In 1915, under the Term Permit Act, Congress set up a program to give families the opportunity to recreate on our public lands through the so-called recreation residence program. Today, 15,000 of these forest cabins remain, providing generation after generation of families and their friends a respite from urban living and an opportunity to use our public lands.

These cabins stand in sharp contrast to many aspects of modern outdoor recreation, yet are an important aspect of the mix of recreation opportunities for the American public. While many of us enjoy fast, off-road machines and watercraft or hiking to the backcountry with high-tech gear, others enjoy a relaxing weekend at their cabin in the woods with their family and friends.

The recreation residence programs allows families all across the country

an opportunity to use our national forests. This quiet, somewhat uneventful program continues to produce close bonds and remarkable memories for hundreds of thousands of Americans, but in order to secure the future of the cabin program, this Congress needs to reexamine the basis on which fees are now being determined.

Roughly twenty years ago, the Forest Service saw the need to modernize the regulations under which the cabin program is administered. Acknowledging that the competition for access and use of forest resources has increased dramatically since 1915, both the cabin owners and the agency wanted a formal understanding about the rights and obligations of using and maintaining these structures.

New rules that resulted nearly a decade later reaffirmed the cabins as a valid recreational use of forest land. At the same time, the new policy reflected numerous limitations on use that are felt to be appropriate in order keep areas of the forest where cabins are located open for recreational use by other forest visitors. Commercial use of the cabins is prohibited, as is year-round occupancy by the owner. Owners are restricted in the size, shape, paint color and presence of other structures or installations on the cabin lot. The only portion of a lot that is controlled by the cabin owner is that portion of the lot that directly underlies the footprint of the cabin itself.

At some locations, the agency has determined a need to remove cabins for a variety of reasons related to "higher public purposes," and cabin owners wanted to be certain in the writing of new regulations that a fair process would guide any future decisions about cabin removal. At other locations, some cabins have been destroyed by fire, avalanche or falling trees, and a more reliable process of determining whether such cabins might be rebuilt or relocated was needed. It was determined, therefore, that this recreational program would be tied more closely to the forest planning process.

The question of an appropriate fee to be paid for the opportunity of constructing and maintaining a cabin in the woods was also addressed at that time. Although the agency's policies for administration of the cabin program have, overall, held up well over time, the portion dealing with periodic redetermination of fees proved in the last few years to be a failure.

A base fee was determined twenty years ago by an appraisal of sales of "comparable" undeveloped lots in the real estate market adjacent to the national forest where a cabin was located. The new policy called for reappraisal of the value of the lot twenty years later—a trigger that led to initiation of the reappraisal process in 1995.

In the meantime, according to the policy, annual adjustments to the base fee would be tracked by the Implicit Price Deflator (IPD), which proved to be a faulty mechanism for this purpose.

Annual adjustments to the fee based on movements of the IPD failed entirely to keep track of the booming land values associated with recreation development.

As the results of actual reappraisals on the ground began reaching my office in 1997, it became clear that far more than the inoperative IPD was out of alignment in determining fees for the cabin owners.

At the Pettit Lake tract in Idaho's Sawtooth National Recreation Area, the new base fees skyrocketed into alarming five-digit amounts—so high that a single annual fee was nearly enough money to buy raw land outside the forest and construct a cabin. Meanwhile, the agency's appraisal methodology was resulting in new base fees in South Dakota, in Florida, and in some locations in Colorado that were actually lower than the previous fee.

At the request of the chairman of the House Committee on Agriculture in 1998, the cabin owners named a coalition of leaders of their various national and state cabin owner associations to examine the methodology being used by the Forest Service to determine fees. It became obvious to these laymen that analysis of appraisal methodology and the determination of fees was beyond their grasp, and a respected consulting appraiser was retained to guide the cabin owners through their task. The report and recommendations of the coalition's consulting appraiser is available from my office for those who might wish to examine the details. This legislation reflects the coalition's consulting appraiser's report and comments from the Administration and the appraiser they hired to review their appraisal process.

This is highly technical legislation. Its purpose is to send a clear set of instructions to appraisers in the field and a clear set of instructions to forest managers to respect the results of appraisals undertaken to place value on the raw land being offered cabin owners. Additionally, the purpose of this legislation is to ensure that the cabin program continues long into the future, that it provides a fair return to the taxpayers, and continues to generate a profit for the Treasury.

I ask unanimous consent that the section-by-section analysis for S. 1938 be entered into the RECORD following this statement.

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

#### SECTION-BY-SECTION ANALYSIS

##### SEC. 1 TITLE

This Act may be cited as the "Cabin User Fee Fairness Act of 2000"

##### SEC. 2 FINDINGS

Current appraisal procedures for determining recreation residence user fees have, in certain circumstances, been inconsistently applied in determining fair market values for cabin lots demonstrating the need for clarification of these provisions.

##### SEC. 3 PURPOSES

The purposes of the Act are 1) to ensure that the National Forest System recreation

residence program is managed to preserve the opportunity for individual and family-oriented recreation and 2) to develop a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

##### SEC. 4 DEFINITIONS

This section defines the terms "agency" "authorization" "base cabin user fee" "cabin" "cabin owner" "cabin user fee" "caretaker cabin" "current cabin user fee" "lot" "natural, native state" "program" "Secretary" "tract" "tract association" and "typical lot"

##### SEC. 5 ADMINISTRATION OF RECREATION RESIDENCE PROGRAM

To the maximum extent practicable, the Secretary will determine a cabin user fee for owners of privately owned cabins, authorized to be built on National Forest land, that reflects the market value of the cabin lot and regional and local economic influences.

##### SEC. 6 APPRAISALS

The Secretary will establish an appraisal process to determine the market value of a typical lot or lots at a cabin tract. Section 6 describes the unique characteristics of the lots authorized for use under the Forest Service recreation residence program, and the characteristics of parcels of land sold in the private sector that might appropriately provide comparable market information for purposes of determining market value.

As a first step, the Secretary will complete an inventory of existing improvements to the cabin lots in the program to determine whether these improvements were paid for by the agency, by third parties, or by the cabin owner. Improvements paid for by the cabin owner (or his predecessor) are not included in the market value. There is a rebuttable presumption that improvements were paid for by the cabin owner or his predecessor.

The Secretary will contract with an appropriate appraisal organization to manage the development of specific appraisal guidelines. An appraisal shall be performed by a State-certified general real estate appraiser in compliance with Uniform Standards of Professional Appraisal Practice, Uniform Appraisal Standards for Federal Land Acquisitions, and specific appraisal guidelines developed in accordance with this Act.

Reappraisal for the purpose of recalculation of the base cabin user fee shall occur not less often than once every 10 years.

##### SEC. 7 CABIN USER FEES

To determine the annual base cabin user fee, the Secretary shall multiply the market value of the cabin lot by 5 percent. This calculation reflects restrictions imposed by the permit, including the limited term, absence of significant property rights, and the public's right of access to, and use of, any open portion of the forest lot upon which the cabin is located.

If the Secretary decides to discontinue use of a lot as a cabin site, payment of the full base cabin user fee will be phased out in equal increments over the final 10 years of the existing authorization. If the decision to eliminate the authorization for use as a cabin lot is reversed, the cabin owner may be required to pay any portion of fees that were forgone as a result of the expectation of termination.

The cabin owner's fee obligation terminates if an act of God or catastrophic event makes it unsafe to continue occupying a cabin lot.

##### SEC. 8 ANNUAL ADJUSTMENT OF CABIN USER FEE

The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average

of a published price index that reports changes in rural or similar land values in the State, county, or market area in which the lot is located. An adjustment to the fee may not exceed 5 percent per year, but the amount of adjustment exceeding 5 percent shall be carried forward for application in the following year or years.

At the end of the initial 10-year period, the Secretary has the option to choose a different index if it is determined that this index better reflects change in the value of a cabin lot over time.

##### SEC. 9 PAYMENT OF CABIN USER FEES

A cabin user fee shall be prepaid annually by the cabin owner. If the increase over the current base cabin user fee exceeds 100 percent, payment of the increased amount shall be phased in over three years.

##### SEC. 10 RIGHT OF SECOND APPRAISAL

On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner may obtain a second appraisal at the cabin owner's expense. The Secretary shall determine a new base cabin user fee that is equal to the base cabin user fee determined by the initial appraisal or the second appraisal, or within that range of values.

##### SEC. 11 RIGHT OF APPEAL AND JUDICIAL REVIEW

The Secretary shall grant the cabin owner the right to an administrative appeal of the determination of a new base cabin user fee. A cabin owner that is adversely affected by a final decision of the Secretary may bring a civil action in United States district court.

##### SEC. 12 CONSISTENCY WITH OTHER LAW AND RIGHTS

Nothing in this Act limits or restricts any right, title, or interest of the United States in or to any land or resource. The Secretary shall not establish a cabin user fee or a condition affecting a cabin user fee that is inconsistent with the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

##### SEC. 13 REGULATIONS

The Secretary shall promulgate regulations to carry out this Act within 2 years of the date of enactment.

##### SEC. 14 TRANSITION PROVISIONS

The Secretary may complete the current appraisal process in accordance with the policy in effect prior to enactment of this Act.

For annual cabin fees conducted on or after September 30, 1995 but prior to promulgation of regulations required under this Act, the Secretary shall temporarily charge an annual cabin user fee as determined by appraisals occurring since September 30, 1995, provided that the amount charged shall not be more than \$3,000 greater than the cabin user fee in effect on October 1, 1996, as adjusted for inflation.

In the absence of an appraisal conducted on or after September 30, 1995, the Secretary shall continue to charge the annual cabin user fee in effect on the date of enactment of this Act until a new fee is determined under the new regulations and the right of the cabin owner to a second appraisal is exhausted.

Not later than 2 years after promulgation of final regulations, cabin owners who received a new appraisal after September 30, 1995, but prior to promulgation of new regulations under this Act, may request a new appraisal or peer review of the existing appraisal. Such request must be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

Peer review will be conducted by an independent professional appraisal organization. If peer review determines that the earlier appraisal was conducted in a manner inconsistent with this Act, such appraisal may be

revised accordingly, or subject to an agreement with the cabin owners, a new appraisal and fee determination may be conducted.

Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

For annual cabin user fees capped by an increase of \$3,000, if the new appraisal or peer review resulted in a cabin fee that is 90% or more of the appraisal conducted on or after September 30, 1995 but prior to the promulgation of regulations under this Act, the Secretary shall charge the cabin owner the unpaid difference between those two appraised cabin fees in three annual equal installments.

In the absence of a request for a new appraisal or peer review, the Secretary may consider the base cabin user fee resulting from the appraisal conducted after September 30, 1995, to be the base cabin user fee in accordance with this Act.

#### WILDFIRES

Mr. CRAPO. Mr. President, I rise to acknowledge the efforts of the tens of thousands of brave men and women who have fought this year's rash of wildfires throughout the West. These firefighters have weakened the menacing flames that have burned millions of acres of western states, taking lives and devouring farmland, forests and homes. More than six and a half million acres have been destroyed this year. My home state of Idaho, with one and a quarter million acres lost to the flames, has been one of the most harmed.

This fire season is the worst we have faced in fifty years. It is clear that without the help of the many people who are fighting these fires, many inhabited areas of the West could become smoldering expanses of charred remains. I offer my sincerest gratitude to everyone participating in the effort to combat the devastating fires. Their work protecting lives, property and the environment is appreciated by all westerners and is crucial to the western economy.

Firefighters and fire support teams have been deployed from a range of federal and municipal agencies including county sheriffs departments, local volunteer fire departments, tribes and other local crews throughout the West and the Forest Service, the Bureau of Land Management, the Bureau of Indian Affairs, the National Park Service, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. Help has also been enlisted from the National Guard and battalions from the U.S. Army and the U.S. Marine Corps as well as from trained individuals from Canada, Mexico, Australia and New Zealand. Most of these efforts have been coordinated out of the National Interagency Fire Center, located in Boise, Idaho.

Battling fires is dangerous and exhausting work. The air is warm, smoke-filled and flecked with ash. Most of the firefighter's time is spent building firelines, burning out areas, moping up after fires and directly at-

tacking fires. These tasks often entail miles of walking, and hours of tough manual labor, like scraping the ground, chopping and digging, all while wearing uncomfortable protective equipment.

The work is so demanding that some firefighters still lose weight even though they have consumed five or six thousand calories a day. Sleep is often inadequate and infrequent. Some teams along the fire line have been known to work 48-hour shifts before calling it a day. Firefighters can almost count on receiving blistered feet and bloodshot eyes. Serious injuries and even death are ever-present risks. This year, sixteen people have suffered fire-related fatalities.

Fire support teams also have been working overtime as drivers, equipment operators, paramedics, medical staff, and trouble shooters. It is an enormous management task just to make sure that all of the firefighters are fed and that they receive the equipment, medical attention, and time to sleep.

I commend all of the firefighters and support teams for meeting the physical and mental challenges with bravery and steadfast determination. I know I speak for all when I say that our thoughts and prayers are for their safety and we are eager for them to return to their normal lives.

The fire season is not yet over as hundreds of fires blaze and threats of more lightening storms that could bring new fires loom. This is indeed a difficult time, although we can take peace of mind from the fact that steady, well-trained hands are working on our behalf to keep the towering flames at bay. Right now, it is important to be grateful for the hard work that has been done to protect us and hopeful for an end to the destruction.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 11, 2000, the Federal debt stood at \$5,680,975,300,511.24, five trillion, six hundred eighty billion, nine hundred seventy-five million, three hundred thousand, five hundred eleven dollars and twenty-four cents.

Five years ago, September 11, 1995, the Federal debt stood at \$4,962,944,000,000, four trillion, nine hundred sixty-two billion, nine hundred forty-four million.

Ten years ago, September 11, 1990, the Federal debt stood at \$3,231,889,000,000, three trillion, two hundred thirty-one billion, eight hundred eighty-nine million.

Fifteen years ago, September 11, 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 11, 1975, the Federal debt stood at \$548,918,000,000, five hundred forty-eight billion, nine hundred eighteen million, which reflects a debt increase of more

than \$5 trillion—\$5,132,057,300,511.24, five trillion, one hundred thirty-two billion, fifty-seven million, three hundred thousand, five hundred eleven dollars and twenty-four cents, during the past 25 years.

#### ADDITIONAL STATEMENTS

##### COMMENDING RUTHIE MATTHES AND STACY DRAGILA

• Mr. CRAPO. Mr. President, I rise today to commend the remarkable accomplishments of Ruthie Matthes, an Idaho native and a cross-country cyclist, and Stacy Dragila, an Idaho constituent and pole vaulter.

At the United States Olympic Track and Field trials in July, Stacy cleared fifteen feet, two and a quarter inches, which broke her personal record by a half-inch and further solidified her qualification to represent the United States at the Sydney 2000 Olympic Games.

Stacy, a native of Auburn, California, graduated from Idaho State University and currently resides in Pocatello in my home state of Idaho. It is an honor that she has chosen to live in Idaho and continues to do a lot of her training in Idaho.

Stacy has won three of four national championships since the pole vault became an official event in 1997. She currently ranks as the defending world champion and has broken her indoor and outdoor world records a combined eight times since August. All of her competitions have been approached with maximum effort and dedicated preparation.

At the U.S. Track and Field Trials, Stacy tried to break her record again, attempting fifteen feet, five inches, three times. She missed each of her three tries, but ended the competition encouraged and gratified nonetheless. "It helps me to know that I can jump under pressure," she said. "And it's nice to know that I'm attempting 15-5 and I still have things to work on."

Ruthie Matthes was born in Sun Valley, ID, and lived in neighboring Ketchum throughout most of her formative years. She began cycling as part of her training for alpine hill ski racing. Her decision to cycle full-time was followed by great success.

Between 1990 and 1996, Ruthie took home two bronze, two silver, and one gold medal at the World Mountain Bike Championships. She was also the National Cross-Country champion from 1996-1998. Her off-road career now includes three consecutive national cross-country titles.

Ruthie deserves as much praise for her athletic prowess as she does for her positive sports ethic. "You have to stay true to your heart," says Matthes. "Do your very best and enjoy it. Whether you finish first, tenth or last, all of it is an opportunity to learn about yourself."

These two women, and other devoted athletes, serve as reminders that,

through healthy competition, our challenges can inspire us to excel. They unify those of us who watch them through shared pride and passion. Their victories leave our souls soaring high and our feet feeling light. In times of defeat, we are humbled by the fact that there is more work to be done to reach our team's victory.

The Olympic ideal is perhaps the best evidence that endurance, the desire to challenge oneself, and the pursuit of achieving top physical form are age-long endeavors. The events demonstrate that the will to compete in the athletic arena is nearly universal, crossing boundaries of culture and geography to bring together most of the world's nations. It is one of the great celebrations of the human spirit and one of the finest examples of our time of peaceful multi-national competition.

I am very proud of Ruthie and Stacy's accomplishments and the role that they will play in this international competition. I wish Ruthie, Stacy, and all the other athletes who are participating in the Olympics this year, the challenge of vigorous competition. May they again know the exaltation of pushing themselves to their limits and the roar of a crowd that lives vicariously through their triumph.●

#### NATIONAL ASSISTED LIVING WEEK

● Mr. GRAMS. Mr. President, today I rise to draw attention to a vital service upon which many older Americans depend: assisted living. I also want to pay tribute to those who work in this nation's assisted living facilities and dedicate their lives to making someone else's life a little easier.

Grandparents Day—Sunday, September 10—marks the beginning of the sixth annual National Assisted Living Week (September 10–16), sponsored by the National Center for Assisted Living. This year's theme is "The Art of Life," highlighting the creative new ways in which seniors are expressing themselves as they strive to maintain their independence and autonomy.

In the U.S., nearly 28,000 assisted living facilities accommodate more than 1.15 million people by providing supervision, assistance, and health care services. The need for assisted living services is growing with the rapidly increasing elderly population in America. Advances in medicine and technology have dramatically extended the ability of seniors to live independent lives without the need for assistance with daily functions. However, as seniors live longer, more of them eventually discover they need a helping hand in order to maintain the lifestyle to which they have become accustomed—a lifestyle they should not have to give up simply because they are growing older.

Just as we are full of excitement from new challenges in our adolescence, in our later years, after retire-

ment, we recognize that we cannot do it all ourselves. The difficult task is understanding when, after many years of easy mobility in life, an individual needs assistance. National Assisted Living Week promotes not only an increased quality of life for the elderly, but builds a team and network to accomplish this added quality of life by opening our eyes to the obstacles we can conquer if we only ask for a little assistance.

National Assisted Living Week provides an environment which brings together friends and family with the staff and volunteers of assisted living programs to discover and explore the contributions and services these facilities offer to their communities. These centers will hold many events this week to spotlight their activities and help educate the communities they serve. National Assisted Living Week works as a catalyst, by helping to create strong relationships involving all facets of the community, including places of worship, health care facilities, schools, and businesses.

During this National Assisted Living Week, I recognize the selfless efforts of those Minnesotans and many other caring Americans who help make dignity in retirement a reality, and I offer them my thanks as they promote assisted living as a quality way of life for America's elderly.●

#### 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 two treaties and sundry nominations 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 6:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

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.

The message also announced that the House has heard with profound sorrow

of the death of the Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia. That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral. That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House. That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased. That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

#### 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-10672. A communication from the President of the United States, transmitting, pursuant to law, a proclamation relative to Nigeria; to the Committee on Finance.

EC-10673. A communication from the Social Security Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Supplemental Security Income; Determining Disability for a Child Under Age 18" (RIN0960-AF40) received on September 8, 2000; to the Committee on Finance.

EC-10674. A communication from the Chief, Regulations Unit, Internal Revenue Agency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 National Pool" (Rev. Proc. 2000-36) received on September 11, 2000; to the Committee on Finance.

EC-10675. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Other Red Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10676. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10677. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10679. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10680. A communication from the Trial Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of nonconforming vehicles determined to be eligible for importation" (RIN2127-A117) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10681. A communication from the Trial Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees authorized by 49 U.S.C. 30141" (RIN2127-A111) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10682. A communication from the Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Advisory Notice; Transportation of Lithium Batteries" (RIN2137-AD48) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10683. A communication from the Deputy Chief Counsel of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Internal Corrosion in Gas Transmission Pipelines; Notice; issuance of advisory bulletin" (RIN2137-AD52) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10684. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Compressed Natural Gas Fuel Container Integrity" (RIN2127-AH72) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10685. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Property Reporting Requirements" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10686. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777-200 Series Airplanes; docket no. 97-NM-260 [8-21/8-31]" (RIN2120-AA64) (2000-0416) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10687. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Co. CF6-45, -50, 80A, 80C2, and 80E1 Turbofan Engines; docket no. 2000-NE-31 [8-21/9-7]" (RIN2120-AA64) (2000-0435) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10688. A communication from the Program Assistant of the Federal Aviation Ad-

ministration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fairchild Aircraft, Inc. Models SA226-T, SA226-AT, SA226-TC, SA227-AT, SA-227-TT, and SA-227-AC Airplanes; docket no. 99-CE-62-AD [8-22/9-7]" (RIN2120-AA64) (2000-0442) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10689. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc. RB211 Trent 768-60, Trent 772-60 and Trent 772B 60 Turbofan Engines; corrections; docket no. 2000-NE-05 [8-23/9-7]" (RIN2120-AA64) (2000-0451) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10690. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company Model AE 3007C Series Turbofan Engines; Docket No. 2000-NE-33-AD [9-11-00]" (RIN2120-AA64) (2000-0452) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10691. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; request for comments, Raytheon Aircraft Company Models A65, A65-8200, 65-B80, 70, 95-B55, 95-C55, D55, E55, 56TC, A56TC, 58, 58P, 58TC, and 95-B55B (T42A) Airplanes; Docket No. 2000-CE-53-AD [9-22-9-11]" (RIN2120-AA64) (2000-0453) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10692. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc RB211-524D4 Series Turbofan Engines Docket No. 2000-NE-23-AD [9-22-9-11]" (RIN2120-AA64) (2000-0454) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10693. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospaciale Model ATR42-300, -300, and -320 Series Airplane Docket No. 97-NM-270-AD [10-11-9-11-00]" (RIN2120-AA64) (2000-0455) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10694. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Kaman Model K-1200 Helicopters Docket No. 2000-SW-32-AD [9-26-9-11-00]" (RIN2120-AA64) (2000-0456) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10695. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospaciale Model ATR42 and ATR72 Series Airplanes; Docket No. 99-NM-183-AD [10-13-9-11-00]" (RIN2120-AA64) (2000-0458) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10696. A communication from the Program Assistant of the Federal Aviation Ad-

ministration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A300-600, and A310 Series Airplanes Docket No. 2000-NM-54-AD [10-13-9-11-00]" (RIN2120-AA64) (2000-0459) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10697. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes Docket No. 99-NM-75-AD [8-17-9-11-00]" (RIN2120-AA64) (2000-0462) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10698. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to importing noncomplying motor vehicles; to the Committee on Commerce, Science, and Transportation.

EC-10699. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to insulin-treated diabetes mellitus; to the Committee on Commerce, Science, and Transportation.

EC-10700. A communication from the Secretary of Transportation, transmitting, pursuant to law, the National Bicycle Safety Education Curriculum; to the Committee on Commerce, Science, and Transportation.

EC-10701. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the transportation's research and development plan; to the Committee on Commerce, Science, and Transportation.

EC-10702. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Singapore and Germany; to the Committee on Foreign Relations.

#### 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. WYDEN:

S. 3026. A bill to establish a hospice demonstration and grant program for beneficiaries under the Medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 3027. A bill to authorize the Secretary of Agriculture to purchase and transfer certain land; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM (for himself, Mr. BINGAMAN, Mr. JEFFORDS, and Mr. LEVIN):

S. 3028. A bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services; to the Committee on Finance.

By Mr. SANTORUM:

S. 3029. A bill to amend part C of title XVIII to stabilize the Medicare+Choice program by improving the methodology for the calculation of Medicare+Choice payment rates, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON:

S. 3030. A bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 3031. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH of New Hampshire (for himself, Mr. WARNER, and Mr. L. CHAFFEE):

S. 3032. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 3033. A bill to delegate the Primary Responsibility for the Preservation and Expansion of Affordable Low-Income Housing to States and Localities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 3034. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare program; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. ROCKEFELLER, and Mr. HATCH):

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; to the Committee on Finance.

By Mr. TORRICELLI:

S. 3036. A bill to assure that recreation and other economic benefits are accorded the same weight as hurricane and storm damage reduction benefits as well as environmental restoration benefits; to the Committee on Environment and Public Works.

By Mr. SANTORUM:

S. 3037. A bill to amend title XVIII of the Social Security Act to increase payments under the Medicare program to Puerto Rico hospitals; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. FRIST, Mr. DEWINE, Mr. BRYAN, and Mr. THOMPSON):

S. 3038. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Finance.

By Mr. CRAIG:

S. 3039. To authorize the Secretary of Agriculture to sell a Forest Service administrative site occupied by the Rocky Mountain Research Station located in Boise, Idaho, and use the proceeds derived from the sale to purchase interests in a multiagency research and education facility to be constructed by the University of Idaho, and for other purposes; 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. BIDEN (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. CONRAD, Mr. DEWINE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr.

FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. HOLLINGS, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 353. A resolution designating October 20, 2000, as "National Mammography Day"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 354. A resolution amending paragraphs 2 and 3(a) of Rule XXV and providing for certain appointments to the Agriculture, Nutrition, and Forestry Committee, the Banking, Housing, and Urban Affairs Committee, the Finance Committee, the Small Business Committee, and the Veterans' Affairs Committee; considered and agreed to.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. Res. 355. A resolution commending and congratulating Middlebury College; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3026. A bill to establish a hospice demonstration and grant program for beneficiaries under the Medicare Program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

#### HOSPICE DEMONSTRATION AND GRANT PROGRAM

Mr. WYDEN. Mr. President, today, I am introducing groundbreaking legislation to make a difference in the way in which dying patients and their families can access hospice care. Ninety percent of Americans do not realize that there is a hospice benefit provided under the Medicare program. Over time, the length of stay in a hospice is decreasing so that patients do not get the full benefit of services that could make them more comfortable at a crucial time in their lives.

The issues related to how we die are too important to permit the Medicare Hospice benefit to remain fixed in time. Now is the time to begin to test new ways to design the benefit so that the benefit can remain truly patient-centered at one of the most crucial times in patients' and their families' lives.

Just as we push our health care system for medical breakthroughs that will allow more of us to live healthier and longer, we need to drive our health care system to create accessible, positive care for those facing the end of life.

My legislation, the Hospice Improvement Act of 2000, would require the Secretary to establish a demonstration program to increase access and use of hospice care for patients at the end-of-life, and to increase the knowledge of hospice among the medical, mental

health and patient communities. My legislation stresses the following:

**Supportive and Comfort Care:** To assist families and patients in getting the benefit of hospice care, the Demonstration program will allow for a new supportive and comfort care benefit. This benefit, elected at the option of the patient, will not require the terminally ill to elect hospice care instead of other medical treatment, but will permit a patient to have supportive and comfort care in place while the patient still seeks "curative treatment." This will permit patients and families to learn about hospice without forcing them to make a choice between hospice and other care. Case management would be provided through a hospice provider reimbursed on a fee-for-service basis.

**Severity Index Instead of a Six-Month Prognosis:** To determine whether or not a patient is eligible for the supportive and comfort care option, a severity index will be used instead of the current hospice requirement of a 6 month prognosis. This will permit patients to have access to support services, as needed, instead of relying on an often inaccurate time-related prognosis.

**Increase Rural Hospice Access:** Permit nurse practitioners and physician assistants to admit patients to hospice if this is within their authority under state practice law. In communities without a qualified social worker, other professionals with skills, knowledge and ability may provide medical social services such as counseling on the effects of illness on the family.

**Respite Care:** Nursing facilities used for respite care would not be required to have skilled nurses on the premises 24 hours a day (because hospice will be caring for the patient) or respite could be provided in the patient's home.

**Payment Issues:** Permit reimbursement for consultations, preadmission informational visits, even if the patient does not elect hospice/supportive care and provide minimum payment for Medicare hospice services provided under the demonstration program based on the provision of services for a period of 14 days, regardless of length of stay.

In addition, the demonstration project could address other payment issues such as offsetting changes in services and oversight and the increased cost of providing services in rural areas and creating a per diem rate of payment for respite care that reflects the range of care needs.

In addition to the Demonstration program, the Secretary would be required to establish an education grant program for the purpose of providing information about the Medicare hospice benefit, and the benefits available under the demonstration program. Education grants could be used to provide individual or group education to patients and their families and to the medical and mental health community, and to test messages to improve public

knowledge about the Medicare hospice benefit.

Let me conclude by saying that in the time left for this Congress, we have a unique opportunity to truly begin to improve care for the dying. There are fewer who are more vulnerable than someone who is dying and having to cope with the physical breakdown of their body and the emotional turmoil that imminent death brings to a family. This legislation provides us an opportunity to begin to remove the barriers to care for those who facing death.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 3026

*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 "Hospice Improvement Program Act of 2000".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than 1/3 of the people who die suffer from a chronic illness.

(2) Approximately 1/3 of Americans are unsure about whom to contact to get the best care during life's last stages.

(3) Americans want a team of professionals to care for the patient at the end of life.

(4) Americans want emotional and spiritual support for the patient and family.

(5) Ninety percent of Americans do not realize that hospice care is a benefit provided under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) Health Care Financing Administration data show that beneficiaries were enrolled in hospice for an average of less than 7 weeks in 1998, far less than the full 6-month benefit under the Medicare program.

(7) According to the most recent data available, although the average hospice enrollment is longer, half of the enrollees live only 30 days after admission and almost 20 percent die within 1 week of enrollment.

(8) Use of hospice among Medicare beneficiaries has been decreasing, from a high of 59 days in 1995 to less than 48 days in 1998.

#### SEC. 3. HOSPICE DEMONSTRATION PROGRAM AND HOSPICE EDUCATION GRANTS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Hospice Demonstration Program established by the Secretary under subsection (b)(1).

(2) MEDICARE BENEFICIARY.—The term "Medicare beneficiary" means any individual who is entitled to benefits under part A or enrolled under part B of the Medicare program, including any individual enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of such program.

(3) MEDICARE HOSPICE SERVICES.—The term "Medicare hospice services" means the items and services for which payment may be made under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)).

(4) MEDICARE PROGRAM.—The term "Medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services, acting through the Administrator

of the Health Care Financing Administration.

(b) HOSPICE DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a Hospice Demonstration Program in accordance with the provisions of this subsection to increase the utility of the Medicare hospice services for Medicare beneficiaries.

(2) SERVICES UNDER DEMONSTRATION PROGRAM.—The provisions of section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) shall apply to the payment for items and services provided under the demonstration program, except that—

(A) notwithstanding section 1862(a)(1)(C) of such Act (42 U.S.C. 1395y(a)(1)(C)), the Secretary shall provide for reimbursement for items and services provided under the supportive and comfort care benefit established under paragraph (3);

(B) any licensed nurse practitioner or physician assistant may certify a Medicare beneficiary as the primary care provider when necessary and within the scope of practice of such practitioner or assistant under State law;

(C) if a community does not have a qualified social worker, any professional who has the necessary knowledge, skills, and ability (other than social workers) to provide medical social services shall provide such services;

(D) the Secretary shall waive any requirement that nursing facilities used for respite care have skilled nurses on the premises 24 hours per day;

(E) the Secretary shall permit respite care to be provided to the Medicare beneficiary at home; and

(F) the Secretary shall waive reimbursement regulations to provide—

(i) reimbursement for consultations and preadmission informational visits, even if the Medicare beneficiary does not choose hospice care (including the supportive and comfort care benefit under paragraph (3)) at that time;

(ii) a minimum payment for Medicare hospice services provided under the demonstration program based on the provision of Medicare hospice services to a Medicare beneficiary for a period of 14 days, that the Secretary shall pay to any hospice provider participating in the demonstration program and providing such services (regardless of the length of stay of the Medicare beneficiary);

(iii) an increase in the reimbursement rates for hospice services to offset—

(I) changes in Medicare hospice services and oversight under the demonstration program;

(II) the higher costs of providing Medicare hospice services in rural areas due to lack of economies of scale or large geographic areas; and

(III) the higher costs of providing Medicare hospice services in urban underserved areas due to unique costs specifically associated with people living in those areas, including providing security;

(iv) direct payment of any nurse practitioner or physician assistant practicing within the scope of State law in relation to Medicare hospice services provided by such practitioner or assistant; and

(v) a per diem rate of payment for in-home care under subparagraph (E) that reflects the range of care needs of the Medicare beneficiary and that—

(I) in the case of a Medicare beneficiary that needs routine care, is not less than 150 percent, and not more than 200 percent, of the routine home care rate for Medicare hospice services; and

(II) in the case of a Medicare beneficiary that needs acute care, is equal to the contin-

uous home care day rate for Medicare hospice services.

(3) SUPPORTIVE AND COMFORT CARE BENEFIT.—

(A) IN GENERAL.—For purposes of the demonstration program, the Secretary shall establish a supportive and comfort care benefit for any eligible Medicare beneficiary (as defined in subparagraph (C)).

(B) BENEFIT.—Under the supportive and comfort care benefit established under subparagraph (A), any eligible Medicare beneficiary may—

(i) continue to receive benefits for disease and symptom modifying treatment under the Medicare program (and the Secretary may not require or prohibit any specific treatment or decision);

(ii) receive case management and Medicare hospice services through a hospice provider, which the Secretary shall reimburse on a fee-for-service basis; and

(iii) receive information and experience in order to better understand the utility of Medicare hospice services.

(C) ELIGIBLE MEDICARE BENEFICIARY DEFINED.—

(i) IN GENERAL.—In this paragraph, the term "eligible Medicare beneficiary" means any Medicare beneficiary with a serious illness that has been documented by a physician to be at a level of severity determined by the Secretary to meet the criteria developed under clause (ii).

(ii) DEVELOPMENT OF CRITERIA.—

(I) IN GENERAL.—The Secretary, in consultation with hospice providers and experts in end-of-life care, shall develop criteria for determining the level of severity of an established serious illness taking into account the factors described in subclause (II).

(II) FACTORS.—The factors described in this clause include the level of function of the Medicare beneficiary, any coexisting illnesses of the beneficiary, and the severity of any chronic condition that will lead to the death of the beneficiary.

(III) PROGNOSIS NOT A BASIS FOR CRITERIA.—The Secretary may not base the criteria developed under this subparagraph on the prognosis of a Medicare beneficiary.

(4) CONDUCT OF PROGRAM.—Under the demonstration program, the Secretary shall—

(A) accept proposals submitted by any State hospice association;

(B)(i) except as provided in clause (ii), conduct the program in at least 3, but not more than 6, geographic areas (which may be statewide) that include both urban and rural hospice providers; and

(ii) if a geographic area does not have any rural hospice provider available to participate in the demonstration program, such area may substitute an underserved urban area, but the Secretary shall give priority to those proposals that include a rural hospice provider;

(C)(i) except for the geographic area designated under clause (ii), select such geographic areas so that such areas are geographically diverse and readily accessible to a significant number of Medicare beneficiaries; and

(ii) designate as such an area 1 State in which the largest metropolitan area of such State had the lowest percentage of Medicare beneficiary deaths in a hospital compared to the largest metropolitan area of each other State according to the Hospital Referral Region of Residence, 1994-1995, as listed in the Dartmouth Atlas of Health Care 1998;

(D) provide for the participation of Medicare beneficiaries in such program on a voluntary basis;

(E) permit research designs that use time series, sequential implementation of the intervention, randomization by wait list, and

other designs that allow the strongest possible implementation of the demonstration program, while still allowing strong evaluation about the merits of the demonstration program; and

(F) design the program to facilitate the evaluation conducted under paragraph (6).

(5) DURATION.—The Secretary shall complete the demonstration program within a period of 6½ years that includes a period of 18 months during which the Secretary shall complete the evaluation under paragraph (6).

(6) EVALUATION.—During the 18-month period following the first 5 years of the demonstration program, the Secretary shall complete an evaluation of the demonstration program in order to determine—

(A) the short-term and long-term costs and benefits of changing medicare hospice services to include the items, services, and reimbursement options provided under the demonstration program;

(B) whether increases in payments for the medicare hospice benefit are offset by savings in other parts of the medicare program;

(C) the projected cost of implementing the demonstration program on a national basis; and

(D) in consultation with hospice organizations and hospice providers (including organizations and providers that represent rural areas), whether a payment system based on diagnosis-related groups is useful for administering the medicare hospice benefit.

(7) REPORTS TO CONGRESS.—

(A) PRELIMINARY REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit a preliminary report to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate on the progress made in the demonstration program.

(B) INTERIM REPORT.—Not later than 30 months after the implementation of the demonstration program, the Secretary, in consultation with participants in the program, shall submit an interim report on the demonstration program to the committees described in subparagraph (A).

(C) FINAL REPORT.—Not later than the date on which the demonstration program ends, the Secretary shall submit a final report to the committees described in subparagraph (A) on the demonstration program that includes the results of the evaluation conducted under paragraph (6) and recommendations for appropriate legislative changes.

(8) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary for the conduct of the demonstration program.

(9) SPECIAL RULES FOR PAYMENT OF MEDICARE+CHOICE ORGANIZATIONS.—The Secretary shall establish procedures under which the Secretary provides for an appropriate adjustment in the monthly payments made under section 1853 of the Social Security Act (42 U.S.C. 1395w-23) to any Medicare+Choice organization offering a Medicare+Choice plan in which a medicare beneficiary that participates in the demonstration program is enrolled to reflect such participation.

(c) HOSPICE EDUCATION GRANTS.—

(1) IN GENERAL.—The Secretary shall establish a Hospice Education Grant program under which the Secretary awards education grants to entities participating in the demonstration program for the purpose of providing information about—

(A) the medicare hospice benefit; and

(B) the benefits available to medicare beneficiaries under the demonstration program.

(2) USE OF FUNDS.—Grants awarded pursuant to paragraph (1) shall be used—

(A) to provide—

(i) individual or group education to medicare beneficiaries and their families; and

(ii) individual or group education of the medical and mental health community caring for medicare beneficiaries; and

(B) to test strategies to improve the general public knowledge about the medicare hospice benefit and the benefits available to medicare beneficiaries under the demonstration program.

(d) FUNDING.—

(1) HOSPICE DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), expenditures made for the demonstration program shall be in lieu of the funds that would have been provided to participating hospices under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)).

(B) SUPPORTIVE AND COMFORT CARE BENEFIT.—The Secretary shall pay any expenses for the supportive and comfort care benefit established under subsection (a)(3) from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportion as the Secretary determines is appropriate.

(2) HOSPICE EDUCATION GRANTS.—The Secretary is authorized to expend such sums as may be necessary for the purposes of carrying out the Hospice Education Grant program established under subsection (c)(1) from the Research and Demonstration Budget of the Health Care Financing Administration.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 3027. A bill to authorize the Secretary of Agriculture to purchase and transfer certain land; to the Committee on Agriculture, Nutrition, and Forestry.

A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO PURCHASE LAND ADJACENT TO THE COASTAL PLAINS SOIL, AND PLANT RESEARCH CENTER IN FLORENCE, SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today, along with Senator HOLLINGS, to introduce legislation that will enable the Secretary of Agriculture to purchase up to ten acres of land for the U.S. Department of Agriculture's Coastal Plains Soil, Water, and Plant Research Center in Florence, South Carolina. This land is located within 150 feet of the Center's administrative offices. Part of it has been leased and used for agricultural research for almost 25 years. If these ten acres were to be developed commercially the Center's operations would be impaired substantially. This land will be used for agricultural research.

The Coastal Plains Soil, Water, and Plant Research Center focuses its research on the agricultural needs of farmers in both North and South Carolina. However, much of the work done by its staff benefits all U.S. agriculture. The Center undertakes basic and applied research with an emphasis toward total resource management. I would like to highlight just a few of its research programs in soil, water, and plant management. The Center's staff investigates the effects of soil erosion,

non-point-source pollution, and animal waste disposal. Further, they work to develop better cropping systems for major field crops including cotton, corn, soybeans, and small grains; to identify high-value horticultural crops suitable for production on the soils of the coastal plains; and to improve cotton germ plasm.

Mr. President, the Coastal Plains Soil, Water, and Plant Research Center does outstanding work that is not only very important to the farmers of the Carolinas but to all our Nation's farmers. This land purchase is important to the efficient continued operation of the Florence Center, and I urge my colleagues to support the legislation.

I ask unanimous consent that the bill 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. 3027

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**A SECTION 1. AUTHORIZATION FOR SECRETARY OF AGRICULTURE TO PURCHASE AND TRANSFER LAND.**

Subject to the availability of funds appropriated to the Agricultural Research Service, the Secretary of Agriculture may—

(1) purchase a tract of land in the State of South Carolina that is contiguous to land owned on the date of enactment of this Act by the Department of Agriculture, acting through the Coastal Plains Soil, Water, and Plant Research Center of the Agriculture Research Service; and

(2) transfer land owned by the Department of Agriculture to the Florence Darlington Technical College, South Carolina, in exchange for land owned by the College.

By Mr. THOMPSON:

S. 3030. A bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes; to the Committee on Governmental Affairs.

A BILL TO PROVIDE FOR ANNUAL RECOVERY AUDITS

Mr. THOMPSON. Mr. President, I rise today to introduce a bill which begins to address the issue of improper payments in Federal programs.

Each year, the Federal government spends hundreds of billions of dollars for a variety of grants, transfer payments, and the procurement of goods and services. The Federal government must be accountable for how it spends these funds and for safeguarding against improper payments. Unfortunately, the problem of improper payments by Federal agencies and departments is immense. Today, I released a GAO report which I requested which identifies \$20.7 billion in improper payments in just 20 major programs administered by 12 Federal agencies in Fiscal Year 1999 alone. And this represents an increase of more than \$1.5 billion from the previous year's estimate. In its report, GAO writes that its "audits and those of agency inspectors general continue to demonstrate that

improper payments are much more widespread than agency financial statement reports have disclosed thus far.”

Legislative efforts have focused on improving the Federal government's control processes. Recently-enacted laws, such as the Chief Financial Officers Act, the Government Management Reform Act, and the Government Performance and Results Act, have provided an impetus for agencies to systematically measure and reduce the extent of improper payments.

However, the risk of improper payments and the government's ability to prevent them continue to be a significant problem. While we continue to work to improve the government's widespread financial management weaknesses, we also can attempt to recover the tens of billions of dollars in improper payments. And that's what the legislation I am introducing today will do.

The legislation is modeled on H.R. 1827, a bill sponsored by House Committee on Government Reform Chairman DAN BURTON, to require the use of a management technique called “recovery auditing” which would be applied to a Federal agency's records to identify improper payments or payment errors made by the agency.

Recovery auditing is used extensively by private sector businesses, including a majority of Fortune 500 companies. These businesses typically contract with specialized recovery auditing firms that are paid a contingent fee based on the amounts recovered from overpayments they identify. Recovery auditing is not “auditing” in the usual sense. Recovery auditing firms do not examine the records of vendors doing business with their client companies or assess the vendors' performance. Instead, these firms develop and use computer software programs that are capable of analyzing their clients' own contract and payment records in order to identify discrepancies in those records between what was owed and what was paid. They focus on obvious but inadvertent errors, such as duplicate payments or failure to get credit for applicable discounts and allowances.

The bill I am introducing today would require Federal agencies to perform recovery audits in order to identify discrepancies between what was actually paid by the agency and what should have been paid. This bill seeks to address concerns with H.R. 1827 which were raised after its passage by the House. For example, this bill would make clear that the relationship established by this bill is one between the agency and the recovery audit contractor, and all communications and interaction on the part of the recovery audit contractor is with the agency. Further, this bill includes exemptions for contracts which, under current law, already are subject to extensive audit scrutiny and oversight. Also, this bill includes Federal agency authority for recovery audit pilot programs for con-

tracts, grants or other arrangements other than those covered by this bill.

I appreciate all the work done by Chairman BURTON on H.R. 1827. I believe my legislation appropriately addresses concerns raised with that bill and goes a long way in addressing the wasted taxpayer dollars and government inefficiencies resulting from Federal agency payment errors which are made each year.

Mr. CAMPBELL:

S. 3031. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

TECHNICAL AMENDMENTS TO LAWS RELATING TO  
NATIVE AMERICANS

Mr. CAMPBELL. Mr. President, today I introduce a bill making certain technical amendments to laws relating to Native Americans. As my colleagues know, Congress typically considers legislation like this every year or so. This bill provides an opportunity to address a series of corrections to the law or other non-controversial, minor amendments to Indian laws in one broad stroke, rather than having to introduce several separate bills.

This bill includes amendments regarding issues of importance to a number of my colleagues that have been brought to my attention over recent months. The amendments include, for instance, one-year reauthorizations of the Indian Health Care Improvement Act and the Indian Alcohol and Substance Abuse Prevention and Treatment Act, as well as a clarification of a bill signed into law earlier this year relating to the status of certain lands held in trust by the Mississippi Band of Choctaw Indians.

All amendments included in this bill will serve to promote the original intent of the affected laws, and do not alter the meaning or substance of the laws they amend. I urge my colleagues to join me in supporting this bill, the sole purpose of which is to ensure that the laws this body has already passed are carried forward in the way we originally intended.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD. I thank the Chair and yield the floor.

There being no objection, the bill was order to be printed in the RECORD, as follows:

S. 3031

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TECHNICAL CORRECTION TO AN ACT AFFECTING THE STATUS OF MISSISSIPPI CHOCTAW LANDS AND ADDING SUCH LANDS TO THE CHOCTAW RESERVATION.**

Section 1(a)(2) of Public Law 106-228 (an Act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes) is amended by striking “September 28, 1999” and inserting “February 7, 2000”.

**SEC. 2. TECHNICAL CORRECTIONS CONCERNING THE FIVE CIVILIZED TRIBES OF OKLAHOMA.**

(a) INDIAN SELF-DETERMINATION ACT.—Section 1(b)(15)(A) of the model agreement set forth in section 108(c) of the Indian Self-Determination Act (25 U.S.C. 4501(c)) is amended—

(1) by striking “and section 16” and inserting “, section 16”; and

(2) by striking “shall not” and inserting “and the Act of July 3, 1952 (25 U.S.C. 82a), shall not”.

(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 403(h)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc(h)(2)) is amended—

(1) by striking “and section” and inserting “section”; and

(2) by striking “shall not” and inserting “and the Act of July 3, 1952 (25 U.S.C. 82a), shall not”.

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2106 of the Revised Statutes (25 U.S.C. 84).

(2) Sections 438 and 439 of title 18, United States Code.

**SEC. 3. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE RED LAKE BAND OF CHIPPEWA INDIANS AND THE MINNESOTA CHIPPEWA TRIBES.**

(a) RED LAKE BAND OF CHIPPEWA INDIANS.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Red Lake Band of Chippewa Indians under the authority of Public Law 88-168 (77 Stat. 301), and relating to Red Lake Band v. United States (United States Court of Federal Claims Docket Nos. 189 A, B, C), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Red Lake Band of Chippewa Indians from any liability associated with such loans.

(b) MINNESOTA CHIPPEWA TRIBE.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Minnesota Chippewa Tribe under the authority of Public Law 88-168 (77 Stat. 301), and relating to Minnesota Chippewa Tribe v. United States (United States Court of Federal Claims Docket Nos. 19 and 188), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Minnesota Chippewa Tribe from any liability associated with such loans.

**SEC. 4. TECHNICAL AMENDMENT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PROTECTION ACT.**

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) is amended—

(1) by striking “any offense” and inserting “any felonious offense, or any of 2 of more misdemeanor offenses,”; and

(2) by striking “or crimes against persons” and inserting “crimes against persons; or offenses committed against children”.

**SEC. 5. TECHNICAL AMENDMENT REGARDING THE TREATMENT OF CERTAIN INCOME FOR PURPOSES OF FEDERAL ASSISTANCE.**

Notwithstanding any other provision of law, none of the funds paid by the State of Minnesota to the Bois Forte Band of Chippewa Indians and the Grand Portage Band of Chippewa Indians pursuant to the agreement of such Bands' to voluntarily restrict tribal rights to hunt and fish in territory ceded under the Treaty of September 30, 1854 (10 Stat. 1109), including all interest accrued on such funds during any period in which such funds are held in a minor's trust, shall be

considered as income or resources, or otherwise be used as the basis for denying or reducing the financial assistance or other benefits to which a household or member of such Bands would be entitled to under the Social Security Act (42 U.S.C. 301 et seq.), the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2105) and the amendments made by such Act, or any Federal or Federally assisted program.

**SEC. 6. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN HEALTH CARE IMPROVEMENT ACT.**

The authorization of appropriations for, and the duration of, each program or activity under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is extended through fiscal year 2001.

**SEC. 7. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.**

The authorization of appropriations for, and the duration of, each program or activity under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is extended through fiscal year 2001.

By Mr. SMITH of New Hampshire (for himself, Mr. WARNER, and Mr. L. CHAFEE):

S. 3032. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, and for other purposes; to the Committee on Environment and Public Works.

JUNIOR DUCK STAMP REAUTHORIZATION ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I would like to introduce the Junior Duck Stamp Reauthorization Act of 2000.

The Junior Duck Stamp Program is a wonderful program that allows children from kindergarten through twelfth grade to participate in an integrated art and science curriculum that is designed to teach environmental science and habitat conservation. It also raises awareness for wetlands and waterfowl conservation. Students and teachers work together through a set curriculum that incorporates ecological and wildlife management principles, allowing students to learn about conserving wildlife habitat while they explore the esthetic qualities of wildlife and nature.

As part of the curriculum, each student is encouraged to focus his or her efforts on a particular waterfowl species. The culmination of the curriculum is an artistic depiction of that species. Each state selects a Best-of-Show winner and that piece of artwork competes to become the national winner of the Junior Duck Stamp contest. The winning depiction is chosen as the Federal Junior Duck Stamp, and the student receives \$2,500. Revenues from selling the stamp are used for conservation awards and scholarships to the participants.

By all accounts the Junior Duck Stamp Program has been extremely successful. Last year alone more than 44,000 students entered the state competitions. The Fish and Wildlife Serv-

ice and educators estimate that for every child who enters the state program, ten others are exposed to the curriculum. The program has also been very successful in introducing urban children to nature, allows all children to develop an important connection to the environment, and motivates students to take an active role in conservation of waterfowl species.

This legislation is a simple reauthorization of the program through 2005. The U.S. Fish and wildlife Service would be authorized to receive \$250,000 a year for the administration of the Junior Duck Stamp Program. In addition, the Junior Duck Stamp Conservation and Design Program Act of 1994 would be amended to allow schools in the District of Columbia and the U.S. territories to participate in the program.

Mr. President, I strongly urge the passage of this legislation. The Junior Duck Stamp Program has played an important role in the education of children and the conservation of our natural resources, and it should continue to do so. I ask that the full text of the bill be printed in the RECORD.

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

S. 3032

*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 "Junior Duck Stamp Reauthorization Act of 2000".

**SEC. 2. REAUTHORIZATION OF JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994.**

Section 5 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719c) is amended by striking "for each of the fiscal years 1995 through 2000" and inserting "for each of fiscal years 2001 through 2005".

**SEC. 3. EXPANSION OF PROGRAM TO INSULAR AREAS.**

The Junior Duck Stamp Conservation and Design Program Act of 1994 is amended—

(1) by redesignating sections 2 through 6 (16 U.S.C. 719 through 719c; 16 U.S.C. 668dd note) as sections 3 through 7, respectively;

(2) by inserting after section 1 (16 U.S.C. 719 note) the following:

**"SEC. 2. DEFINITION OF STATE.**

"In this Act, the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.";

(3) in section 3(c) (16 U.S.C. 719(c)) (as redesignated by paragraph (1)), by striking "50 States" each place it appears and inserting "States"; and

(4) in section 5 (16 U.S.C. 719b) (as redesignated by paragraph (1)), by striking "section 3(c)(1) (A) and (B)" and inserting "subparagraphs (A) and (B) of section 4(c)(1)".

By Mr. BOND:

S. 3033. A bill to delegate the Primary Responsibility for the Preservation and Expansion of Affordable Low-Income Housing to States and Localities; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING NEEDS ACT OF 2000

Mr. BOND. Mr. President. I rise today to introduce an important piece of housing legislation that addresses the affordable-housing needs of needy Americans. The Housing Needs Act of 2000 is a direct response to the affordable housing crisis being experienced by millions of Americans today. By working with State and localities, this legislation will produce thousands of affordable housing units and ensure that existing federally-assisted housing properties are maintained for lower income families.

As Chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies, I have become increasingly alarmed by the news reports and housing studies that have shown that lower income Americans are having a difficult time finding decent, safe, and affordable housing. The Administration's response to this problem has been to provide section 8 tenant-based assistance or vouchers. However, I have heard from communities in Missouri to here in the Washington, D.C. area that it is becoming increasingly difficult to use vouchers to find affordable housing. It has also come to my attention that despite the resources given to the Department of Housing and Urban Development (HUD), the Federal government has lost thousands of scarce affordable housing that were once subsidized by the Federal government. Instead of preserving these scarce and valuable housing resources, the Department has replaced these units with vouchers. While some families have been able to locate replacement housing, many have experienced displacement and hardship, resulting in returning the voucher unused or becoming homeless.

Due to these well-publicized problems, I instructed my subcommittee staff to conduct a review of the section 8 program and to provide recommendations on how to meet better the housing needs of lower income Americans. The recommendations of the report are captured in the Housing Needs Act of 2000, which I am introducing today.

Before I discuss the contents of the bill, I summarize the key findings of the Subcommittee Staff report entitled "Empty Promises—Subcommittee Staff Report on HUD's Failing Grade on the Utilization of Section 8 Vouchers." The key findings of the report are (1) housing units for low-income families are disappearing; (2) worse case housing needs are worsening; and (3) section 8 vouchers are proving to be less and less effective in meeting the housing needs of low-income families.

Specifically, the staff reported that over the past 4 years, nearly 125,000 housing units have been lost to the national inventory of affordable housing. These units have been lost due to the decision of landlords to leave or opt-out of the section 8 program, HUD's policy to voucher out properties that they have acquired title to and those that the Department actually owns.

The staff also found that a record high of 5.4 million households have major housing needs. Based on HUD's Worst Case Housing Needs study, many of these households are our most vulnerable individuals such as the elderly, disabled, and children.

Lastly, the staff reported that about 1 out of every 5 families that received a voucher are unable to find housing and thus, the voucher remains unused. The report also found not enough landlords were participating in the voucher program, the payment standard of the vouchers were too low for the market area, and voucher holders had personal problems which affected the utilization of vouchers.

Mr. President, the staff's findings were disturbing to me. As a result, I am here today to introduce the Housing Needs Act of 2000 to address the report's findings.

Briefly, the legislation creates a new affordable housing block grant production program that would allocate funds to state housing agencies. States currently administer other federal programs such as the Low-Income Housing Tax Credit program, HOME block grant program, and the Community Development Block Grant program, which have expanded and increased the capacity of states to create affordable housing units. Thus, state housing finance agencies have the tools to make this program work effectively. I am a big believer in local decision-making. States and localities know and understand their housing problems and needs and are in the best position to make decisions on their housing needs.

The legislation would also create a new section 8 success program that would allow public housing agencies (PHA) to raise the payment standard for vouchers up to 150 percent of the fair market rent. This will greatly improve the ability of voucher holders to use the vouchers in economically strong markets. As the Subcommittee Staff report found, 19 percent or one in five families that receive a voucher cannot use it. I believe that this new success program will improve greatly the number of voucher holders actually to use the voucher.

Lastly, the bill includes a number of smaller provisions that would enhance the ability of state and local housing entities to produce low-income housing and ensure that HUD maintains section 8 assistance on properties that it has acquired through foreclosure.

I urge my colleagues to support this critical piece of legislation. Families all over the country are experiencing hardships never before seen. It is clear that vouchers alone do not adequately address the housing needs of our vulnerable populations. I believe strongly that the Housing Needs Act of 2000 provides a much-needed, flexible, balanced approach to ensure that the affordable-housing problems can be solved.

By Mr. KERRY:

S. 3034. A bill to amend title XVIII of the Social Security Act with respect to

payments made under the prospective payment system for home health services furnished under the Medicare Program; to the Committee on Finance.

HOME HEALTH REFINEMENT AMENDMENTS OF  
2000

Mr. KERRY. Mr. President, I am pleased to introduce the Home Health Refinement Amendments of 2000. This legislation will protect patient access to home health care under Medicare, and ensure that providers are able to continue serving seniors who reside in medically underserved areas, have medically complex conditions, or require non-routine medical supplies.

Medicare was enacted in 1965, under the leadership of President Lyndon Johnson, as a promise to the American people that, in exchange for their years of hard work and service to our country, their health care would be protected in their golden years. Today, over 30 million seniors rely on the Medicare home health benefit to receive the care they need to maintain their independence and remain in their own homes, and to avoid the need for more costly hospital or nursing home care. Home health care is critical. It is a benefit to which all eligible Medicare beneficiaries should be entitled. But, this benefit is being seriously undermined. Since enactment of the Balanced Budget Act, BBA, of 1997, federal funding for home health care has plummeted. According to the Congressional Budget Office, Medicare spending on home health care dropped 48 percent in the last two fiscal years—from \$17.5 billion in 1998 to \$9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. Across the country, these cuts have forced over 2,500 home health agencies to close and over 900,000 patients to lose their services.

In my own State of Massachusetts—a state that, because of economic efficiency, sustained a disproportionate share of the BBA cuts in Medicare home health funding—28 home health agencies have closed, 6 more have turned in their Medicare provider numbers and chosen to opt out of the Medicare program, and 12 more have been forced to merge in order to consolidate their limited resources. The home health agencies that have continued to serve patients despite the deep cuts in Medicare funding reported net operating losses of \$164 million in 1998. The loss of home health care providers in Massachusetts has cost 10,000 patients access to home health services. Consequently, many of the most vulnerable residents in my state are being forced to enter hospitals and nursing homes, or going without any help at all.

To compound the problem, without Congressional action, Medicare payments for home health care will be automatically cut by an additional 15 percent next year. It is critical that we defend America's seniors against future cuts in home health services, and this bill will eliminate the additional 15 percent cut in Medicare home health

payments mandated by the BBA. However, we must do more than attempt to stop future cuts. Indeed, it is equally as important that we begin to provide relief to home health providers who are already struggling to care for patients.

During the first year of implementation of the Interim Payment System, IPS, agencies were placed on precarious financial footing because of insufficient payments, particularly for high-cost and long-term patients. Accordingly, it is critical that we bolster the efforts of home health care providers to transcend their current operating deficits, especially as they transition from the Interim Payment System to the Prospective Payment System, PPS.

The Home Health Refinement Amendments of 2000 would ensure that providers are able to treat the sickest, most expensive patients who rely on home health care. Independent studies indicate that, under IPS, thousands of patients have been denied home health care benefits—while “outlier” patients (those who require the most intensive services) have been most at risk of losing access to care. To address the costs of treating the sickest homebound patients, this legislation provides additional funding for outliers under PPS. Specifically, this bill would set the funding level for outliers at 10 percent of the total payments projected or estimated to be made under PPS each year. This would double the current 5 percent allocation without reducing the PPS base payment.

In addition, the Home Health Refinement Amendments of 2000 would remove the costs of non-routine medical supplies from the PPS base payment and, instead, arrange for Medicare reimbursement for these supplies on the basis of a fee schedule. PPS rates include average medical supply costs, but some agencies' patient populations have greater or lesser supply needs than the average. Thus, current rates would underpay agencies that treat patients with high medical supply needs and overpay agencies that treat patients with low medical supply needs. Agencies that treat our most ill, frail, and vulnerable should not be punished with low payment rates.

Agencies that treat patients in medically underserved communities also deserve equitable reimbursement for the services they provide. In order to address the unique costs of treating patients in underserved areas, the Home Health Refinement Amendments of 2000 would establish a 10 percent add-on to the episodic base payment for patients in rural areas, to reflect the increasing costs of travel, and a “reasonable cost” add-on for security services utilized by providers in our urban areas. These add-ons ensure that patients in all types of communities across the country continue to receive the home care they need and deserve.

Finally, this legislation would encourage the incorporation of telehealth

technology in home care plans by allowing cost reporting of the telemedicine services utilized by agencies. Telemedicine has demonstrated tremendous potential in bringing modern health care services to patients who reside in areas where providers and technology are scarce. Cost reporting will provide the data necessary to develop a fair and reasonable Medicare reimbursement policy for telehomecare and bring the benefits of modern science and technology to our nation's underserved.

Unless we increase the federal commitment to the Medicare home health care benefit, we can only expect to continue to imperil the health of an entire generation. We must act to deliver on that promise that President Johnson made 25 years ago—our nation's seniors deserve no less.

Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. JEFFORDS):

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; to the Committee on Finance.

HEALTH CARE SAFETY NET OVERSIGHT ACT OF 2000

Mr. BAUCUS. Mr. President, it is often said that, "Good health and good sense are two of life's greatest blessings." Senators GRASSLEY, JEFFORDS, and I hope to further the cause of good health and good sense today, through introduction of the Health Care Safety Net Oversight Act of 2000.

Mr. President, currently no entity oversees America's health care safety net. This means that all safety net providers—including rural health clinics, community health centers and emergency rooms—are laboring on their own. They are like master musicians performing without a conductor. Each is trying their hardest and performing their part—but no one is coordinating their efforts. No one is able to tell an actor when his services will be needed, or when he can take a break.

This act changes that, by creating the Safety Net Organizations and Patient Advisory Commission, an independent and nonpartisan commission to monitor the stability of the health care safety net.

What does this mean?

The Safety Net is made up of providers that deliver health services to the uninsured and vulnerable populations across America. These providers are often a last resort for patients who are unable to afford the health care they need and have nowhere else to turn. In my state, we have about 30 community health centers and rural health clinics, serving an estimated 80,000 persons per year. That translates into about one in ten Montanans. Were it not for these clinics and health centers, many of these folks—the uninsured and underinsured—would have no place to turn.

According to the U.S. Census Bureau, nearly one in five Montanans were uninsured in 1998. This number has risen by 36 percent over the last ten years, and there are now only five states with a higher percentage of uninsured residents. When these uninsured seek medical treatment they are often not able to pay. Last year, Montana hospitals reported over \$67 million in charity care and bad debt. And the problem is not going away. At current growth rates for the uninsured, as many as one in four Montanans will be uninsured by the year 2007.

But Mr. President, these people are not uninsured of their own volition. Eighty three percent of uninsured Montanans are in working families. And self-employed workers—including owners of small businesses—and their dependents account for one-fifth of the uninsured in our state. In fact, Montana ranks last in the nation with only 40 percent of firms offering a health insurance benefit.

So what do we do about this problem? How do we ensure that all Americans, irrespective of color, creed gender or geography, have access to quality health care?

Six or seven years ago, Congress and the administration worked on the problem of the uninsured. A tremendous amount of time and effort went into the Health Security Act, on both sides of the issue. As we know, passage of that bill failed. Since then, Congress has taken a more incremental approach to health care. Congress passed legislation in 1996 to ensure portability of health insurance. A year later, the CHIP program was signed into law, bipartisan legislation to cover children of working families. And last year, Congress passed the Work Incentives Improvement Act to allow disabled folks to continue working and not lose health care benefits.

But while these legislative actions are extremely important, they affect relatively few Americans. The fact remains, for most uninsured and underinsured Americans, the safety net is still the only place to turn.

Yet the safety net has been seriously damaged in recent years. According to a recent report by the Institute of Medicine, the health care safety net is "intact but endangered."

For instance, the 1997 Balanced Budget Act cut payments to Disproportionate Share Hospitals and Community health centers. It also cut reimbursement to rural health clinics, so critical to providing coverage to rural uninsured individuals. At the same time, Congress mandates that emergency departments care for anyone and everyone that darkens their door. Though not a reimbursement issue per se, the EMTALA dictates that all ER's care for all individuals, regardless of ability to pay.

Despite all these developments, there is no entity responsible for making changes to the safety net. And though SNOFAC will not solve the problem of

America's uninsured, it will work to ensure that no holes develop in the Safety Net. An independent, non-partisan commission, modeled on the Medicare Payment Advisory Commission (MedPAC), SNOFAC will include professionals from across the policy and practical spectrum of health care. And like MedPAC, SNOFAC will report to the relevant committees of Congress on the status of its mission: tracking the well-being of the health care safety net.

Though it's not a panacea, SNOFAC is a positive step toward a coordinated approach in caring for the uninsured. Absent large-scale improvements in the number of insured Americans, we should at least work to monitor and care for what we already have—an intact, but endangered, health care safety net.

I urge all my colleagues to join me in this effort towards good health and good sense.

By Mr. TORRICELLI:

S. 3036. A bill to assure that recreation and other economic benefits are accorded the same weight as hurricane and storm damage reduction benefits as well as environmental restoration benefits; to the Committee on Environment and Public Works.

NATIONAL BEACH ENHANCEMENT ACT

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation which will ensure the preservation of our nation's coastal areas. Protection of our beaches is paramount; they are not only where we go to enjoy the sand and surf, but they also generate a significant portion of our nation's revenue.

Tourism and recreational activity are extremely important to New Jersey, especially to our small businesses and shore communities. New Jersey's \$17 billion a year tourism industry is supported by the 160 million people who visit our 127 miles of beaches each year. This spending by tourists totaled \$26.1 billion in New Jersey in 1998, a 2 percent increase from \$25.6 billion in 1997.

My state is a microcosm of coastal tourism throughout the United States. Travel and tourism is our Nation's largest industry, employer, and foreign-revenue earner, and U.S. beaches are its leading tourist destination. In 1997, total tourism expenditures in U.S. coastal areas was over \$185 billion, generating over 2.7 million jobs with a payroll of nearly \$50 million.

Americans are not the only ones eager to enjoy our beaches and coastal regions. They are also the top destination for foreign tourists. Each year, the U.S. takes in \$4 billion in taxes from foreign tourists, while state and local governments receive another \$3.5 million.

In Florida alone, foreign tourists spent over \$11 billion in 1992, \$2 billion of that amount in the Miami Beach area. This Florida spending generated over \$750 million in Federal tax revenues. A recent article by Dr. James R.

Houston, published in the American Shore and Beach Preservation Journal, shows that annual tax revenues from foreign tourists in Miami Beach are 17 times more than the Federal government spent on the entire Federal Shore Protection program from 1950 to 1993. If the Federal share of beach nourishment averages about \$10 million a year, the Federal government collects about 75 times more in taxes from foreign tourists in Florida than it spends restoring that State's beaches.

Delaware, one of the smallest states in the Union, is visited by over 5 million people each year. This, in a state where just over 21,000 people actually live in beach communities and another 373,000 live within a several hours drive. Beach tourism generates over \$173 million in expenditures each year for "The First State."

Equally significant, however, beach erosion results in an estimated loss of over 471,000 visitor days a year, a figure which is estimated to increase to over 516,000 after five years. A 1998 study by Jack Faucett Associates (Bethesda, MD) in cooperation with independent consultants for the Delaware Department of Natural Resources and Environmental Control shows that during this five-year period, beach erosion will cost an estimated \$30.2 million in consumer expenditures, the loss of 625 beach area jobs, and the reduction of wages and salaries by \$11.5 million. Business profits will drop by \$1.6 million and State and local tax revenues will decrease by \$2.3 million. Finally, beach erosion will reduce beach area property values by nearly \$43 million. The situation in Delaware is indicative of beach erosion problems throughout the coastlines of our nation. Unless we increase our efforts to protect and renourish our coastline, we jeopardize a significant portion of our country's revenue.

The Federal government spends \$100 million a year for the Federal Shore Protection program. While the U.S. Army Corps of Engineers does a benefit-cost analysis in connection with every shore protection project, that analysis suffers from its own myopia. It places its greatest emphasis on the value of the private property that is immediately adjacent to the coastline. It is not reasonable to assume that a healthy beach with natural dunes and vegetation will benefit only that first row of homes and businesses. Homeowners spend money in the region; hotels attract tourists, who also spend money; local residents who live inland come to the beach to recreate. They too, spend money. Countless businesses, from t-shirt vendors to restaurants, all depend on these expenditures.

Prior to the 1986 Water Resources Development Act, the Army Corps of Engineers viewed recreation as an equally important component of its cost-benefits analysis. However, the 1986 bill omitted recreation as benefit to be considered, and our coastal commu-

nities have suffered. Indeed, the economy of our nation has suffered. My legislation would make it clear that recreational benefits will be given the same budgetary priority as storm damage reduction and environmental restoration. Companion legislation has been introduced in the House of Representatives, by Congressmen LAMPSON and LOBIONDO, and enjoys bipartisan support.

Beach replenishment efforts ensure that our beaches are protected, property is not damaged, dunes are not washed away, and the resource that coastal towns rely on for their lifeblood, is preserved. It is imperative that federal policy base beach nourishment assistance on the entirety of the economic benefits it provides. To limit benefits to hurricane or storm damage reduction ignores the equally important economic impact of tourism.

By Mr. CONRAD (for himself, Mr. FRIST, Mr. DEWINE, Mr. BRYAN, and Mr. THOMPSON):

S. 2038. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Finance.

THE MEDICARE RENAL DIALYSIS PAYMENT  
FAIRNESS ACT OF 2000

Mr. CONRAD. Mr. President, today I am pleased to be joined by Senator FRIST and Representatives CAMP and THURMAN in introducing the Medicare Renal Dialysis Payment Fairness Act of 2000. This legislation takes important steps to help sustain and improve the quality of care for Medicare beneficiaries suffering from kidney failure.

Nationwide, more than 280,000 Americans live with end-stage renal disease (ESRD). In my State of North Dakota, the number of patients living with ESRD is relatively small, just over 600. However, for these patients and others across the country, access to dialysis treatments means the difference between life and death.

In 1972, the Congress took important steps to ensure that elderly and disabled individuals with kidney failure receive appropriate dialysis care. At that time, Medicare coverage was extended to include dialysis treatments for beneficiaries with ESRD.

Over the last three decades, dialysis facilities have provided services to increasing numbers of kidney failure patients under increasingly strict quality standards; however, during this same time frame reimbursement for kidney services has not kept pace with the increasing demands of providing dialysis care.

Last year, Senator FRIST and I introduced legislation to ensure dialysis facilities could continue providing quality dialysis services to Medicare beneficiaries. I am happy to say that, based on these efforts, dialysis providers received increased Medicare reimbursement in fiscal years 2000 and 2001 as part of the Medicare, Medicaid, and SCHIP Refinement Act of 1999.

While these efforts were a step in the right direction, a recent Medicare Pay-

ment Advisory Commission (MedPAC) report suggests that we must take further action to sustain patients' access to dialysis services. In particular, MedPAC recommends a 1.2 percent payment adjustment for Medicare-covered dialysis services in the next fiscal year. In addition, MedPAC recommends that the Health Care Financing Administration provide an annual review of the dialysis payment rate—a review that most other Medicare-covered services receive each year.

I believe these recommendations represent critical adjustments that must be addressed this year. For this reason, I have worked with Senator FRIST, Representative CAMP and Representative THURMAN to develop the Medicare Renal Dialysis Payment Fairness Act of 2000. This legislation would provide the payment rate improvements recommended by MedPAC and would establish an annual payment review process for dialysis services. This proposal would help ensure all dialysis providers receive reimbursement that is in line with increasing patient load and quality requirements. This is particularly important for our Nation's smaller, rural dialysis providers that on average receive Medicare payments to do not adequately reflect costs.

As the Congress considers further improvements to the Medicare Program, I urge my colleagues to support this important effort to ensure patients with kidney failure continue to have access to quality dialysis services. I thank my colleagues for working together on this bipartisan and bicameral proposal.

Mr. FRIST. Mr. President, I am pleased to join Senators CONRAD, THOMPSON, BRYAN, and DEWINE this afternoon to introduce the Medicare Renal Dialysis Payment Fairness Act of 2000. This bipartisan legislation takes important steps to assure both the quality and availability of outpatient dialysis services for Medicare patients with end-stage renal disease (ESRD).

Almost 30 years ago, Congress recognized the pain and suffering patients with end-stage renal disease face, and thus moved to provide coverage for dialysis treatment to this population under the Medicare Program. Today, approximately 300,000 patients nationwide live with this disease and receive services through Medicare. Presently, there are 3,423 dialysis facilities throughout the Nation that serve the Medicare population, 93 of which are in my home State of Tennessee.

However, I fear that a lack of proper reimbursement may adversely impact the quality and availability of dialysis care for Medicare beneficiaries. As the Medicare Payment Advisory Commission (MedPAC) noted, the payment rate for the critical dialysis services received by Medicare beneficiaries was established in 1983, and had never been updated.

Last year, Senator CONRAD and I sought to remedy this situation by introducing S. 1449, the Medicare Renal

Dialysis Fair Payment Act of 1999, which provided an update to the Medicare reimbursement rate for dialysis services for Fiscal Year 2000. Thus, I was pleased to see the Balanced Budget Refinement Act of 1999 (BBRA) include a provision increasing the payment rate by 1.2 percent for Fiscal Year 2000 and 1.2 percent for Fiscal Year 2001.

However, the BBRA represented only the first step toward securing access to dialysis services for Medicare patients and ensuring they receive the highest quality of care. The legislation we are introducing today takes the necessary additional steps, as recommended by MedPAC this year, to assure proper reimbursement levels for dialysis services.

Specifically, the "Medicare Renal Dialysis Payment Fairness Act of 2000" provides a 1.2 percent increase in the payment rate for FY 2001, in addition to the 1.2 percent update included in the BBRA, providing a 2.4 percent total increase. This follows MedPAC's analysis of dialysis center costs that concluded that prices paid by dialysis centers would rise by 2.4 percent between Fiscal Year 2000 and 2001.

Second, the legislation ensure proper reimbursement in future years by requiring the Health Care Financing Administration (HCFA) to develop a market basket index for dialysis centers that measures input prices and other relevant factors and to annually review and update the payment rate based upon this index.

Overall, the Medicare Renal Dialysis Payment Fairness Act of 2000 will ensure that dialysis facilities receive the proper Medicare reimbursement to continue to provide high quality dialysis services to the ESRD population.

I am grateful to the National Kidney Foundation, the American Nephrology Nurses Association, the Renal Physicians Association, the National Renal Administrators Association, and the Renal Leadership Council for their support of the Medicare Renal Dialysis Payment Fairness Act of 2000, and I urge my colleagues to support this critical measure.

#### ADDITIONAL COSPONSORS

S. 577

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 681

At the request of Mr. DASCHLE, the name of the Senator from New Jersey

(Mr. TORRICELLI) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 805

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Rhode Island (Mr. L. CHAFEE) 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.

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1020, *supra*.

S. 1391

At the request of Mr. INOUE, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1391, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1974

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Illinois (Mr. DURBIN), and the Senator from Nevada (Mr. REID) were added as cospon-

sors of S. 1974, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and a tax credit for student education loans.

S. 1987

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1987, a bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2264

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2264, a bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2399

At the request of Mr. DURBIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2399, a bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the medicare program.

S. 2612

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2612, a bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from North Carolina (Mr. HELMS), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2787

At the request of Mr. HATCH, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2828

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2828, a bill to amend title XVIII of the Social Security Act to require that the Secretary of Health and Human Services wage adjust the actual, rather than the estimated, proportion of a hospital's costs that are attributable to wages and wage-related costs.

S. 2841

At the request of Mr. ROBB, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2938

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

At the request of Mr. BROWNBACK, the names of the Senator from Oregon (Mr. SMITH), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2938, *supra*.

S. 3007

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor 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 names of the Senator from Virginia (Mr. WARNER) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors 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. 3017

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3017, a bill 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 name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor 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 South Carolina (Mr. HOLLINGS) 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. CON. RES. 102

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 102, a concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor 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. 347

At the request of Mr. HATCH, his name was added as a cosponsor of S. Res. 347, a resolution designating the week of September 17, 2000, through September 23, 2000, as National Ovarian Cancer Awareness Week.

AMENDMENT NO. 4119

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Amendment No. 4119 proposed to H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China.

SENATE RESOLUTION 353—DESIGNATING OCTOBER 20, 2000, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. CONRAD, Mr. DEWINE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. HOLLINGS, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 353

Whereas according to the American Cancer Society, in 2000, 182,800 women will be diagnosed with breast cancer and 40,800 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women were diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by more than 30 percent; and

Whereas the 5-year survival rate for localized breast cancer is over 96 percent: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 20, 2000, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am introducing a resolution designating October 20, 2000, as "National Mammography Day". I am pleased that 54 of my colleagues have endorsed this proposal by agreeing to be original cosponsors. I might note that I have introduced a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to introduce this resolution, I review the latest information from the American Cancer

Society about breast cancer. For the year 2000, it is estimated that nearly 183,000 women will be diagnosed with breast cancer and slightly fewer than 41,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be upbeat about this situation. The number of deaths from breast cancer is falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 96 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease.

So I am feeling quite positive about breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer so frequently now on a daily basis that I scarcely give it a second thought. And the key to this success is early diagnosis and treatment, with routine periodic mammography being the linchpin of the entire process. Routine mammography can locate a breast cancer as much as 2 years before it would be detectable by self-examination. The statistics tell the story: the number of breast cancer deaths is declining despite an increase in the number of breast cancer cases diagnosed. More women are getting mammograms, more breast cancer is being diagnosed, and more of these breast cancers are discovered at an early and highly curable stage.

So my message to women is: have a periodic mammogram. Early diagnosis saves lives. But I know many women don't have annual mammograms, usually because of either fear or forgetfulness. Some women avoid mammograms because they are afraid of what they will find. To these women, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Let me consider an analogous situation. We know that high blood pressure is a killer, and we are all advised to get our blood pressure checked from time to time. Are we afraid to do this? No. Why not? Because we know that even if high blood pressure is detected on a screening examination, it can be readily and successfully treated. We also know that high blood pressure is not going to go away by itself, so if we have it, we should find out about it, get it treated, and move ahead with our lives.

The argument for having periodic routine mammograms to detect breast cancer is similar. Most of the time, the examination is reassuringly negative. But if it is positive, and your previous routine mammograms were negative, it means that this cancer has been detected early on, when it has a high chance of being cured.

And then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where "National Mammography Day" comes in. This year, National Mammography Day falls on Friday, October 20, right in the middle of National Breast Cancer Awareness Month. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

Mr. President, I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 20, 2000, as National Mammography Day.

**SENATE RESOLUTION 354—AMENDING PARAGRAPHS 2 AND 3(A) OF RULE XXV AND PROVIDING FOR CERTAIN APPOINTMENTS TO THE AGRICULTURE, NUTRITION, AND FORESTRY COMMITTEE, THE BANKING, HOUSING, AND URBAN AFFAIRS COMMITTEE, THE FINANCE COMMITTEE, THE SMALL BUSINESS COMMITTEE, AND THE VETERANS' AFFAIRS COMMITTEE**

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 354

*Resolved*, That notwithstanding any other provision of Rule XXV, paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "20".

Strike the figure after "Banking, Housing, and Urban Affairs" and insert in lieu thereof "22".

SEC. 2. That Rule XXV, paragraph 3(a) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Veterans' Affairs" and insert in lieu thereof "14".

SEC. 3. That on the Committee on Agriculture, Nutrition, and Forestry, the Senator from Oregon (Mr. SMITH) is hereby appointed to serve as a majority member; that the Senator from Georgia (Mr. MILLER) is

hereby appointed to serve as a minority member; and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 4. That on the Committee on Banking, Housing, and Urban Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 5. That on the Committee on Finance, the Senator from Idaho (Mr. CRAIG) is hereby appointed to serve as a majority member.

SEC. 6. That on the Committee on Small Business, the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 7. That on the Committee on Veterans' Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint a majority member to that committee.

**SENATE RESOLUTION 355—COMMENDING AND CONGRATULATING MIDDLEBURY COLLEGE**

Mr. LEAHY (for himself and Mr. JEFFORDS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 355

Whereas in the fall of 1800, a group of distinguished Vermonters, including Jeremiah Atwater, Nathaniel Chipman, Herman Ball, Elijah Paine, Gamaliel Painter, Israel Smith, Stephen R. Bradley, Seth Storrs, Stephen Jacob, Daniel Chipman, Lot Hall, Aaron Leeland, Gershom C. Lyman, Samuel Miller, Jedediah P. Buckingham, and Darius Matthews, petitioned the Vermont General Assembly for the establishment of a new institution of higher education in the town of Middlebury, Vermont;

Whereas on November 1, 1800, the Vermont General Assembly adopted a law to establish a college in Middlebury and named this group of distinguished Vermonters to be known as "the President and fellows of Middlebury college", and designated Jeremiah Atwater as the new college's first President;

Whereas on November 5, 1800, less than 1 week after receiving its Charter, Middlebury College opened its doors to 7 students and 1 professor using space at the local grammar school for instruction;

Whereas by 1810, the college had grown to 110 students and needed space of its own, and the campus of Middlebury College was built, and on May 19, 2000, the United States Postal Service issued postcards to commemorate the Old Stone Row and the first 3 buildings of the Middlebury College campus;

Whereas over the last 2 centuries, Middlebury College has evolved from 1 of the first colleges in the United States into 1 of the most respected liberal arts colleges in the Nation, with more than 2,000 students, almost 200 professors, and a main campus of over 250 acres;

Whereas the Middlebury College Bicentennial Planning Commission has designed Celebration 2000 to commemorate this milestone in Vermont's and the Nation's educational history;

Whereas this bicentennial is a celebration honoring the people and events that have made and continue to make Middlebury College a leader in higher education;

Whereas Celebration 2000 features concerts, plays, and symposia, both on campus and at additional locations such as the New York Public Library, and the dedication of a new

science building, Bicentennial Hall, with an exterior that resembles the Old Stone Row and the early architectural history of this 200-year-old school; and

Whereas the year-long celebration of 2 centuries of quality higher education will culminate during Founders' Week, November 1st through 5th, 2000, when a variety of events will occur in honor of Middlebury, the college, and Middlebury, the college's town: Now, therefore, be it

*Resolved, That—*

(1) the Senate commends and congratulates Middlebury College on the completion of its first 200 years of educational excellence and wishes the college continued success as it commences a third century of educational opportunity and leadership; and

(2) the Secretary of the Senate shall send a copy of this resolution to the Middlebury College President, John M. McCardell, Jr.

Mr. LEAHY. Mr. President, today I rise to introduce a resolution on behalf of myself and Senator JEFFORDS to commemorate 200 years of quality higher education at nationally acclaimed Middlebury College located in Middlebury, Vermont.

In the fall of 1800, a group of distinguished Vermonters petitioned the Vermont General Assembly for the establishment of a new institution of higher education in the small agricultural town of Middlebury. On November 1, 1800 these efforts proved successful when the Vermont General Assembly adopted a law to establish a college in Middlebury. Less than one week after receiving its charter, Middlebury College opened its doors to seven students and one professor in space at the local grammar school.

Over the last two centuries, Middlebury College has evolved from one of the first colleges in Vermont into one of the most respected liberal arts colleges in the Nation. Today, Middlebury has more than two thousand students, almost two hundred professors, and a main campus of over 250 acres. The campus of was first built beginning in 1810 with three larger stone buildings, each sharing a unique architectural style. On May 19, 2000, the United States Postal Service issued postcards to commemorate the Old Stone Row and the first buildings of the Middlebury College campus.

In recognition of 200 years of educating students from across this country and the world, the Middlebury College Bicentennial Planning Commission has designed Celebration 2000 to commemorate this milestone in Vermont's and the Nation's educational history. The year-long bicentennial celebration honors the people and events that have made and continue to make Middlebury College a leader in higher education. Celebration 2000 features concerts, plays, and symposia, both on campus and at additional locations such as the New York Public Library, and the dedication of a new science building, Bicentennial Hall, with an exterior that resembles the Old Stone row and the school's early architectural history. This year-long celebration will culminate later this fall during Founders' Week, a se-

ries of events on campus during the first week of November.

Mr. President, I am pleased to offer this resolution to commend and congratulate Middlebury College on the completion of its first two hundred years of educational excellence. I hope my colleagues will join Senator JEFFORDS and me in honoring the contributions of the school, its students and its alumni.

Mr. JEFFORDS. Mr President, I rise today to join my good friend and colleague from Vermont in introducing a Resolution commending and congratulating Middlebury College on 200 years of providing quality higher education in Vermont. It gives me great pleasure in wishing this prestigious institution a very happy anniversary.

When Middlebury College first opened, seven students and one professor made up the entire faculty and student body. Two hundred years later, this institution has grown to include over 2000 and nearly 200 professors, and continues to remain a top rated liberal arts school.

As Middlebury College nears the culmination of their year-long celebration of their bicentennial, it is only fitting that we take this opportunity to recognize the accomplishments and achievements of Middlebury College and the many graduates thereof.

Therefore it gives me great pleasure in joining Senator LEAHY in introducing this resolution and I urge my colleagues to support its adoption.

#### AMENDMENTS SUBMITTED

##### HOLLINGS AMENDMENTS NOS. 4134-4137

Mr. HOLLINGS proposed four amendments to the bill, H.R. 4444, *supra*; as follows:

##### AMENDMENT No. 4134

At the appropriate place, insert the following:

##### SEC. . FOREIGN INVESTMENT INFORMATION TO BE INCLUDED IN 10-K REPORTS.

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information in 10-K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

##### AMENDMENT No. 4135

At the appropriate place, insert the following:

##### SEC. . BALANCE OF TRADE WITH CHINA IN CEREALS AND SOYBEANS.

(a) IN GENERAL.—Beginning with the first business day in January of the year 2001 and

on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

(b) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (a) for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(c) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (a).

##### AMENDMENT No. 4136

At the appropriate place, inset the following:

##### SEC. . BALANCE OF TRADE WITH CHINA IN ADVANCED TECHNOLOGY PRODUCTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The trade deficit with the People's Republic of China in advance technology products for 1999 was approximately \$3.2 billion.

(2) The trade deficit with the People's Republic of China in advance technology products for 2000 is projected to be approximately \$5 billion.

(b) REPORT.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products for this previous year.

(c) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (b) excess of \$5 billion for any year, the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(d) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the result of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (b).

##### AMENDMENT No. 4137

At the appropriate place, insert the following:

##### SEC. . RISK INSURANCE CERTIFICATIONS.

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by law, regulation, or rule, neither the Export-Import Bank of the United States nor the Overseas Private Investment Corporation may provide risk insurance after December 31, 2000, to an applicant unless that applicant certifies that it—

(1) has not transferred advanced technology after January 1, 2001, to the People Republic of China; and

(2) has not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

## NOTICES OF HEARINGS

## COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs is re-scheduling their September 13, 2000 hearing to September 14, 2000, in the Russell Senate Office Building room number 485, at 3:30 p.m. on S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians. Immediately following the hearing will be a business meeting 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.

## SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, September 19, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the following bills: H.R. 3577, To increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; S. 2906, To authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2942, To extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia; S. 2951, To authorize the Commission of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the Upper Columbia River; and S. 3022, To direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510-6150.

For further information, please call Traci Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, September 12, 2000. The purpose of this hearing will be to review the operation of the Office of Civil Rights, USDA, and the role of the Office of General Counsel, USDA.

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 Tuesday, September 12, 2000, at 9:30 a.m. on Firestone tire recall.

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

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 12, at 9:30 a.m. to conduct a hearing on proposed U.S. Department of Transportation regulations on planning and environment.

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 Tuesday, September 12, 2000 at 9:30 a.m. to hold a hearing (agenda attached).

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

## SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 12, 2000, to conduct a hearing on "congressional proposals impacting F.H.A. reserves."

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

## SUBCOMMITTEE ON WATER AND POWER

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 12 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

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

## PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Marty Gensler, who is a fellow in my office, have floor privileges during the rest of the debate.

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

## COMMITTEE APPOINTMENTS

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 354 submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 354) amending paragraphs 2 and 3(a) of Rule XXV and providing for Senator appointments to the Agriculture, Nutrition, and Forestry Committee, the Banking, Housing, and Urban Affairs Committee, the Finance Committee, the Small Business Committee, and the Veterans' Affairs Committee.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. THOMPSON. 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 resolution (S. Res. 354) was agreed to, as follows:

## S. RES. 354

*Resolved*, That notwithstanding any other provision of Rule XXV, paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "20".

Strike the figure after "Banking, Housing, and Urban Affairs" and insert in lieu thereof "22".

SEC. 2. That Rule XVV, paragraph 3(a) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Veterans' Affairs" and insert in lieu thereof "14".

SEC. 3. That on the Committee on Agriculture, Nutrition, and Forestry, the Senator from Oregon (Mr. SMITH) is hereby appointed to serve as a majority member; that the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member; and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 4. That on the Committee on Banking, Housing, and Urban Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 5. That on the Committee on Finance, the Senator from Idaho (Mr. CRAIG) is hereby appointed to serve as a majority member.

SEC. 6. That on the Committee on Small Business, the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 7. That on the Committee on Veterans' Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint a majority member to that committee.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS  
NOS. 106-46 AND 106-47

Mr. THOMPSON. I ask unanimous consent that the Injunction of Secrecy be removed from the following treaties transmitted to the Senate on September 12, 2000, by the President of the United States: Protocol Amending Investment Treaty with Panama (Treaty Document 106-46); and Investment Treaty with Azerbaijan (Treaty Document 106-47).

I further ask that the treaties be considered as having been read the first time, that they be referred with accompanying papers to the Committee on Foreign Relations in order to be printed, and that the President's message be printed in the RECORD.

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

The messages of the President are as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol Between the Government of the United States of America and the Government of the Republic of Panama Amending the Treaty Concerning the Treatment and Protection of Investments of October 17, 1982. This Protocol was signed at Panama City, on June 1, 2000. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Protocol.

The 1982 bilateral investment treaty with Panama (the "1982 Treaty") was the second treaty to be signed under the U.S. bilateral investment treaty (BIT) program. The 1982 Treaty protects U.S. investment and assists Panama in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

As explained in the Department of State's report, the Protocol is needed in order to ensure that investors continue to have access to binding international arbitration following Panama's 1996 accession to the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, done at Washington, March 18, 1965 (the "ICSID Convention"). The Protocol provides each Party's consent to international arbitration of investment disputes under the 1982 Treaty before the International Centre for the Settlement of Investment Disputes, established under the ICSID Convention. The Protocol also provides for arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law. The Protocol thus

facilitates the use of such procedures by investors of the Parties to resolve investment disputes under the 1982 Treaty. The Protocol also sets forth each Party's consent to ICSID Additional Facility arbitration, if Convention Arbitration is not available. Convention Arbitration would not be available, for example, if either Party subsequently ceased to be a party to the ICSID Convention.

I recommend that the Senate consider this Protocol as soon as possible, and give its advice and consent to ratification of the Protocol at an early date.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, September 12, 2000.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Azerbaijan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on August 1, 1997, together with an amendment to the Treaty set forth in an exchange of diplomatic notes dated August 8, 2000, and August 25, 2000. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The Bilateral Investment Treaty (BIT) with Azerbaijan is the fourth such treaty signed between the United States and a Transcaucasian or Central Asian country. The Treaty will protect U.S. investment and assist Azerbaijan in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty furthers the objectives of U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, September 12, 2000.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Texas (Mrs. HUTCHISON) as Chair of the Senate Delegation to the Mexico-U.S. Interparliamentary Union during the 106th Congress.

ORDERS FOR WEDNESDAY,  
SEPTEMBER 13, 2000

Mr. THOMPSON. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, September 13. I further ask consent that on Wednesday, 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 begin a period of morning business until 10 a.m., with the time equally divided between Senator THOMAS and Senator DURBIN.

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

PROGRAM

Mr. THOMPSON. For the information of all Senators, at 9:30 a.m. tomorrow 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, No. 4129. Votes on those two amendments will be back to back 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. Therefore, votes are expected throughout the remainder of the week.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. THOMPSON. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:28 p.m., adjourned until Wednesday, September 13, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 2000:

THE JUDICIARY

JOEL GERBER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

STEPHEN J. SWIFT, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

STEVEN E. ACHELPOHL, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE WILLIAM G. CAMBRIDGE, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 21:

*To be captain*

MARK B. CASE, 0000  
ROBERT C. AYER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

*To be captain*

KEVIN G. ROSS, 0000  
EDDIE V. MACK, 0000  
JOSEPH R. CASTILLO, 0000  
JOHN W. YOST, 0000  
ANDREW G. GIVENS, 0000  
PAUL A. PREUSSE, 0000  
MICHAEL J. LAPINSKI, 0000  
RONALD J. RABAGO, 0000  
MARK E. ASHLEY, 0000  
ROBERT E. REININGER, 0000  
AUBREY W. BOGLE, 0000  
LANCE W. CARPENTER, 0000  
STEVEN H. RATTI, 0000  
WAYNE C. PARENT, 0000  
MICHAEL J. MANGAN, 0000  
PATRICIA F. BRUCK, 0000  
ROBERT V. PALOMBO, 0000  
BRIAN R. CONAWAY, 0000  
STEPHEN T. DELIKAT, 0000  
ROBERT L. HURST, 0000  
JAMES M. FARLEY, 0000  
THOMAS R. CAHILL, 0000  
JAMES X. MONAGHAN, 0000  
STEPHEN P. GARRITY, 0000  
DUANE M. SMITH, 0000  
DARRELL C. FOLSOM, 0000  
DANIEL A. NEPTUN, 0000  
CHRISTOPHER C. COLVIN, 0000  
DOUGLAS J. WISNIEWSKI, 0000  
ROBERT W. NUTTING, 0000  
BRADLEY M. JACOBS, 0000  
DAVID B. MCLEISH, 0000  
FRANCIS J. STURM, 0000  
DAVID C. SPILLMAN, 0000  
CHRISTOPHER J. CONKLIN, 0000  
KEVIN S. COOK, 0000  
JEFFREY D. STIEB, 0000  
WILLIAM J. BELMONDO, 0000  
KENNETH L. KING, 0000  
CURTIS L. DUBAY, 0000  
BRUCE M. ROSS, 0000  
MICHAEL L. BLAIR, 0000  
CHARLES S. JOHNSON, 0000  
DANA E. WARE, 0000  
RICHARD J. PRESTON, 0000  
FRANCIS A. DUTCH, 0000  
DANIEL K. OLIVER, 0000  
KENNETH L. SAVOIE, 0000  
PETER J. BOYNTON, 0000  
NEIL O. BUSCHMAN, 0000  
DANIEL R. MAY, 0000  
WILLIAM J. SEMRAU, 0000  
JAMES K. LOUPTTT, 0000  
SUSAN D. BIBEAU, 0000  
DAVID B. HILL, 0000  
JEFFREY R. PETTTTT, 0000  
RICHARD W. HATTTON, 0000  
ROY A. NASH, 0000  
JOHN E. LONG, 0000  
BRUCE D. BRANHAM, 0000  
SCOTT H. EVANS, 0000  
MARK P. BLACE, 0000  
JOHN H. KORN, 0000  
CHARLES W. RAY, 0000

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JAMES C. SEAMAN, 0000

## IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

EDDIE L. COLE, 0000  
JOE B. LAMB, JR., 0000  
ANDREW B. LEIDER, 0000  
OLIVER L. MARIANETTI, 0000  
JOHN M. MENTER, 0000  
ROBERT W. MITCHELL, 0000  
ANNE C. MOEN, 0000  
CHARLOTTE M. MORGAN, 0000  
EDDIE W. MORTON, 0000  
DANNY D. SCOTT SR., 0000  
NED I. SHULMAN, 0000  
JAMES W. SMITH, 0000  
CHRISTOPHER A. WHITE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

JEANNE J. BLAES, 0000  
DALE W. CLELLAND, 0000  
BRARRY A. COX, 0000  
SHIRLEY J. FONG, 0000  
HARRIETT A. FRAME, 0000  
GERY W. KOSEL, 0000  
LENWOOD A. LANDRUM, 0000  
JEFF W. MATHIS III, 0000  
MICHAEL P. MCGOWEN, 0000

MICHAEL W. MCHENRY, 0000  
RICHARD L. PALMATIER JR., 0000  
TOMMY W. PAULK, 0000  
TIMOTHY W. PAYNE, 0000  
CHARLES A. RAGUCCI, 0000  
RAFAEL H. RAMIREZ, 0000  
DELORES J. RUSSO, 0000  
KEVIN L. SAMPLES, 0000  
THOMAS E. TROXELL, 0000  
JANELLE S. WEYN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT AS CHAPLAIN (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

*To be major*

\*PATRICK N. BAILEY, 0000 CH  
\*DAVID S. BAUM, 0000 CH  
JAMES L. BRISSON, JR., 0000 CH  
\*DAVID C. CAUSEY, 0000 CH  
\*CLAUDE A. CRISP, 0000 CH  
\*JUAN M. CROCKETT, 0000 CH  
\*JAMES L. DRAKE, 0000 CH  
\*THOMAS R. EDWARDS, 0000 CH  
\*MARK E. FAIRBROTHER, 0000 CH  
\*STEVEN R. GEORGE, 0000 CH  
\*SAMUEL K. GODFREY, 0000 CH  
\*KEITH N. GOODE, 0000 CH  
\*WILLIAM GREEN, JR., 0000 CH  
\*JEFFREY D. HAWKINS, 0000 CH  
\*JON N. HOLLENBECK, 0000 CH  
\*MICKEY D. JETT, 0000 CH  
\*MARK A. JOHNSON, 0000 CH  
\*STEVEN M. JONES, 0000 CH  
\*EDWARD J. KELLEY, 0000 CH  
\*ROBERT W. LEATHERS, 0000 CH  
\*SUK J. LEE, 0000 CH  
\*JOSEPH H. MELVIN, 0000 CH  
\*DAVID P. MIKKELSON, 0000 CH  
\*KELLY J. MOORE, 0000 CH  
\*CHARLES R. OWEN III, 0000 CH  
\*JAMES PALMER, JR., 0000 CH  
\*KWON PYO, JR., 0000 CH  
\*ROGER W. RAHILL, 0000 CH  
\*PABLO J. RIVERAMADERA, 0000 CH  
\*RAYMOND A. ROBINSON, JR., 0000 CH  
\*JOHN A. ROUTHZAHN, JR., 0000 CH  
\*WILLIAM A. SAGER, 0000 CH  
\*JAMES E. SCHAEFER, 0000 CH  
\*ALVIN G. SHRUM, 0000 CH  
\*EUGENE G. SLADE, 0000 CH  
\*BLAINE E. SMREKAR, 0000 CH  
\*SCOTT A. STERLING, 0000 CH  
\*MARK E. THOMPSON, 0000 CH  
\*JEFFREY L. VOYLES, 0000 CH  
\*WILLIAM S. WEICHL, 0000 CH  
\*KENNETH R. WILLIAMS, JR., 0000 CH  
\*ROBINSON P. WILSON, 0000 CH  
\*JEFFREY L. ZUST, 0000 CH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

*To be major*

TIMOTHY F. ABBOTT, 0000  
EDMUND M. ACKERMAN, 0000  
\*ANTHONY L. ADAMS, 0000  
JAMES H. ADAMS III, 0000  
LARRY K. ADAMS, 0000  
\*DENNIS P. ADOMATIS, 0000  
BRYAN F. AGENA, 0000  
DARRYL K. AHNER, 0000  
DEXTER A. ALEXANDER, 0000  
\*LESLIE A. ALFORD, 0000  
DAVID K. ALLEN, 0000  
KRISTIN E. ALLEN, 0000  
\*TERANCE J. ALLEN, 0000  
MICHAEL C. ALLISON, 0000  
\*MICHAEL S. ALLMOND, 0000  
JAYSON A. ALTIERI, 0000  
HEATHER B. AMSTUTZ, 0000  
REIK C. ANDERSEN, 0000  
DOUGLAS A. ANDERSON, 0000  
JAMES C. ANDERSON, 0000  
\*JOSEPH S. ANDERSON, 0000  
\*LARRY S. ANDERSON, 0000  
\*MARVIN W. ANDERSON, 0000  
SAMUEL GRADY ANDERSON III, 0000  
FRANCIS L. ANDREWS, 0000  
PETER B. ANDRYSIK, JR., 0000  
\*OSADEBE M. ANENE II, 0000  
RICHARD E. ANGLE, 0000  
KEITH W. ANTHONY, 0000  
NICHOLAS M. ANTHONY, JR., 0000  
\*GREGORY S. APPLGATE, 0000  
\*JEFFREY L. APPLGATE, 0000  
\*RUDOLFO AQUINO, JR., 0000  
\*THOMAS L. ARMBRUSTER, 0000  
ERIC D. ARNOLD, 0000  
\*ERIC A. ARRINGTON, 0000  
THOMAS L. ARRINGTON, 0000  
\*VANCE R. ARRINGTON, 0000  
\*LINDA J. ARTHUR, 0000  
\*THOMAS F. ARTIS, 0000  
\*MARIO A. ARZENO, 0000  
PAUL V. ASHCRAFT, 0000  
JAMES M. ASHFORD, 0000  
\*DAVID G. ATHEY, 0000  
\*LAURI J. ATKINS, 0000  
\*CHARLES A. ATTALES, 0000  
\*ANTHONY J. AUDREY, 0000  
ROBERT T. AULT, 0000  
\*PHILIP D. AYER, 0000  
\*ROTHA R. AYERS JR., 0000  
\*WILLIAM L. AYERS, 0000

JESSE BABAUTA, 0000  
MICHAEL J. BACKUS, 0000  
BRODRICK J. BAILEY, 0000  
PAUL F. BAILEY, 0000  
BRUCE A. BAIN, 0000  
GREGORY E. BAK, 0000  
\*DONALD R. BAKER, 0000  
\*GREGORY A. BAKER, 0000  
\*JAMES W. BAKER, 0000  
KRISTIN M. BAKER, 0000  
PAUL M. BAKER, 0000  
\*JOHN D. BALLARD, 0000  
GEOFFREY T. BALLOUT, 0000  
\*DAVID W. BANIAN, 0000  
TEENA M. BARBER, 0000  
\*SCOTT W. BARHAM, 0000  
JEFFREY M. BARLUP, 0000  
DAVID M. BARNES, 0000  
LEE BARNES, 0000  
STEPHEN WAYNE BARONE, 0000  
MARCO J. BARRERA, 0000  
EDMUND J. BARRRETT, 0000  
FREDERICK S. BARRETT, 0000  
\*WELDON A. BARRETT III, 0000  
\*KEITH A. BARSHINGER, 0000  
\*BRIAN A. BARTO, 0000  
\*PAUL R. BARTZ, 0000  
TIMOTHY A. BASHAM, 0000  
JOHN C. BASKERVILLE, 0000  
\*JAMES E. BASS III, 0000  
SAMUEL C. BASS, 0000  
JOHN A. BASSO, 0000  
JAMES D. BATES, 0000  
\*THOMAS J. BATTLETS, 0000  
\*JAMES P. BAUMGART, 0000  
\*ROBERT J. BAYHAM, 0000  
\*DAVID C. BEACHMAN, 0000  
MILFORD H. BEAGLE JR., 0000  
DANIEL GARTH BEATTY JR., 0000  
KEATON L. BEAUMONT, 0000  
\*JOSEPH B. BECKER, 0000  
IVAN P. BECKMAN, 0000  
\*MATTHEW C. BECKMANN, 0000  
\*DALE A. BEDSOLE, 0000  
\*DAVID T. BELL SR., 0000  
REGINALD J. BELTON, 0000  
PHILIP D. BENEFIELD JR., 0000  
\*RAUL C. BENITEZ, 0000  
\*SYLVIA A. BENNETT, 0000  
\*CHRISTOPHER M. BENSON, 0000  
WILLIAM E. BENSON, 0000  
ERSKINE R. BENTLEY II, 0000  
\*DAVID B. BEOUGHER, 0000  
\*KAREN A. BERGER, 0000  
\*GLENN J. BERGERON, 0000  
\*STEVEN A. BERGOSH, 0000  
JOSE R. BERRIOS, 0000  
HODNE S. BERRY, 0000  
KEVIN L. BERRY, 0000  
CARTER J. BERTONE, 0000  
JULIAN S. BETHUNEBROWN, 0000  
JOSEPH S. BIANCHI, 0000  
MARIA A. BLANK, 0000  
MARK D. BIEGER, 0000  
JAMES P. BIENLIEN, 0000  
BENJAMIN J. BIGELOW, 0000  
MICHAEL L. BINEHAM, 0000  
\*ANN L. BING, 0000  
\*BRIAN R. BISACRE, 0000  
\*BARRY L. BISHOP, 0000  
\*GREGORY W. BISHOP, 0000  
\*EARL S. BITTNER II, 0000  
ANTHONY V. BLACK, 0000  
\*MICHELLE A. BLACK, 0000  
WILLIAM R. BLACK, 0000  
WILLIAM W. BLACKWELL, 0000  
\*SAMUEL C. BLANTON III, 0000  
MICHAEL A. BLAS, 0000  
\*JAMES J. BLAYLOCK, 0000  
JOSHUA D. BLOCKBURGER, 0000  
CHRIS A. BLOMBACH, 0000  
CHRISTOPHER T. BLUME, 0000  
\*THOMAS D. BOCCARDI, 0000  
\*MORRIS L. BODRICK, 0000  
MATTHEW A. BOEHNKE, 0000  
\*JOHN V. BOGDAN, 0000  
\*JAMES E. BOGLE, 0000  
\*ANTHONY P. BOHN, 0000  
\*KENNETH A. BOHON, 0000  
GARY BOLOS, 0000  
BRYON L. BONNELL, 0000  
MARK E. BOROWSKI, 0000  
DAVID W. BOTTCHEER, 0000  
JAMES B. BOTTERS, 0000  
MICHAEL A. BOTTGLIERI, 0000  
JOHN ANTHONY BOUCHER, 0000  
\*HORACE W. BOWDEN III, 0000  
\*JOHN E. BOX, 0000  
EARNEST E. BOYD, 0000  
GREGORY G. BOYD, 0000  
\*JOHN M. BOYD, 0000  
\*RAYMOND E. BOYD JR., 0000  
THOMAS A. BOYD, 0000  
CHRISTOPHER BOYLE, 0000  
\*JIMMY M. BRADFORD, 0000  
\*ROBERT D. BRADFORD III, 0000  
\*ROBERT W. BRADFORD, 0000  
GREGORY J. BRADY, 0000  
\*MICHAEL D. BRADY, 0000  
\*EVA T. BRANHAM, 0000  
\*MICHAEL D. BRANTLEY, 0000  
\*JOHN R. BRAY, 0000  
MICHELE H. BREDENKAMP, 0000  
KENT A. BREDLOVE, 0000

DAVID D. BRENNER, 0000  
CHRISTOPHER J. BREWER, 0000  
MELVIN C. BRICKER JR., 0000  
\*DONALD E. BRISSENDINE, 0000  
JEFFERY D. BROADWATER, 0000  
\*JEFFREY B. BROADWELL, 0000  
\*DIRK K. BROCK, 0000  
HAROLD D. BROEK JR., 0000  
\*ANDRAE E. BROOKS, 0000  
\*MARTHA K. BROOKS, 0000  
\*NICHOEL E. BROOKS, 0000  
\*JOHNNY R. BROUGHTON, 0000  
THOMAS V. BROUNS, 0000  
CHARLES H. BROWN, 0000  
\*CHARLES T. BROWN, 0000  
\*JAMES D. BROWN, 0000  
JAMES E. BROWN III, 0000  
\*JEFFREY E. BROWN, 0000  
JOHN M. BROWN, JR., 0000  
MATTHEW J. BROWN, 0000  
MICHAEL L. BROWN, 0000  
\*ROBERT B. BROWN, 0000  
\*ROSS A. BROWN JR., 0000  
\*SHARON L. BROWN, 0000  
WILLIAM E. BROWN III, 0000  
\*ANITA S. BROWNGREENLEE, 0000  
\*JEFFREY A. BRUCE, 0000  
\*JEFFREY A. BRYAN, 0000  
\*SUSAN F. BRYANT, 0000  
DALE R. BUCKNER, 0000  
JENNIFER G. BUCKNER, 0000  
\*RICARDO C. BULLOCK, 0000  
\*JOHN S. BULMER, 0000  
DOUGLAS S. BUNNER, 0000  
\*DEAN A. BURBRIDGE, 0000  
\*BRIAN D. BURCHETTE, 0000  
\*KIM A. BURDESHAW, 0000  
ERIC C. BURGER, 0000  
JOHN E. BURGER, 0000  
CLIFFORD T. BURGESS III, 0000  
\*HILDA D. BURGOS, 0000  
EDWARD W. BURKE IV, 0000  
\*RONALD W. BURKETT, 0000  
JAMES M. BURNS, 0000  
BLAKE L. BURSLE, 0000  
\*LANCE J. BURTON, JR., 0000  
\*GARRY B. BUSH, 0000  
DWAYNE M. BUTLER, 0000  
WILLIAM J. BUTLER, 0000  
STEVEN T. BUTTERFIELD, 0000  
\*PETER W. BUTTS, 0000  
WILLIAM M. BYARS, 0000  
\*KEITH A. BYNUM, 0000  
\*RICHARD T. BYRD JR., 0000  
\*JOHN E. BYRN, 0000  
\*MICHAEL F. CABAJ, 0000  
JOHN E. CALAHAN, 0000  
SCOTT P. CALDWELL, 0000  
\*STEPHON CALHOUN, 0000  
CHRISTOPHER D. CALL, 0000  
CERVANTES E. CAMACHO, 0000  
MARK J. CAMARENO, 0000  
GREGORY D. CAMERON, 0000  
ERIC M. CAMPANY, 0000  
\*CARLA J. CAMPBELL, 0000  
\*ROBERT C. CAMPBELL, 0000  
\*DAVID S. CANNON, 0000  
\*SUERO J. CANO, 0000  
BRYAN E. CANTER, 0000  
CHRISTOPHER A. CANTRELL, 0000  
\*ROSE K. CARD, 0000  
\*CASIMIR C. CAREY III, 0000  
\*FREDERICK R. CARLSON, 0000  
MICHAEL A. CARLSON, 0000  
THOMAS C. CARNELL, 0000  
EDWIN J. CARNS, 0000  
\*RICHARD D. CARPENTER, 0000  
\*PRESSLEY R. CARR, JR., 0000  
CLAUDIA J. CARRIZALES, 0000  
\*JOSEPH F. CARROLL, 0000  
\*BRYAN S. CARTER, 0000  
\*GARY J. CARTER, 0000  
\*JERRY W. CARTER, 0000  
\*STEVEN A. CARTER, 0000  
\*JEFFREY T. CARTWRIGHT, 0000  
KENNETH C. CARY, 0000  
\*ROMEO J. CASCHERA, JR., 0000  
\*KEITH A. CASBY, 0000  
JOHN H. CASPER, 0000  
\*WILLIAM J. CATER, 0000  
TIMOTHY M. CAULEY, 0000  
ROBERT E. CAVAGNA, 0000  
JOHN R. CAVEDO, JR., 0000  
\*ROBERT N. CAVINESS, 0000  
RICHARD A. CAYA, 0000  
MARTIN W. CHADZYNSKI, 0000  
MICHAEL P. CHAKERIS, 0000  
PHILLIP A. CHAMBERS, 0000  
\*JAIME S. CHANEZ, 0000  
JAY K. CHAMAN, 0000  
\*KATHLEEN M. CHAPMAN, 0000  
\*MATTHEW A. CHAPMAN, 0000  
JOHN S. CHAPUT, 0000  
\*DAVID L. CHASE, 0000  
KENNETH D. CHASE, 0000  
\*WANDA A. CHATMAN, 0000  
CHARLES S. CHENOWETH, 0000  
JACQUELINE G. CHENOWETH, 0000  
ROBERT C. CHERIPKA, 0000  
\*MARK L. CHILDERS, 0000  
ROBERT T. CHILDRESS, 0000  
\*MARK W. CHILDS, 0000  
GEORGE A. CHIZMAR, 0000  
WILLIAM CHLEBOWSKI, 0000  
\*TONY K. CHO, 0000  
STEVEN B. CHOI, 0000  
\*DAVID A. CHRISTENSEN, 0000  
CRAIG A. CHUBA, 0000  
\*JOHN A. CHVERCHKO, 0000  
JON J. CHYTKA, 0000  
\*PATRICK W. CIHAK, 0000  
\*ELIZABETH M. CISNE, 0000  
TOM L. CLADY, 0000  
ANDREW B. CLANTON, 0000  
FRANK S. CLARK III, 0000  
\*GERALD L. CLAUDE, 0000  
\*JOHN M. CLEARWATER, 0000  
JOHN G. CLEMENT, 0000  
\*TIMOTHY K. CLEMENT, 0000  
DAVID L. CLEVINGER, 0000  
JEFFREY T. CLIFTON, 0000  
TRACEY CLYDE, 0000  
\*LARRY G. COBLENTZ, JR., 0000  
ROBERT L. CODY II, 0000  
LAUREL J. COESENS, 0000  
\*RICHARD R. COFFMAN, 0000  
GARY S. COHN, 0000  
\*ANDREW COLE, JR., 0000  
\*ANTHONY S. COLE, 0000  
WILLIE D. COLEMAN, 0000  
\*JEFFREY C. COLLINS, 0000  
MARK D. COLLINS, 0000  
DANIEL T. CONKLIN, 0000  
THOMAS H. CONLON, 0000  
\*GENE Y. CONNOR, 0000  
GERALD A. CONWAY, 0000  
ALEXANDER CONYERS, 0000  
BRIAN C. COOK, 0000  
PAUL B. COOKE, 0000  
\*ANDREW C. COOPER, 0000  
\*CECIL COPELAND III, 0000  
\*FREDERICK B. CORBIN, 0000  
\*JOHN T. CORLEY, 0000  
\*DANIEL J. CORMIER, 0000  
MIGUEL A. CORREA, 0000  
MICHAEL I. CORSON, 0000  
\*NOELMAN V. COSBY, 0000  
CHARLES D. COSTA, 0000  
ANTHONY M. COSTON, 0000  
\*JOHN A. COTTEN, 0000  
\*MATTHEW J. COULSON, 0000  
\*CHRISTOPHER J. COURTNEY, 0000  
\*FRANK J. COVINGTON, 0000  
\*KIMBERLY A. COWEN, 0000  
SHAWN W. COWLEY, 0000  
DARREL G. COX, 0000  
\*DAVID W. COX, 0000  
SHANNON C. COX, 0000  
\*PATRICK D. CRABB, 0000  
DOUGLAS W. CRADDOCK, 0000  
\*JASON T. CRAFT, 0000  
YOLANDA Y. CREAL, 0000  
JERRY C. CREWS, 0000  
MICHAEL D. CRICK, 0000  
WILLIAM R. CRISTY, 0000  
\*DAVID M. CROCKER, 0000  
\*RODERICK R. CROMWELL, 0000  
\*PATRICK N. CROSBY, 0000  
\*ROBERT G. CROSS, 0000  
STEVEN W. CRUSINBERRY, 0000  
JUAN C. CRUZ, 0000  
\*ARNOLD CSAN, JR., 0000  
\*STEVE R. CULLINGFORD, 0000  
\*PAUL J. CUPPETT, 0000  
\*LEW E. CURETON, 0000  
CARL A. CURRIER, 0000  
\*KENNETH J. CURRY, 0000  
TONY B. CURTIS, 0000  
MATTHEW W. CUSTER, 0000  
JAMES J. CUTTING, 0000  
\*KENNETH L. CYPHER, 0000  
\*CRAIG J. CZELAK, 0000  
\*KEITH B. CZELUSNIAK, 0000  
CHARLES J. DALCOURT, JR., 0000  
GURA A. DALLAM III, 0000  
\*JAMES W. DANIELS, 0000  
MARK R. DANIELS, 0000  
NEAL DANIELS, 0000  
\*ANDREW M. DANWIN, 0000  
KIMBERLY L. DARBY, 0000  
\*BILLY J. DAVIS, 0000  
HOWARD A. DAVIS, 0000  
\*JAMES E. DAVIS, 0000  
\*JON C. DAVIS, 0000  
LAURA L. DAVIS, 0000  
MARK G. DAVIS, 0000  
RICHARD A. DAVIS, 0000  
\*ROBERT W. DAVIS, 0000  
RODNEY A. DAVIS, 0000  
AUGUSTUS R. DAWSON III, 0000  
CHRISTOPHER L. DAY, 0000  
PATRICK B. DAY, 0000  
\*DANIEL D. DEBRICH, 0000  
\*STEVEN S. DEBUSK, 0000  
\*FRANCISCO DECARVALHO, 0000  
SHARON E. DECRANE, 0000  
\*GREGORY S. DEBRE, 0000  
CHRISTOPHER J. DEGARAY, 0000  
\*MICHAEL W. DEJARNETTE, 0000  
\*ROBERT A. DELACY, 0000  
ANNEMARIE E. DELGADO, 0000  
TODD A. DELLERT, 0000  
JAMES T. DELLOLIO, 0000  
TODD A. DELONG, 0000  
LILLIBETH DELROSARIO, 0000  
STEVEN L. DELVAUX, 0000  
CHARLES DEMERY, 0000  
\*ANITA L. DENMSEY, 0000  
\*JAMES D. DENARDO, 0000  
\*CLARK R. DENMAN, 0000  
CHAD D. DENNIS, 0000  
\*BRYAN E. DENNY, 0000  
\*ALAN J. DEOGRACIAS II, 0000  
\*MATTHEW R. DEPIRRO, 0000  
GARNET R. DERBY, 0000  
DAVID A. DESANTIS, 0000  
EDWARD JOHN DESANTIS, 0000  
\*MARK J. DESCHENES, 0000  
\*LEE R. DESJARDINS, 0000  
JOHN J. DEVILLE, 0000  
\*KATHLEEN P. DEVINE, 0000  
WARREN W. DEWEY, 0000  
\*DAVID J. DEYAK, 0000  
MARIO A. DIAZ, 0000  
MICHAEL W. DILLINGHAM, 0000  
\*BRIAN E. DILLON, 0000  
DANIEL L. DIPIRO, 0000  
THOMAS ROBERT DITOMASSO, 0000  
CHRISTOPHER C. DIXON, 0000  
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\*JEFFREY E. REDDICK, 0000  
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VINCENT H. TORZA, 0000  
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 PETER J. TRAGAKIS, 0000  
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 \*JOSEPH D. TYRON, 0000  
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 \*KATHY A. UNDERWOOD, 0000  
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 \*KEVIN K. UPSON, 0000  
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 \*JOHN M. VANNOY, 0000  
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 \*RODRIGUEZ F. VENTURA, 0000  
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 \*LEONARD E. VERHAEG, 0000  
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 \*JULIUS WASHINGTON, 0000  
 BRIAN K. WATKINS, 0000  
 \*CHRISTOPHER P. WATKINS, 0000  
 \*CHRISTOPHER J. WATSON, 0000  
 ELIZABETH W. WATSON, 0000  
 JEFFREY L. WATSON, 0000  
 RICHARD G. WATSON, 0000  
 SCOTT R. WATSON, 0000  
 ROBERT K. WATWOOD, 0000  
 MICKY E. WEAVER, 0000  
 \*ERIK C. WEBB, 0000  
 DAVID J. WEBER, 0000  
 \*TAMARA S. WEES, 0000  
 AUGUST M. WEGNER IV, 0000  
 \*ROBERT G. WEGNER, 0000  
 ROY R. WELDANZ, 0000  
 \*DAVID J. WEIS, 0000  
 MICHAEL D. WEISZ, 0000  
 HILKE WELING, 0000  
 SHELLY D. WELLS, 0000  
 VERONICA J. WENY, 0000  
 \*CHARLES W. WERNER, 0000  
 MICHAEL E. WERTZ, 0000  
 STEPHEN A. WERTZ, 0000  
 NEAL A. WEST, 0000  
 MATTHEW A. WHALLEY, 0000  
 \*JAMES A. WHATLEY, 0000  
 JOHN WHITLEY WHEELER, 0000  
 BRADLEY A. WHITE, 0000  
 \*GREGORY D. WHITE, 0000  
 \*PATRICK M. WHITE, 0000  
 \*ROBERT L. WHITE, 0000  
 \*CHRISTOPHER J. WHITTAKER, 0000  
 ROBERT F. WHITTLE JR., 0000  
 \*ANTHONY R. WIGGINS, 0000  
 \*CHRISTOPHER W. WILBECK, 0000  
 \*JAMES L. WILKINS, 0000  
 KENNETH M. WILKINSON, 0000  
 \*KEVIN R. WILKINSON, 0000  
 ANDREA R. WILLIAMS, 0000  
 \*ANGELO N. WILLIAMS, 0000  
 \*BRIGITTE L. WILLIAMS, 0000  
 BRUCE H. WILLIAMS, 0000  
 \*CALVIN E. WILLIAMS, 0000  
 \*CEDRIC B. WILLIAMS, 0000  
 LEMUEL K. WILLIAMS, 0000  
 MICHAEL T. WILLIAMS, 0000  
 \*RALPH E. WILLIAMS, 0000  
 \*ROBIN D. WILLIAMS, 0000  
 \*SAMUEL E. WILLIAMS, 0000  
 \*STANLEY T. WILLIAMS, 0000  
 THOMAS M. WILLIAMS, 0000  
 \*ROBERT A. WILLIS, 0000  
 \*RICHARD E. WILLIS, 0000  
 JAMES L. WILMETH IV, 0000  
 CHARLES V. WILSON, 0000  
 \*EDDIE D. WILSON, 0000

\*JAMES D. WILSON, 0000  
 LAWRENCE D. WILSON, 0000  
 \*LISA M. WILSON, 0000  
 \*LITONYA J. WILSON, 0000  
 ROBERT E. WILSON, 0000  
 \*STEPHEN W. WILSON, 0000  
 TERRY M. WILSON JR., 0000  
 TODD P. WILSON, 0000  
 \*LARRY D. WINCHEL, 0000  
 DIANE E. WINEINGER, 0000  
 DOUGLAS W. WINTON, 0000  
 \*CHARLES E. WITTGES, 0000  
 \*MARK P. WITTIG, 0000  
 RAY P. WOJCIK, 0000  
 \*ERIC S. WOLF, 0000  
 DONALD C. WOLFE JR., 0000  
 \*DWANA L. WOLFE, 0000  
 \*CHRISTOPHER A. WOLNEY, 0000  
 DAVID S. WOLONS, 0000  
 JOHN W. WOLTZ, 0000  
 DAVID R. WOMACK, 0000  
 DAVID L. WOOD, 0000  
 HELY D. WOOD, 0000  
 HARRY T. WOODMANSEE III, 0000  
 \*ROBERTA J. WOODS, 0000  
 \*JEFFREY F. WOODWARD, 0000  
 \*GORDON J. WORRALL, 0000  
 \*JOHN J. WOTRING IV, 0000  
 JON A. WOZNAK, 0000  
 \*WILLIAM S. WOZNAK, 0000  
 \*MARK E. WRIGHT, 0000  
 \*JOHN A. WYRWAS, 0000  
 RICHARD S. YADA, 0000  
 \*GE YANG, 0000  
 NEWMAN YANG, 0000  
 DAVID J. YEBRA, 0000  
 DAVID GENE YONKOVICH, 0000  
 \*MARK A. YOUNG, 0000  
 \*CHAD D. YOUNG, 0000  
 \*JOEL W. YOUNG, 0000  
 \*KEITH L. YOUNG, 0000  
 PATRICK M. YOUNG, 0000  
 STEVEN D. YOUNG, 0000  
 GUY C. YOUNGER, 0000  
 MATTHEW W. ZAJAC, 0000  
 ERIC W. ZEEMAN, 0000  
 LOUIS A. ZEISMAN, 0000  
 CRAIG S. ZEITLER, 0000  
 \*DARRELL H. ZEMITIS, 0000  
 \*SIDNEY C. ZEMP IV, 0000  
 ANTHONY E. ZERUTO, 0000  
 \*ERIK D. ZETTERSTROM, 0000  
 \*CHRIS E. ZIMMERMAN, 0000  
 FRANK H. ZIMMERMAN, 0000  
 DENNIS M. ZINK, 0000  
 KEVIN K. ZURMUEHLEN, 0000  
 \*MICHAEL J. ZUVANICH, 0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant commander

ERIC M. AABY, 0000  
 CHARLES V. ACKLEY, 0000  
 EROL AGI, 0000  
 SYED N. AHMAD, 0000  
 JAMES T. ALBRITTON, 0000  
 JESSE P. ALDRIDGE, 0000  
 DOUGLAS E. ALEXANDER, 0000  
 GWENDOLYN A. ALLANSON, 0000  
 JOSEPH F. ALLING, 0000  
 STEPHEN L. ALMA, 0000  
 MOHAMAD ALSAWAF, 0000  
 JULIAN M. ALTHOFF, 0000  
 ROGELIO E. ALVAREZ, 0000  
 FREDRIC N. AMIDON, 0000  
 PAUL A. AMODIO, 0000  
 JENNIFER ANDERS, 0000  
 JEFFREY ANDERSON, 0000  
 KAMI ANDERSON, 0000  
 KEVIN L. ANDERSON JR., 0000  
 TERRY M. ANDERSON, 0000  
 JOHN S. ANTHONY, 0000  
 FLOMENO J. ARENAS JR., 0000  
 MICHAEL W. ARMES, 0000  
 STEPHEN E. ARMSTRONG, 0000  
 SARAH J. ARNOLD, 0000  
 STEPHEN ARNTZ, 0000  
 SCOTT ASHBY, 0000  
 DENIS E. ASHLEY, 0000  
 DIXIE L. AUNE, 0000  
 KEITH E. AUTRY, 0000  
 CHAM M. BAASEN, 0000  
 ETHAN A. BACHRACH, 0000  
 FLAUNSE M. BAGUIDY, 0000  
 JASON T. BALTIMORE, 0000  
 JEFF BARNES, 0000  
 MARIO L. BARNES, 0000  
 JOHN T. BARNETT, 0000  
 CHRISTOPHER B. BARNEY, 0000  
 JOSEPH P. BARRION, 0000  
 TIMOTHY S. BARTLETT, 0000  
 LAWRENCE M. BATEMAN, 0000  
 REBECCA L. BATES, 0000  
 SAM G. BATTAGLIA, 0000  
 ELIZABETH A. BEATY, 0000  
 AMY L. BECKER, 0000  
 TODD D. BELL, 0000  
 PATRICK M. BELSON, 0000  
 JOHN F. BENNETT, 0000  
 JACQUELINE M. BERNARD, 0000  
 LEAH A. BERSAMIN, 0000  
 CHRISTOPHER J. BERSANI, 0000  
 SUSAN M. BESSING, 0000  
 ROBERT J. BETTENDORF, 0000  
 AVERY A. BEVIN, 0000  
 DONALD E. BEYERS, 0000  
 MICHAEL M. BEZOUSKA, 0000  
 FRANK M. BISHOP, 0000  
 JEFFREY W. BITTERMAN, 0000  
 DUANE L. BIZET, 0000  
 PATRICK J. BLAIR, 0000  
 GINA K. BLAKEMAN, 0000  
 K. J. BLASINGAME, 0000  
 DAVID L. BLAZES, 0000  
 LYNELLE M. BOAMAH, 0000  
 MAJOR K. BOATENG, 0000  
 JOHN F. BOGARD, 0000  
 EDWIN F. BOGDANOWICZ, 0000  
 WILLIAM M. BOLAND, 0000  
 MICHAEL C. BOND, 0000  
 TROY F. BOREMA, 0000  
 LISA A. BOSIES, 0000  
 ADRIENNE E. BOSSIO, 0000  
 MICHAEL BOTTICELLI, 0000  
 RONALD J. BOUCHER, 0000  
 JAMES J. BOUDO, 0000  
 ROGER L. BOUMA, 0000  
 MICHAEL J. BOWERS, 0000  
 FRANK G. BOWMAN, 0000  
 WILLIAM BOYAN, 0000  
 MICHAELA S. BRADLEY, 0000  
 PAUL J. BRADY, 0000  
 WALTER D. BRAFFORD, 0000  
 BRIAN M. BRAITHWAITE, 0000  
 JAMES E. BREAY, 0000  
 DAVID N. BREIER, 0000  
 ERIC K. BRESSMAN, 0000  
 BRADLEY A. BRISCOE, 0000  
 PAUL J. BROCHU, 0000  
 DARWIN M. BROOKS, 0000  
 ROBERT A. BROOKS, JR., 0000  
 JEFFREY L. BROWDER, 0000  
 AVE MARIA R. BROWN, 0000  
 MARGARET A. BROWN, 0000  
 WENDY M. BROWN, 0000  
 PIERRE A. BRUNEAU, 0000  
 GARY W. BRUTON, 0000  
 KYLE W. BRYAN, 0000  
 WILLIAM D. BRYAN, 0000  
 PAUL D. BUNGE, 0000  
 BRADLEY L. BUNTEN, 0000  
 ANTHONY BUONCRISTIANI, 0000  
 THERESE J. BURATYNSKI, 0000  
 DIANE T. BURNELL, 0000  
 LARRY C. BURTON, 0000  
 EDWARD T. BUTZIRUS, 0000  
 DAVID A. BYMAN, 0000  
 GREGORY R. CADLE, 0000  
 ANN M. CAMPBELL, 0000  
 KAREN M. CARLSON, 0000  
 SAMUEL R. CARLTON, 0000  
 GREGORY R. CARSON, 0000  
 JOHN W. CARSON III, 0000  
 MICHAEL M. CARSON, 0000  
 RONALD CARSON, 0000  
 DIANA J. CARSTEN, 0000  
 LISA M. CARTWRIGHT, 0000  
 SHELBY J. CASH, 0000  
 JEFFREY C. CASL, 0000  
 JOHN D. CASSANI, 0000  
 JAMES R. CASSATA, 0000  
 DIANE CASSIN, 0000  
 ALDO J. CASTOI, 0000  
 LLRIS F. CEDENO, 0000  
 ALEXANDER B. CHAO, 0000  
 CHESTER E. CHAPMAN, 0000  
 PATRICIA G. CHAPPLE, 0000  
 ANTHONY S. CHAVEZ, 0000  
 JAMES T. CHAVIS, 0000  
 PENGTA A. CHIANG, 0000  
 LAMAR A. CHILDS, 0000  
 ANTHONY CHILURA, 0000  
 SHING K. CHIOU, 0000  
 KURT M. CHIVERS, 0000  
 ARRON A. CHVO, 0000  
 CIA CHIANG, 0000  
 GORDON E. CLARK, JR., 0000  
 LINDA CLARK, 0000  
 MATTHEW T. CLARK, 0000  
 PHILLIP E. CLARK, 0000  
 KRISTIN N. CLEARLEY, 0000  
 TIMOTHY A. COAKLEY, 0000  
 BARBARA A. COLEMAN, 0000  
 JOSEPH D. COLEMAN, 0000  
 CHRISTOPHER M. COLLINS, 0000  
 FRANK A. COLON, 0000  
 LAURA K. COMSTOCK, 0000  
 ALFONSO J. CONCHA, 0000  
 DAVID R. CONGDON, 0000  
 KATRINA L. CONRAD, 0000  
 CHRISTOPHER J. COOK, 0000  
 SCOT A. CORDRAY, 0000  
 WANDA A. CORNELIUS, 0000  
 WILLIAM D. COSGROVE, 0000  
 EDWARD G. COVERT, 0000  
 KIP L. COWELL, 0000  
 DONALD E. CRAWLES, 0000  
 JOHN A. CRADDOCK, 0000  
 TED L. CRANDALL, 0000  
 PAMELA M. CRIGHTON, 0000  
 NANCY F. CRUM, 0000  
 ROBERT CSORBA, 0000  
 SHAWN T. CULLEN, 0000  
 VALENTINE W. CURRAN, 0000  
 MARTHA A. CUTSHALL, 0000  
 THOMAS W. DALLEY, 0000  
 JAMES J. DALEY, 0000  
 TIMOTHY L. DANIELS, 0000  
 CHRISTOPHER A. DAVIS, 0000  
 DONNA L. DAVIS, 0000

FREDERICK C. DAVIS, 0000  
 ROBERT C. DAVIS, JR., 0000  
 THOMAS S. DAVIS, 0000  
 TOMMIE E. DAVIS, JR., 0000  
 GEORGE O. DECKER, 0000  
 CHARLES G. DECLERCK, 0000  
 PAULA K. DEKEYSER, 0000  
 N. F. DELACRUZ, 0000  
 MARC R. DELAO, 0000  
 VICTOR D. DELAOSSA, 0000  
 ALAIN DELGADO, 0000  
 DONALD R. DELOREY, 0000  
 SUSAN M. DEMCHAK, 0000  
 MARYANN C. DESPOSITO, 0000  
 DAVID L. DEVLIN, 0000  
 LINO S. DIAL, 0000  
 RICHARD F. DIBUCCI, 0000  
 JOHN V. DICKENS III, 0000  
 KURT A. DIEBOLD, 0000  
 ROSEMARIE DIEFFENBACH, 0000  
 DAVID A. DISANTO, 0000  
 STANLEY DOBBS, 0000  
 RAMONA M. DOMENHERBERT, 0000  
 TIMOTHY F. DONAHUE, 0000  
 STEPHEN J. DONLEY, 0000  
 CATHLEEN M. DONOHUE, 0000  
 THOMAS L. DORWIN, 0000  
 JOAN K. DOUGHTY, 0000  
 TRENT D. DOUGLAS, 0000  
 DAVID E. DOW, 0000  
 RITA W. DRIGGERS, 0000  
 MAURICIO G. DRUMMOND, 0000  
 RUTH H. DUDA, 0000  
 WILLIAM C. DUERDEN, 0000  
 JOSEPH E. DUFOUR, 0000  
 DAVID P. DULA, 0000  
 MARK R. DUNCAN, 0000  
 FRANKLIN T. DUVAL, 0000  
 EILEEN M. DWYER, 0000  
 GEORGE L. DYER III, 0000  
 ANGELA S. EARLEY, 0000  
 JOHN A. EASTON, 0000  
 SONYA I. EBRIGHT, 0000  
 DENNIS E. EDWARDS, 0000  
 TROY EHRHART, 0000  
 JENNIFER L. EICHENMULLER, 0000  
 DEAN S. ELÄTTRACHE, 0000  
 DANIEL E. ELDREDGE, 0000  
 DEBRA J. ELLIOTT, 0000  
 JAMES W. ELLIOTT, 0000  
 ERIC A. ELSTER, 0000  
 MARK D. ERHARDT, 0000  
 RICHARD P. ERICKSON, 0000  
 SUSAN D. ERMISH, 0000  
 MICHAEL S. EUWEMA, 0000  
 SHARON L. EVANS, 0000  
 KREG R. EVERLETH, 0000  
 DANIEL M. EVES, 0000  
 KRISTEN B. FARRY, 0000  
 RONALD L. S. FAHIE, 0000  
 JASON B. FAUNCE, 0000  
 CLARE E. FEIGL, 0000  
 RENA K. FERGUSON, 0000  
 KIMBERLY A. FERLAND, 0000  
 ELEANOR M. FERNANDEZ, 0000  
 ELIZABETH FERRARA, 0000  
 STEPHEN L. FERRARA, 0000  
 DAMON S. FETTERS, 0000  
 MARTIN W. FIELDS, 0000  
 JAYSON FIELDS, 0000  
 JEFFREY K. FILBECK, 0000  
 WILLIAM S. FINLAYSON, 0000  
 JOSEPH C. FINLEY, 0000  
 CAMERON E. FISH, 0000  
 CARY N. D. FISHURNE, 0000  
 ELIZABETH A. FITZPATRICK, 0000  
 ETHAN A. FLYNN, 0000  
 MARC H. FOGELSON, 0000  
 FRANCIS P. FOLEY, 0000  
 SHAWN A. FOLLU, 0000  
 JERRY R. FOLTZ, 0000  
 STEPHANIE L. FORD, 0000  
 CHRISTOPHER A. FOSTER, 0000  
 JANETTE D. FOSTER, 0000  
 TIMOTHY T. FOSTER, 0000  
 WILLIAM L. FOSTER, 0000  
 WILLIAM E. FRANKLIN, 0000  
 DEREK P. FRASZ, 0000  
 CHRISTOPHER C. FRENCH, 0000  
 KAREN K. FREY, 0000  
 THOMAS G. FRIEDRICH, 0000  
 MARK A. FRIERMOOD, 0000  
 ROBERT S. FRY, 0000  
 ORLANDO J. FUGARO, 0000  
 EFRAM R. FULLER, 0000  
 FRANK W. FUTCHER, 0000  
 STUART J. GALL, 0000  
 ROBERT W. GANOWSKI, 0000  
 MICHAEL C. GARBACCO, 0000  
 ANGELA B. GARDNER, 0000  
 PATRICK A. GARIN, 0000  
 JAMES C. GAY, 0000  
 MARK T. GERONIME, 0000  
 SAMAN GHARAI, 0000  
 DEAN T. GLACOBBE, 0000  
 HEATHER K. GILCHRIST, 0000  
 JOHN E. GILLILAND, 0000  
 DAVID S. GILMORE, 0000  
 TYRONNE E. GILMORE, 0000  
 RONALD W. GIMBEL, 0000  
 STANLEY C. GIUDICI, 0000  
 RONALDO D. GIVENS, 0000  
 KATHRYN GLASS, 0000  
 DEXTER K. GLOSTER, 0000  
 JOSE R. GONZALEZ, 0000  
 GEORGE J. GOODREAU II, 0000  
 MARK R. GOODRICH, 0000  
 TERRY C. GORDON, 0000  
 STEPHEN E. GOTTLIEB, 0000  
 DIMITRY B. GOUFMAN, 0000  
 MARK T. GOULD, 0000  
 JOHN R. GOULDMAN JR., 0000  
 THOMAS E. GRAEBNER, 0000  
 RICHARD A. GRAHAM, 0000  
 PHILIPPE J. GRANDJEAN, 0000  
 TATIA R. GRANTLEVY, 0000  
 FRANKLIN C. GREEN, 0000  
 DIANE M. GRIGG, 0000  
 JAMES M. GRIMSON, 0000  
 WILLIAM GROFF, 0000  
 PATRICK N. GROVER, 0000  
 ULFUR T. GUDJONSSON, 0000  
 RICHARD A. GUSTAFSSON, 0000  
 THINH V. HA, 0000  
 DONALD C. HAAS, 0000  
 WADE A. HACHINSKY, 0000  
 RICHARD A. HACKIM, 0000  
 RICHARD G. HAGERTY, 0000  
 RONALD D. HAGGERTY, 0000  
 AMY L. HALL, 0000  
 KAREN I. HALL, 0000  
 MICHAEL E. HALL, 0000  
 SIDNEY E. HALL, 0000  
 STEVEN D. HALL, 0000  
 DAVID HALLEY, 0000  
 JOHN F. HALPIN, 0000  
 BRENDA R. HAMILTON, 0000  
 LAURA E. HAMILTON, 0000  
 BRADLEY S. HANCOCK, 0000  
 JAMES L. HANCOCK, 0000  
 DAVID J. HANLEY, 0000  
 PETER E. HANLON, 0000  
 MATTHEW P. HANNON, 0000  
 CHERYL M. HANSEN, 0000  
 ELIZABETH HARBISON, 0000  
 MICHAEL C. HARDACRE, 0000  
 DIANE P. HARPER, 0000  
 NANCY S. HARPER, 0000  
 PAUL F. HARPER, 0000  
 JAMES M. HARRIS, 0000  
 DANA M. HARRISECHOLS, 0000  
 PAMELA C. HARVEY, 0000  
 THOMAS W. HASH, 0000  
 JENNIFER L. HAYASHI, 0000  
 ANTHONY B. HEADRICK, 0000  
 JASON O. HEATON, 0000  
 MATTHEW W. HEBERT, 0000  
 ERICH R. HEINZ, 0000  
 ANDREW H. HENDERSON, 0000  
 JULIE A.W. HENDERSON, 0000  
 ELIZABETH HENGSTEBECK, 0000  
 LEONARD R. HENRY, 0000  
 RICHARD HESBY, 0000  
 COLETTE M. HESS, 0000  
 CHRISTINE D. HIGGINS, 0000  
 KURT H. HILDEBRANDT, 0000  
 ANDREA M. HILES, 0000  
 DAVID J. HINCKEY, 0000  
 JEROME A. HINSON, 0000  
 SHELELY L. Hladon, 0000  
 PATRICK A. HOCHSTEIN, 0000  
 DAVID A. HOCK, 0000  
 DANIEL B. HODGSON, 0000  
 ERIC R. HOFFMAN, 0000  
 BERNARD H. HOFMANN, 0000  
 KATHLEEN M. HOGANBENTZ, 0000  
 DANIEL J. HOHMAN, 0000  
 ANDREW J. HOLLAND, 0000  
 RAYMOND J. HOJK, 0000  
 GARY B. HOYT, 0000  
 GLENN W. HUBBARD, 0000  
 MICHELE HUDDLESTON, 0000  
 LESLIE T. HUFFMAN, 0000  
 SALLY A. HUGHES, 0000  
 JOHN E. HUMISTON, 0000  
 ERIC HUNKELE, 0000  
 KENDRA W. HUSEMAN, 0000  
 DANIEL G. HUTCHINS, 0000  
 KEVIN L. HUTSELL, 0000  
 INZUNE K. HWANG, 0000  
 CONSTANCE E. HYMAS, 0000  
 ROMEO C. IGNACIO, 0000  
 CHRISTOPHER J. IRWIN, 0000  
 HAYDEN O. JACK, 0000  
 RONNY L. JACKSON, 0000  
 THOMAS J. JAGLOWSKI, 0000  
 KIMBERLY L. JAMES, 0000  
 DAVID A. JANCO, 0000  
 ALBERT S. JANIN IV, 0000  
 DONNA M. JEFCOAT, 0000  
 STEPHEN L. JENDRYSIK, 0000  
 DEBBIE R. JENKINS, 0000  
 BRIAN T. JENSEN, 0000  
 DALE A. JENSEN, 0000  
 TIMOTHY R. JETT, 0000  
 BRENT D. JOHNSON, 0000  
 JON D. JOHNSON, 0000  
 KENNETH D. JOHNSON, 0000  
 RAYMOND W. JOHNSON, 0000  
 SCOTT A. JOHNSON, 0000  
 VIVIANA V. JOHNSON, 0000  
 JEFFREY JONES, 0000  
 SHARI F. JONES, 0000  
 STACEY L. JONES, 0000  
 TIMOTHY R. JONES, 0000  
 KIMBERLY A. JORDAN, 0000  
 JAMES W. KAHR, 0000  
 SHERNAAZ B. KAPADIA, 0000  
 STEPHANIE A. KÄPFER, 0000  
 FRANK T. KATZ, 0000  
 KURTIS V. KAUFMAN, 0000  
 DOUGLAS M. KEEL, 0000  
 KRISTIN E. KEIDEL, 0000  
 RICHARD J. KEITER, 0000  
 BRENT M. KELLN, 0000  
 JULIAN T. KELLY, 0000  
 TONJIA L.H. KELSCH, 0000  
 BRYCE D. KIM, 0000  
 ANTHONY L. KINGSBERRY, 0000  
 SHARON W. KINGSBERRY, 0000  
 DANIEL P. KINSTLER, 0000  
 DANIEL E. KIRKWOOD, 0000  
 REX A. KITELEY, 0000  
 KEVIN KLEIN, 0000  
 MELISSA D. KLEIN, 0000  
 JOHN A. KLIEM, 0000  
 JON R. KNAPP, 0000  
 JAY L. KNIGHT, 0000  
 BERNARD D. KNOX, 0000  
 CHRISTOPHER M. KNUDSEN, 0000  
 DAVID R. KOCH, 0000  
 CHRISTOPHER KOCHER, 0000  
 MICHELLE M. KOELLERMEIER, 0000  
 MICHAEL F. KOZMA, 0000  
 RONALD F. KRAMPS, 0000  
 JAMES C. KRASKA, 0000  
 BARBARA M. KRAUZ, 0000  
 KEVIN M. KREIDE, 0000  
 SHYAM KRISHNAN, 0000  
 SUSAN M. KRIZEK, 0000  
 STEPHEN J. KRUSZKA, 0000  
 CYNTHIA A. KUEHNER, 0000  
 HEIDI A. KULBERG, 0000  
 PAMELA L. KULICH, 0000  
 ELLEN K. KUMLER, 0000  
 CHRISTOPHER M. KURGAN, 0000  
 JAYDE E. KURLAND, 0000  
 RICHARD A. LAING, 0000  
 LINDA M. LAKE, 0000  
 KENNETH S. LANE, 0000  
 JAMES A. LAPOINTE, 0000  
 ELIZABETH D. LASSEK, 0000  
 DONOVAN R. LAWRENCE, 0000  
 STACEY L. LAYLE, 0000  
 JONNA L. LEADFORD, 0000  
 JONATHAN W. LEBARON, 0000  
 CHAD A. LEE, 0000  
 CHAD H. LEE, 0000  
 GABRIEL LEE, 0000  
 JOHN T. LEE, 0000  
 NICHOL M. LEE, 0000  
 ROBERT K. LEE, 0000  
 JORGE P. LEGUIZAMO, 0000  
 ANDREA L. LEMON, 0000  
 WILLIAM D. LEONARD, 0000  
 DAVID P. LEVAN, 0000  
 ANDREW D. LEVITZ, 0000  
 FRED W. LINDSAY, 0000  
 DWAYNE LINDSEY, 0000  
 RANDEL E. LIVINGOOD, 0000  
 STEVEN L. LOBERG, 0000  
 KELLY J. LOOMIS, 0000  
 CHRISTOPHER C. LUCAS, 0000  
 BRUCE B. LUDWIG JR., 0000  
 MELINDA L. LUKEHART, 0000  
 KYLE P. LUKSOVSKY, 0000  
 CHRISTOPHER V. LUTMAN, 0000  
 JAMES R. MACARANAS, 0000  
 WAYNE A. MACRAE, 0000  
 KEVIN A. MAGIER, 0000  
 KIMBERLY L. MAINO, 0000  
 THOMAS J. MAINO, 0000  
 CHRISTINE W. MANKOWSKI, 0000  
 GRETA C. MANNING, 0000  
 KENDRA A.T. MANTING, 0000  
 JESSICA L. MANSFIELD, 0000  
 JOHN R. MANSUETI, 0000  
 MARK G. MARINO, 0000  
 BRIAN W. MARSHALL, 0000  
 KIMBERLEY A. MARSHALL, 0000  
 ROBERT MARTINAZZI II, 0000  
 LORE J. MARTINELLI, 0000  
 JEFFERY J. MASON, 0000  
 JOHN M. MATHIAS, 0000  
 STEVEN A. MATIS, 0000  
 MICHAEL J. MATTEUCCI, 0000  
 ANDREW M. MATTHEWS, 0000  
 KARLWIN J. MATTHEWS, 0000  
 CAREY L. MAY, 0000  
 GEORGE L. MAYO, 0000  
 AMY MCBRIDE, 0000  
 SCOTT T. MCCAIN, 0000  
 BILLY J. MCCARTHY, 0000  
 WHITNEY P. MCCLELLY, 0000  
 COLLEEN L. MCCORQUODALE, 0000  
 WILLIAM P. MCCULLOUGH, 0000  
 CAREN L. MCCURDY, 0000  
 KIMBERLY W. MCDONALD, 0000  
 EDWARD S. MCGINLEY, 0000  
 CHRISTOPHER MCGINN, 0000  
 JANET L. MCGLOIN, 0000  
 MEGGAN C. MCGRAW, 0000  
 FREDERICK A. MCGUFFIN, 0000  
 GARY A. MCINTOSH, 0000  
 STEPHEN E. MCINTYRE, 0000  
 PATRICK J. MCINTYRE, 0000  
 MARTIN W. MCMICHAEL, 0000  
 HUGH K. MCSWALD, 0000  
 JOSEPH P. MCVICKER, 0000  
 MAURICE F. MEAGHER, 0000  
 MICHAEL J. MEIER, 0000  
 CARMELO MELENDEZ, 0000  
 GABRIEL MENSAL, 0000  
 KYLE A. MENZEL, 0000  
 DAVID G. MERRITT, 0000  
 NICHOLAS L. MERRY, 0000  
 LAURA M. MEYER, 0000  
 DANIEL L. MEYERS, 0000  
 PHILIP A. MICELI, 0000  
 COLETTE A. MICHALETZ, 0000  
 GEORGE W. MIDDLETON, 0000

JULIE D. MILBURN, 0000  
 ANGELA S. MILLER, 0000  
 BRUCE M. MILLER, 0000  
 JULIE K. MILLER, 0000  
 MARK W. MILLER, 0000  
 STEVEN R. MILLER, 0000  
 SUE MILLER, 0000  
 LEONARD A. MILLIGAN, 0000  
 TIMOTHY L. MILLNER, 0000  
 MICHELE M. MINGRONE, 0000  
 THOMAS J. MITORAJ, 0000  
 VALERIE A. MOLINA, 0000  
 JOSEPH D. MOLINARO, 0000  
 THOMAS J. MOREAU, 0000  
 LISA M. MORRIS, 0000  
 JILLIAN L. MORRISON, 0000  
 PAMELA L. MORRISON, 0000  
 DEBRA A. MORTLAND, 0000  
 DARREN C. MORTON, 0000  
 STEPHANIE J. MOSER, 0000  
 GEORGE T. MOSES, 0000  
 DAVID A. MOSMAN, 0000  
 MARY E.B. MOSS, 0000  
 TIMOTHY F. MOTT, 0000  
 TERRY E. MOWATT, 0000  
 WILLIAM J. MUHM, 0000  
 SANJOYDEB MUKHERJEE, 0000  
 FRANCIS S. MULCAHY, 0000  
 SHELTON MURPHY, 0000  
 PHILIP A. MURPHYSWEET, 0000  
 ANN L. MURRAY, 0000  
 JASON P. MYERS, 0000  
 MICHAEL T. MYERS, 0000  
 SYLVIA I. NAGY, 0000  
 DONALD D. NAISER JR., 0000  
 EDWARD J. NASH, 0000  
 CHERYL A. NAVARRO, 0000  
 JOSE A. NEGRO, 0000  
 BRENDA L. NELSON, 0000  
 THOMAS J. NELSON, 0000  
 TIFFANY S. NELSON, 0000  
 STEVEN R. NESS, 0000  
 JOSEPH H. NEUHEISEL, 0000  
 GREGORY G. NEZAT, 0000  
 MINDA G. NIEBLAS, 0000  
 RACHAEL J. NIKKOLA, 0000  
 ALAN F. NORDHOLM, 0000  
 JOSEPH G. OBRIEN, 0000  
 ELOY OCHOA, 0000  
 PATRICK J. O'CONNOR, 0000  
 JEFFREY D. ODELL, 0000  
 MICHAEL P. OBSTEREICH, 0000  
 STEVEN T. OLIVE, 0000  
 DAVID M. OLIVER, 0000  
 MARK D. OLSZYK, 0000  
 LYNN G. ONEILL, 0000  
 ROBERT E. O'NEIL III, 0000  
 ROBERT J. O'NEILL, 0000  
 MATTHEW M. ORME, 0000  
 MARIO J. ORSINI, 0000  
 LISA A. OSBORNE, 0000  
 LAURA E. OSTHAUS, 0000  
 SHAWN E. OSTROWSKI, 0000  
 MICHAEL J. OTT, 0000  
 RICHARD OTT, 0000  
 WENDY K. OTTE, 0000  
 TRENT L. OUTHOUSE, 0000  
 KRISTEN A. OVERSTREET, 0000  
 TIMOTHY P. PADEL FORD, 0000  
 KENNETH A. PAGE, 0000  
 JACQUELINE R. PALAISA, 0000  
 CHRISTOPHER D. PARKER, 0000  
 CHRISTOPHER L. PARMAN, 0000  
 MENA N. PARRILLA, 0000  
 TIMOTHY D. PARTRIDGE, 0000  
 JAMES L. PATTERSON, III, 0000  
 PATRICK W. PAUL, 0000  
 KERRY L. PEARSON, 0000  
 EDWARD S. PEASE, 0000  
 JAMES PECOS, 0000  
 RENARD PEEPLES, 0000  
 PHILIP J. PELLIKAN, 0000  
 PIERRE A. PELLETIER, 0000  
 JAMES R. PELTIER, 0000  
 MARY E. PENN, 0000  
 ORLANDO PEREZ, 0000  
 LEONARD F. PERUSKI, 0000  
 LYNN E. PETERSON, 0000  
 GINGER K. PETERSONMITCHELL, 0000  
 SETH D. PHILLIPS, 0000  
 DAVID J. PICKEN, 0000  
 PERRY J. PICKHARDT, 0000  
 JAMES C. PIERCE, 0000  
 STEVEN D. PIGMAN, 0000  
 JONATHAN C. POFA, 0000  
 TIMOTHY J. POWER, 0000  
 WILLIAM K. PREVO, 0000  
 CURTIS PRICE, 0000  
 BERNARD R. PROUTY, 0000  
 DAVID PRUETT, 0000  
 SCOTT J. PUSATERI, 0000  
 EVELYN M. QUATTRONE, 0000  
 PAUL F. RABANAL, 0000  
 GERALD F. RALA, 0000  
 CHERYL E. RAY, 0000  
 PRASHANT M. REDDY, 0000  
 AMY L. REDMER, 0000  
 STEPHEN S. REDMOND, 0000  
 DAVID P. REICIS, 0000  
 CARYL S. REINSCH, 0000  
 MARK C. RESCHKE, 0000  
 DONALD R. RHODES, 0000  
 PAUL W. RICHTER, 0000  
 NEAL P. RIDGE, 0000  
 REBECCA A. RIGNEY, 0000  
 WESLEY RIGOT, 0000  
 RONALD R. RINGO, JR., 0000

DANIEL RIPLEY, 0000  
 GORDON D. RITCHEY, 0000  
 TIMOTHY A. ROBERTS, 0000  
 MARGARET A. ROBERTSON, 0000  
 TED E. ROBERTSON, 0000  
 TIMOTHY J. ROGERS, 0000  
 CHARLES E. ROLLINSON, 0000  
 SHAY D. ROSECRANS, 0000  
 DOUGLAS J. ROWLES, 0000  
 RICHARD C. RUCK, 0000  
 JOEL T. RUFF, 0000  
 ALBERTO A. RULLAN, 0000  
 BRIAN E. RUSAK, 0000  
 DONALD H. RUTH II, 0000  
 KIMBERLY J. SALENE, 0000  
 EDILBERTO M. SALENGA, 0000  
 EDWARD J. SALOPEK, 0000  
 RICHARD SAMS, 0000  
 TODD C. SANDER, 0000  
 COLLEEN L. SANDIE, 0000  
 ERIC S. SAWYERS, 0000  
 COLETTE K. SCHEURER, 0000  
 JEFFREY A. SCHMIDT, 0000  
 LAWRENCE E. SCHMITZ, 0000  
 ERIC J. SCHOCH, 0000  
 SCOTT O. SCHULZ, 0000  
 CHRISTOPHER D. SCIBELLI, 0000  
 RICHARD N. SCINICO, 0000  
 CALVIN D. SCOTT, 0000  
 HUGH B. SCOTT, 0000  
 WILLIAM W. SCOTT JR., 0000  
 WILLIAM T. SCOUTEN, 0000  
 MERYL A. SEVERSON, III, 0000  
 MARY S. SEYMOUR, 0000  
 PAUL J. SHAUGHNESSY, 0000  
 ALAN G. SHELHAMER, 0000  
 DELARUE S. SHELTON, 0000  
 DAVID A. SHEPPARD, 0000  
 RYAN J. SHERER, 0000  
 ERIC S. SHERMAN, 0000  
 JOHN M. SHIMOTSU, 0000  
 DARCY M. SHIRLEY, 0000  
 GINA M. SIEGWORTH, 0000  
 ADRIENNE J. SIMMONS, 0000  
 CANDY M. SIMMONS, 0000  
 VICKI L. SIMMONS, 0000  
 GARRY H. SIMONS, 0000  
 DAVID D. SIMPKINS, 0000  
 EDWARD E. SIMPSON, 0000  
 DERIC J. SIMS, 0000  
 BILLY W. SLOAN, 0000  
 SHELTON K. SLOAN, 0000  
 BLAIR M. SMITH, 0000  
 BLADFORD L. SMITH, 0000  
 DAVID E. SMITH, 0000  
 SCOTT C. SMITH, 0000  
 BRIAN A. SMOLEY, 0000  
 FAWN R. SNOW, 0000  
 SUNG W. SONG, 0000  
 WILLIAM R. SORENSEN, II, 0000  
 CATHERINE E. SOUTH, 0000  
 MATTHEW W. SOUTHWICK, 0000  
 JEFFREY L. SPERRING, 0000  
 GREGORY R. SPURLING, 0000  
 BRETT T. STADLER, 0000  
 SARAH S. STADLER, 0000  
 MARK A. STAUDACHER, 0000  
 JULIE B. STEELE, 0000  
 ALEXANDER E. STEWART, 0000  
 CHRISTOPHER M. STILLIE, 0000  
 ALEX D. STITES, 0000  
 GEORGE A. STOBBER, 0000  
 CHARLES B. STONE, 0000  
 JEFFREY A. STONE, 0000  
 TIMOTHY D. STONE, 0000  
 WANDA J. STONE, 0000  
 JAMES A. STUDEBAKER, 0000  
 ROBERT A. STUDEBAKER, 0000  
 ERIC S. STUMP, 0000  
 PATRICIA M. STURM, 0000  
 CALVIN B. SUFFRIDGE, 0000  
 STACEY A. SULLIVAN, 0000  
 GARRY M. SUMMER, JR., 0000  
 ALVIN L. SWAIN, JR., 0000  
 DEBORAH M. SWEETMAN, 0000  
 CHARLES D. SWIFT, 0000  
 DANIEL E. SZUMLAS, 0000  
 JANOS TALLER, 0000  
 JOHN E. TALLMAN, 0000  
 EDWARD L. TALLNER, 0000  
 AARON M. TAYLOR, 0000  
 EDWIN E. TAYLOR, 0000  
 KIM M. TAYLOR, 0000  
 RUBY M. TENNYSON, 0000  
 SANDOR R. TERNER, 0000  
 DEBORAH M. TERRIS, 0000  
 MESFIN TESFAYE, 0000  
 JEFFREY M. TESSIER, 0000  
 JOHN B. THERIAULT, 0000  
 JOHN THOMAS, 0000  
 SCOTT F. THOMPSON, 0000  
 SHAWN L. THOMPSON, 0000  
 STEVEN H. THOMPSON, 0000  
 SUSAN M. THUL, 0000  
 WILLIAM T. TIMBERLAKE, 0000  
 SUZANNE J. TIMMER, 0000  
 VU H. TINH, 0000  
 GLEN L. TODD, 0000  
 LUTHER K. TOWNSEND, JR., 0000  
 GINA F. TROTTER, 0000  
 SCOTT L. TRULOVIC, 0000  
 WILLIAM P. TURNER, 0000  
 SUSAN R. TUSSEY, 0000  
 EUGENE G. TUTKO, 0000  
 SUSAN E. ULLOA, 0000  
 PHILIP S. VALENT, 0000  
 STEVEN J. VANDENBOOGARD, 0000

DEAN A. VANDERLEY, 0000  
 ALAN J. VANDERWEELE, JR., 0000  
 DARREL G. VAUGHN, 0000  
 FRANCISCO X. VERAY, 0000  
 JAMES F. VERREES, 0000  
 THOMAS J. VERRY, 0000  
 JAMES C. VESTEVICH, 0000  
 JOSEPH VICE, 0000  
 ANNETTE M. VONTHUN, 0000  
 AMY E. WAGAR, 0000  
 ROGER F. WAKEMAN, 0000  
 RUSSELL L. WALES, JR., 0000  
 JEFFREY B. WALKER, 0000  
 SCOTTY W. WALTERMIRE, 0000  
 MICHAEL D. WALTZ, 0000  
 JAMES T. WARMOWSKI, 0000  
 DONALD O. WATSON, 0000  
 THOMAS B. WEBBER, 0000  
 CARL G. WEBBER, 0000  
 DWIGHT WEBSTER, 0000  
 LLOYD D. WEDDINGTON, 0000  
 JEFFREY S. WEISS, 0000  
 BRIAN P. WELLS, 0000  
 THOMAS J. WELSH, 0000  
 KURT J. WENDELKEN, 0000  
 SAM J. WESTOCK, 0000  
 CHRISTOPHER WHERTHEY, 0000  
 JOHN J. WHITCOMB, 0000  
 MARY P. WHITE, 0000  
 RICHARD D. WHITE, 0000  
 YOLANDA M. WHITFIELD, 0000  
 CLAYTON B. WHITING, 0000  
 KENNETH J. WHITWELL, 0000  
 BRUCE E. WIETHARN, 0000  
 STANLEY L. WIGGINS, 0000  
 JONATHAN P. WILCOX, 0000  
 JULIE M. WILCOX, 0000  
 STANLEY W. WILES, 0000  
 BARNEY S. WILLIAMS, 0000  
 DAN A. WILLIAMS, 0000  
 FRANCIS T. WILLIAMS, 0000  
 MARTY T. WILLIAMS, 0000  
 NECIA L. WILLIAMS, 0000  
 ROBERT L. WILLIAMS, JR., 0000  
 YVONNE R. WILLIAMS, 0000  
 CHARLES S. WILLMORE, 0000  
 ROLAND C. WILLOCK, 0000  
 ALAN K. WILMOT, 0000  
 RAYMOND P. WILSON, 0000  
 NOEL WISCOVITCH, 0000  
 MICHAEL D. WITTENBERGER, 0000  
 ALBERT Y. WONG, 0000  
 JASON D. WONG, 0000  
 ERNEST W. WORMAN, III, 0000  
 GEOFFREY A. WRIGHT, 0000  
 KENNETH J. WYDAJEWSKI, 0000  
 JOHN WYLAND, 0000  
 THOMAS D. YANCOCKIE, 0000  
 CATHERINE M. YATES, 0000  
 MICHAEL R. YOCHESON, 0000  
 HENRY X. YOUNG, 0000  
 MARIA A. YOUNG, 0000  
 SCOT A. YOUNGBLOOD, 0000  
 YOUNG H. YU, 0000  
 BARBARA H. ZELIFF, 0000  
 BRACKEN M. A. ZEPEDA, 0000  
 ANTHONY E. ZERANGUE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

WILLIAM S. ABRAMS II, 0000  
 JOHN C. ABSETZ, 0000  
 SINTHI H. ACEY, 0000  
 LYNN ACHESON, 0000  
 ROBERT A. ADAMCIK, 0000  
 DARRYL C. ADAMS, 0000  
 DAVID A. ADAMS, 0000  
 GLENN C. AJERO, 0000  
 JOSEPH M. ALDRIDGE, 0000  
 ANTHONY J. ALLEMAN II, 0000  
 ERIC N. ALLEN, 0000  
 GEORGE ALLMON, 0000  
 CHRISTOPHER D. AMADEN, 0000  
 MICHAEL R. AMIS, 0000  
 ONOFRO A. ANASTASIO, 0000  
 ALFRED A. ANDERSON, 0000  
 CLIFFORD A. ANDERSON, 0000  
 ERIC J. ANDERSON, 0000  
 JEFFREY T. ANDERSON, 0000  
 JONATHAN D. ANDERSON, 0000  
 RANDALL E. ANDERSON, 0000  
 THOMAS J. ANDERSON, 0000  
 WILLIAM S. ANDERSON, 0000  
 KARL A. ANDINA, 0000  
 DARRIN E. ANDING, 0000  
 MICHAEL J. ANGELOPOULOS, 0000  
 TODD E. ANGERHOFER, 0000  
 GEORGE A. APOLLONIO, 0000  
 DAVID J. APPEZZATO, 0000  
 RICARDO ARIAS, 0000  
 ROBERT M. ARIAS, 0000  
 SCOTT M. ARMANDO, 0000  
 ALAN D. ARMSTRONG, 0000  
 ERIN F. ARMSTRONG, 0000  
 KEVIN F. ARNETT, 0000  
 ROBERT ARNETT, 0000  
 JESS W. ARRINGTON, 0000  
 STEPHEN E. ARZOLA, 0000  
 CLINTON P. ASHBY, 0000  
 MARK G. ASTRELLA, 0000  
 JOHN A. ATELA, 0000  
 RICHARD B. AUGENSTEIN, 0000  
 STEVEN J. AVERETT, 0000  
 JAMES B. BACA, 0000

PAUL E. BACHMANN, 0000  
 TODD A. BAHLAU, 0000  
 PAUL J. BAHRIS, 0000  
 SEAN R. BAILEY, 0000  
 EDWARD P. BALATON, 0000  
 DOUGLAS E. BALDWIN, 0000  
 STERLING D. BALDWIN, 0000  
 MATTHEW H. BANKS, 0000  
 CARROLL W. BANNISTER, 0000  
 STEPHEN E. BANTA, 0000  
 HARRY C. BARBER, 0000  
 MICHAEL J. BARETELA, 0000  
 CHRISTOPHER C. BARNETT, 0000  
 ROBERT S. BARON, 0000  
 BRADY J. BARTOSH, 0000  
 RUTH A. BATES, 0000  
 DAVID L. BAUDOIN, 0000  
 ROBERT A. BAUGHMAN, 0000  
 JUDITH M. BAUMGARTNER, 0000  
 CHRISTOPHER J. BAUMSTARK, 0000  
 CHARLES E. BAXTER III, 0000  
 MICHAEL W. BAZE, 0000  
 CLIFFORD W. BEAN III, 0000  
 WILLIAM E. BEARD, JR., 0000  
 CAROLYN M. BEATTY, 0000  
 DUANE A. BEAUDOIN, 0000  
 JAMES S. BEAUDRY, 0000  
 DOUGLAS J. BEAVER, 0000  
 RAUL BECERRA, 0000  
 PAUL A. BECKLEY, 0000  
 ROY G. BEJSOVEC, 0000  
 JOHN T. BELL, 0000  
 CHARLES T. BENFIELD, 0000  
 CRAIG M. BENNETT, 0000  
 RANDAL D. BENNETT, 0000  
 ROBERT C. BENNETT, 0000  
 HEIDI K. BERG, 0000  
 DAVID A. BERMINGHAM, 0000  
 PETER M. BERNSTEIN, 0000  
 ERIC R. BERTSON, 0000  
 NICHOLAS C. BERRA, 0000  
 CHARLES S. BEST, 0000  
 ERIC P. BETHKE, 0000  
 SCOTT A. BEWLEY, 0000  
 MICHAEL K. BICE, 0000  
 STEVEN A. BIENKOWSKI, 0000  
 KELLY W. BIGGS, 0000  
 RANDALL J. BIGGS, 0000  
 JERRY W. BILLINGS, 0000  
 WILLIAM E. BINDEL, 0000  
 THOMAS B. BINNER, 0000  
 TERRY D. BISARD, 0000  
 RONALD M. BISHOP, JR., 0000  
 BRADFORD P. BITTLE, 0000  
 BRUCE J. BLACK, 0000  
 DANIEL S. BLACKBURN, 0000  
 WILLIAM L. BLACKER, 0000  
 CARLA C. BLAIR, 0000  
 MARY D. BLANKENSHIP, 0000  
 STEPHEN R. BLASCH, 0000  
 KEVIN F. BLENKHORN, 0000  
 MICHAEL H. BLUM, 0000  
 DANIEL L. BLUMENSCHNEIN, 0000  
 JAMES H. BOGUE, 0000  
 STEPHEN J. BOHN, 0000  
 SAMUEL H. BOIT, 0000  
 JENNIFER A. BOLIN, 0000  
 CHRISTIAN M. BONAT, 0000  
 JOSEPH D. BOGREN, 0000  
 MATTHEW I. BORBASH, 0000  
 JEFFREY L. BOSCHERT, 0000  
 JERRY R. BOSTER, 0000  
 GARY E. BOSTRON, 0000  
 BARTON J. BOTT, 0000  
 CRAIG T. BOWDEN, 0000  
 BRIAN E. BOWLES, 0000  
 MARK E. BOYDELL, 0000  
 THOMAS A. BRADEN, 0000  
 ALAN R. BRADFORD, JR., 0000  
 CARL M. BRADLEY, 0000  
 DAVID R. BRADLEY, 0000  
 FRANK M. BRADLEY, 0000  
 HOWARD S. BRANDON, 0000  
 LISA C. BRAUN, 0000  
 BOBBY J. BRAY, JR., 0000  
 MARK D. BRAZELTON, 0000  
 MICHAEL S. BREARLEY, 0000  
 STEVEN A. BRICK, 0000  
 MICHAEL P. BRICKER, 0000  
 JODY G. BRIDGES, 0000  
 SCOTT H. BRIGHAM, 0000  
 DANIEL A. BRITTON, 0000  
 HILLARY A. BROOKS, 0000  
 ROBERT L. BROOKSHIER, 0000  
 RICHARD T. BROPHY, JR., 0000  
 DARIN J. BROWN, 0000  
 DAVID B. BROWN, 0000  
 ERIC BROWN, 0000  
 GLENN A. BROWN, JR., 0000  
 LEKEEN BROWN, 0000  
 MICHAEL J. BROWN, 0000  
 SCOTT A. BROWN, 0000  
 JOHN F. BROWNE III, 0000  
 LIAM M. BRUEN, 0000  
 CORY E. BRUMFIELD, 0000  
 CLIFFORD D. BRUNER, 0000  
 MICHAEL O. BRUNNER, 0000  
 DANIEL H. BRYAN, 0000  
 DAVID R. BUCHHOLZ, 0000  
 MARK C. BUCKMASTER, 0000  
 DANIEL K. BUCKON, 0000  
 RAYMOND R. BUETTNER, 0000  
 WILLIAM A. BULLARD III, 0000  
 WARREN R. BULLER II, 0000  
 SCOTT A. BUNNAY, 0000  
 DAVID BUONERBA, JR., 0000  
 BARBARA A. BURFEIND, 0000  
 JUDE T. BURKE, 0000  
 WILLARD C. BURNEY, 0000  
 QUENTIN W. BURNS, 0000  
 STEVIE L. BURNS, 0000  
 PAUL S. BURROWES, 0000  
 KARLIS I. BURTON, 0000  
 DANNY K. BUSCH, 0000  
 JACQUELINE R. BUTLER, 0000  
 GEORGE J. BYFORD, 0000  
 KEVIN A. BYRNE, 0000  
 CRISTAL B. CALER, 0000  
 MICHAEL D. CALLAHAN, 0000  
 RICHARD O. CALLESEN, 0000  
 DANA A. CALVIN, 0000  
 JOHN R. CAMP, 0000  
 HANNELORE CAMPBELL, 0000  
 KENNETH B. CANETE, 0000  
 PAUL A. CANNON, 0000  
 TEDDY D. CANTERBURY, 0000  
 EDWARD CARDEN, 0000  
 MICHAEL J. CARLAN, 0000  
 IVAN G. CARLSON, 0000  
 JAMES R. CARLSON II, 0000  
 HERBERT E. CARMEN, 0000  
 JOHN L. CAROZZA, 0000  
 DOUGLAS W. CARPENTER, 0000  
 ALEXANDER E. CARR, 0000  
 MAURICE H. CARR, 0000  
 MORRIS D. CARR, 0000  
 JON R. CARRIGLITTO, 0000  
 THOMAS W. CARROLL, 0000  
 DANIEL L. CARSCALLEN, 0000  
 CHRISTOPHER J. CARTER, 0000  
 JASON W. CARTER, 0000  
 JAMES P. CARTWRIGHT II, 0000  
 ARTHUR D. CASTLEBERRY, 0000  
 JEFFREY V. CAULK, 0000  
 TIMOTHY A. CAUTHER, 0000  
 PATRICK J. CAVANAGH, 0000  
 CHRISTIAN G. CENICEROS, 0000  
 ALAN J. CHACE, 0000  
 ROBERT B. CHADWICK II, 0000  
 PAUL A. CHAN, 0000  
 FRANK L. CHANDLER, 0000  
 JEFFREY L. CHANEY, 0000  
 DAVID S. CHAPMAN, 0000  
 ROBERT L. CHATHAM, 0000  
 TERYL E. CHANCEY, 0000  
 ROSS B. CHEAIRS III, 0000  
 DON E. CHERAMIE, 0000  
 SCOTT V. CHESBROUGH, 0000  
 WYATT N. CHIDESTER, 0000  
 STANFIELD L. CHIEF, 0000  
 JOHN A. CHILSON, 0000  
 JOHN A. CHRISTENSEN, 0000  
 BEVERLY R. CHILL, 0000  
 GREGORY CLAIBOURN, 0000  
 VINCENT T. CLARK, 0000  
 JAMES P. CLINTON, 0000  
 MEGAN E. CLOSE, 0000  
 TODD J. CLOUTIER, 0000  
 ROBERT E. CLIQUER, III, 0000  
 RICHARD J. COBB, 0000  
 WILLIAM E. COBB, 0000  
 PATRICK B. COCHRAN, 0000  
 WILLIAM F. CODY, 0000  
 MARK D. COFFMAN, 0000  
 JEFFREY S. COLE, 0000  
 KENNETH M. COLEMAN, 0000  
 GREGORY R. COLLINS, 0000  
 MICHAEL C. COLLINS, 0000  
 MARK J. COLOMBO, 0000  
 STEPHEN J. COMSTOCK, 0000  
 ROBERT A. CONAWAY, 0000  
 LORELEI A. CONRAD, 0000  
 WILLIAM T. CONWAY, 0000  
 JAMES J. V. COOGAN, 0000  
 ROBERT N. COOPER II, 0000  
 STEVEN J. COOPER, 0000  
 BERNETTE A. CORBIN, 0000  
 JAMES M. COREY, 0000  
 CHARLES W. CORRIELL, 0000  
 JERRY D. CORNETT, JR., 0000  
 CHERYL J. COTTON, 0000  
 SHANNON E. COULTER, 0000  
 DEBORAH W. COURTNEY, 0000  
 WILLIAM D. COUSINS, 0000  
 ERIC W. COVINGTON, 0000  
 ANTHONY W. COX, 0000  
 AMY D. COXE, 0000  
 KEVIN L. CRABBE, 0000  
 CARL E. CRAFTRE III, 0000  
 LINDA E. CRAUGH, 0000  
 JAMES H. CRAWFORD, 0000  
 JOHN S. CRAWMER, 0000  
 ANTHONY R. CREEDE, 0000  
 BETH A. CREIGHTON, 0000  
 MICHAEL L. CRISS, 0000  
 JESSIE D. CROCKETT, 0000  
 JEFFREY R. CROININ, 0000  
 JAMES E. CROSLER, 0000  
 GORDON A. CROSS, 0000  
 JOSHUA A. CROWDER, 0000  
 ANDREW D. CROWE, 0000  
 JON D. CROWE, 0000  
 PAUL R. CROWLEY, 0000  
 FRANK CRUMP III, 0000  
 CHRISTOPHER A. CRUZ, 0000  
 DARIN C. CURTIS, 0000  
 BARNEY B. DAILEY, 0000  
 PAUL C. D'ALMAGNE, 0000  
 JOE W. DALTON, 0000  
 KENNETH W. DALTON, 0000  
 MARK J. DAMBRA, 0000  
 LESLIE A. DANIEL, 0000  
 JAMES H. DARENKAMP, 0000  
 KERSAS J. DASTUR, 0000  
 BRIAN T. DAU, 0000  
 BRIAN L. DAVIES, 0000  
 DALE L. DAVIS, 0000  
 GEORGE A. DAVIS III, 0000  
 JAMES A. DAVIS, 0000  
 JEFF A. DAVIS, 0000  
 RICHARD J. DAVIS, 0000  
 SCOTT A. DAVIS, 0000  
 STEPHEN P. DAVIS, 0000  
 THOMAS J. DAVIS, 0000  
 STERLING W. DAWLEY, 0000  
 JOHN M. DAZIENS, 0000  
 JOHN J. DEBELLEIS, 0000  
 MICHAEL R. DEBENEDETTI, 0000  
 CHRISTOPHER D. DECLERCO, 0000  
 MICHAEL P. DEGANUTTI, 0000  
 JAMES G. DEGRUCCIO, 0000  
 ROSA C.N. DELA, 0000  
 ARTHUR M. DELACRUZ, 0000  
 JOHN R. DELAERE, 0000  
 ERNESTO DELARIVAHERRERA, 0000  
 GARY L. DELONG, 0000  
 JAMES R. DEMERS, 0000  
 DAVID DEMILLE, 0000  
 TRENT R. DEMOSS, 0000  
 MICHAEL R. DERESPINIS, 0000  
 FRED A. DEROSA, 0000  
 BRIAN K. DEVANY, 0000  
 ELIZABETH L. DEVANY, 0000  
 CHRISTOPHER R. DEWILDE, 0000  
 ERIC T. DEWITT, 0000  
 MARY L. DIAZ, 0000  
 BRYAN J. DIDIER, 0000  
 MARK DIETTER, 0000  
 JAMES C. DIFFELL, 0000  
 ANTHONY R. DILL, 0000  
 WILLIAM S. DILLOM, 0000  
 ROBERT G. DILLOW JR., 0000  
 JOSEPH W. DIVAR, 0000  
 BRETT A. DIXON, 0000  
 JAMES R. DIXON, 0000  
 TRACY A. DOBEL, 0000  
 JEFFREY S. DOGE, 0000  
 ORIE R. DOFFIN, 0000  
 HOPE E. DOLAN, 0000  
 LISA H. DOLAN, 0000  
 ANTHONY R. DOMINO, 0000  
 ROBIN E. DONALDSON, 0000  
 BENJAMIN B. DORMAN, 0000  
 CRAIG M. DORRANS, 0000  
 MARK W. DOVER, 0000  
 MICHAEL G. DOWLING, 0000  
 TIMOTHY A. DOWNING, 0000  
 SHANNON D. DOYLE, 0000  
 DAN B. DRAKE, 0000  
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 JOSEPH A. DRAKE, 0000  
 CRAIG W. DRESCHER, 0000  
 MICHAEL J. DUFEK, 0000  
 TIMOTHY W. DUFFY, 0000  
 CONRAD G. DUNGCA JR., 0000  
 CURTIS R. DUNN, 0000  
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 ROBERT C. DUNN, 0000  
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 LANCE C. ESSWEIN, 0000  
 ANDREW C. EST, 0000  
 BETH A. EVANS, 0000  
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 SPENCER L. EVANS, 0000  
 JOHN C. EVARTS, 0000  
 HUGH P. EVERLY, 0000  
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 GIL D. GAJARDO JR., 0000  
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 JUSTIN A. JONES, 0000  
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 JASON T. JORGENSEN, 0000  
 CHAD M. JUNGBLUTH, 0000  
 ROBERT E. KALIN JR., 0000  
 TIMOTHY E. KALLEY, 0000  
 JAMES K. KALOWSKY, 0000  
 KEITH W. KANE, 0000  
 JOHN J. KAPP III, 0000  
 ANTHONY S. KAPUSCHANSKY, 0000  
 THOMAS C. KARNY, 0000  
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 JOHANN S. KIM, 0000  
 PETER J. KIMBALL, 0000  
 PATRICK J. KIMMEL, 0000  
 WILLIAM K. KIMMEL II, 0000  
 DAVID D. KINDLEY, 0000  
 BOBBY A. KING, 0000  
 JOHN S. KING III, 0000  
 ROBERT T. KING, 0000  
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 ANDREW M. KIRKLAND, 0000  
 SHERRY L. KIRSCH, 0000  
 BRIAN R. KLEVEN, 0000  
 GARY M. KLUTTZ, 0000  
 SCOTT L. KNAPP, 0000  
 MARK J. KNOLLMUELLER, 0000  
 BRYANT W. KOX, 0000  
 ANTHONY S. KOLLMANSBERGER, 0000  
 PAUL A. KOPPLIN, 0000  
 DAVID E. KOSS, 0000  
 TIMOTHY J. KOTT, 0000  
 ANDREW I. KRASNY, 0000  
 ANA I. KREIENSIRCK, 0000  
 FRANK E. KREVETSKI JR., 0000  
 MICHAEL P. KRIEGER, 0000  
 ROBERT A. KRIVACS, 0000  
 GLENN T. LABARGE, 0000  
 PATRICK A. LACORE, 0000  
 DOUGLAS R. LAMB, 0000  
 VIRGINIA T. LAMB, 0000  
 FREDERICK W. LANDAU, 0000  
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 JAMES P. LANGHAM, 0000  
 DANIEL J. LANGLAIS, 0000  
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 JAMES M. LATSKO, 0000  
 PAUL A. LAUBE, 0000  
 DAVID P. LAUDERBAUGH, 0000  
 JAMES R. LAVIN, 0000  
 CALVIN C. LAW, 0000  
 BRIAN K. LAX, 0000  
 KEVIN D. LAYE, 0000  
 MATTHEW L. LEAHEY, 0000  
 MARK A. LEARY, 0000  
 EZRA J. LEDEBETTER, 0000  
 CRAIG E. LEE, 0000  
 LEMUEL D. LEE, 0000  
 THOMAS B. LEE JR., 0000  
 ALLAN F. LEEDY, 0000  
 RUSSELL E. LEGEAR, 0000  
 KRISTY D. LEGOFF, 0000  
 LAWRENCE F. LEGREE, 0000  
 KEITH W. LEHNHARDT, 0000  
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 JOHN J. LEWIN, 0000  
 OLIVER T. LEWIS, 0000  
 CURTIS R. LEYSHON, 0000  
 SEAN R. LIEDMAN, 0000  
 ANNA LIM, 0000  
 DAVID M. LINCH, 0000  
 WILLIAM A. LIND, 0000  
 ROBERT F. LINDLEY III, 0000  
 WILLIAM A. LINTZ, 0000  
 DARIN M. LISTON, 0000  
 DAVID P. LITTLE, 0000  
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 JOHN A. LOBONO, 0000  
 JOSEPH W. LOCKWOOD, 0000  
 MICHAEL R. LOCKWOOD, 0000

JAMES C. LOGSDON, 0000  
 KENNETH R. LOKER, 0000  
 ERIC L. LONBORG, 0000  
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 JASON K. LOPEZ, 0000  
 VICTOR J. LOSCHINKOHL, 0000  
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 ADRIAN R. LOZANO, 0000  
 STEVEN M. LUBBERSTEDT, 0000  
 CORD H. LUBY, 0000  
 JEFFREY N. LUCAS, 0000  
 MARXIMILLIAN J. LUCAS, 0000  
 MICHELLE E. LUCERO, 0000  
 BRIAN L. LUKE, 0000  
 JOHN J. LUND, 0000  
 MINH T. LY, 0000  
 MATTHEW V. LYDICK, 0000  
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 ROBERT W. LYONNAIS, 0000  
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 DAVID J. MACDONALD, 0000  
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 DEREK L. MACINNIS, 0000  
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 ALEXANDER R. MACKENZIE, 0000  
 WILLIAM C. MACKIN, 0000  
 LYNN T. MACKOVICK, 0000  
 PATRICK E. MACLEAN, 0000  
 SCOTT M. MACPHERSON, 0000  
 TODD D. MADDOX, 0000  
 DOUGLAS M. MAGEDMAN, 0000  
 MAUREEN M. MAGNANSMITH, 0000  
 ROBERT E. MAGUIRE, 0000  
 BRENDA K. MALONE, 0000  
 EUGENE J. MALVEAUX JR., 0000  
 STEVEN MANCINI, 0000  
 JOHN J. MANN IV, 0000  
 ERIC F. MANNING, 0000  
 STEPHEN J. MANNING, 0000  
 CARLIUS A. MAREY, 0000  
 ALAN M. MARBLESTONE, 0000  
 STEPHEN A. MARINO, 0000  
 DAVID B. MARQUAND, 0000  
 PAUL W. MARQUIS, 0000  
 ALPHONSE MARSH JR., 0000  
 MARGARET L. MARSHALL, 0000  
 BRETT S. MARTIN, 0000  
 JEFFREY A. MARTIN, 0000  
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 EMILIO MARTINEZ, 0000  
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 KEVIN B. MASON, 0000  
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 DENNIS R. MATHEWS, 0000  
 CHRISTOPHER J. MATUSZEK, 0000  
 KEVIN A. MAUNE, 0000  
 JOHN M. MAXWELL, 0000  
 CHRISTINA M. MA, 0000  
 TIMOTHY M. MAY, 0000  
 THOMAS B. MAYNE, 0000  
 CLYDE F. MAYS JR., 0000  
 MICHAEL C. MC ANEY JR., 0000  
 WILLIAM S. MC CAIN, 0000  
 WESLEY R. MC CALL, 0000  
 THOMAS F. MC CANN JR., 0000  
 DARYL J. MC CLELAND, 0000  
 MICHAEL J. MC CLINTOCK, 0000  
 MICHAEL C. MCCLOSKEY, 0000  
 PAUL D. MC CLURE, 0000  
 WILLIAM A. MCCONVEY, 0000  
 BRIAN J. MCCORMICK, 0000  
 MAX G. MCCOY JR., 0000  
 KELLY M. MCDERMOTT, 0000  
 ROBERT S. MCDONALD, 0000  
 CATHERINE MCDUGALL, 0000  
 MATTHEW K. MCGEE, 0000  
 DOUGLAS A. MCGOPE, 0000  
 RICHARD G. MCGRATH JR., 0000  
 KAREN B. MCGRAW, 0000  
 ROB R. MCGREGOR, 0000  
 CHARLES H. MCGUIRE IV, 0000  
 JEFFREY S. MCGURVIN, 0000  
 STEPHEN D. MCKONE, 0000  
 BRENDAN R. MCLAN, 0000  
 PATRICK S. MC LAY, 0000  
 BERNARD F. MCMAHON, 0000  
 BRENT R. MCMURRY, 0000  
 WILLIAM B. MCNEAL, 0000  
 CHRISTOPHER L. MCNEARNEY, 0000  
 CLYDE D. MEADE, 0000  
 RICHARD J. MEADOWS, 0000  
 WALTER L. MEARES, 0000  
 ALBERT R. MEDFORD, 0000  
 ROBERT S. MEHAL, 0000  
 TERRY W. MEIER, 0000  
 SEAN P. MEMMEN, 0000  
 FERNANDO MERCADO, 0000  
 DAVID J. MERON, 0000  
 SCOTT A. MERRITT, 0000  
 MICHAEL G. METZGER, 0000  
 NORMAN A. METZGER, 0000  
 CARL W. MEUSER, 0000  
 DANIEL R. MEYER, 0000  
 PAUL D. MICO, 0000  
 HUGH L. MIDDLETON, 0000  
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 JAMES D. MINYARD, 0000  
 GERALD N. MIRANDA JR., 0000  
 KEVIN K. MISSEL, 0000

DENNIS W. MITCHELL, 0000  
 LACY K. MITCHELL, 0000  
 TODD J. MITCHELL, 0000  
 KYLE Y. MITSUMORI, 0000  
 WILLIAM R. MITTS, 0000  
 KRISTINE M. MODLISH, 0000  
 DAVID S. MOENTER, 0000  
 GEOFFREY C. MONES, 0000  
 TROY E. MONG, 0000  
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 DAVID P. MONTAGUE, 0000  
 DANIEL W. MONTGOMERY, 0000  
 KEVIN S. MOONEY, 0000  
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 JASON A. MOSER, 0000  
 ROBERT B. MOSS, 0000  
 MARA A. MOTHERWAY, 0000  
 CASEY J. MOTON, 0000  
 WILLIAM A. MOTSKO JR., 0000  
 JESSE R. MOYE IV, 0000  
 JAMES J. MUCCIARONE, 0000  
 ANGELA C. MUHAMMAD, 0000  
 KEVIN J. MUIR, 0000  
 THOMAS C. MULDOON, 0000  
 JEFFREY S. MULLEN, 0000  
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 ALBERT M. MUSSELWHITE, 0000  
 JOHN M. MYERS, 0000  
 ROMUEL B. NAFARRETE, 0000  
 EDOARDO R. NAGGIAR, 0000  
 SANDRA L. NAGY, 0000  
 JAMES R. NASH, 0000  
 GEORGE NAUMOVSKI, 0000  
 FRANK W. NAYLOR III, 0000  
 MICHAEL D. NEALS, 0000  
 THOMAS M. NEILL, 0000  
 CHRISTIAN A. NELSON, 0000  
 VERNON E. NEUENSCHWANDER, 0000  
 MICHAEL D. NEUSER, 0000  
 SCOTT D. NEWMAN, 0000  
 JOHN P. NEWTON JR., 0000  
 JENNIFER L. NICHOLS, 0000  
 SCOTT W. NICKELL, 0000  
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 DONALD A. NISBETT JR., 0000  
 SHAWN T. NISBETT, 0000  
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 WILLIAM E. NOEL, 0000  
 JEFFREY S. NOORDYK, 0000  
 JOHN A. NORFOLK, 0000  
 CRAIG A. NORHEM, 0000  
 BILLY W. NORTON JR., 0000  
 TIMOTHY W. NORTON, 0000  
 NEAL M. NOTTROT, 0000  
 MICHAEL S. NUSBAUM, 0000  
 PAUL C. NYLUND, 0000  
 MICHAEL O. OBRIST, 0000  
 KEVIN J. O'CONNOR, 0000  
 KEVIN M. O'CONNOR, 0000  
 WILLIAM S. O'CONNOR, 0000  
 MICHAEL J. O'DOCHARTY, 0000  
 MARK H. OESTERREICH, 0000  
 DOUGLAS B. OGLESBY, 0000  
 KENT S. OGLESBY, 0000  
 RAYMOND E. OHARE, 0000  
 PAUL S. OLIN, 0000  
 JACK P. OLIVE, 0000  
 SANDRA D. OLIVER, 0000  
 WILLIAM W. OLMSTEAD, 0000  
 DANIEL F. OLSON, 0000  
 JOSEPH R. OLSON, 0000  
 MATTHEW F. OLSON, 0000  
 JULIE J. ONAL, 0000  
 ALBERT G. ONLEY JR., 0000  
 JUAN J. OROZCO, 0000  
 ROBERTO S. ORTIZ, 0000  
 ROBERT R. OSTERHOUDT, 0000  
 STEVEN D. OSTOIN, 0000  
 ERIC E. OTTEN, 0000  
 MATTHEW D. OVIOS, 0000  
 RICHARD J. PAFFRATH, 0000  
 MAUREEN PALMERINO, 0000  
 ENRIQUE N. PANLILIO, 0000  
 BRIAN K. PARKER, 0000  
 ELTON C. PARKER III, 0000  
 MICHAEL B. PARKER, 0000  
 SEAN E. PARKER, 0000  
 SUZANNE N. PARKER, 0000  
 CLAIRE M. PARSONS, 0000  
 PHILIP A. PASCOE, 0000

ERIC W. PATCHES, 0000  
 GARY J. PATENAUADE, 0000  
 OSCAR J. PATINO, 0000  
 JOHN J. PATTERSON VI, 0000  
 LARRY O. PAUL, 0000  
 ROBERT E. PAULEY, 0000  
 MICHAEL H. PAWLOWSKI, 0000  
 ANDREW R. PAYNE, 0000  
 JOHN C. PAYNE JR., 0000  
 KEITH L. PAYNE, 0000  
 CLIFF P. PEARCE, 0000  
 JEFFREY S. PEARSON, 0000  
 RANDALL W. PECK, 0000  
 MIGUEL L. PEKO, 0000  
 STEPHEN G. PEPPLER, 0000  
 KAREN L. PEREZ, 0000  
 DANA W. PERKINS, 0000  
 DAVID A. PERRIZO, 0000  
 CHRISTIAN T. PERRY, 0000  
 MARK C. PERSUTTI, 0000  
 WILLIAM B. PETERS, 0000  
 DAVID L. PETERSON, 0000  
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 ERIC V. PETERSON, 0000  
 KEITH A. PETERSON, 0000  
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 EFFIE R. PETRIE, 0000  
 STEVEN PETROFF, 0000  
 DENISE M. PETRUSIC, 0000  
 MATTHEW R. PETTINGER, 0000  
 WILLIAM D. PFEIFLE, 0000  
 ERIC N. PFISTER, 0000  
 STEVEN L. PHARES, 0000  
 ROBERT D. PHILLIPS, 0000  
 WILLIAM B. PHILLIPS, 0000  
 LEONARD J. PICK II, 0000  
 MANUEL A. PICON, 0000  
 DAVID W. PIEMONTESE, 0000  
 GARY W. PINKERTON, 0000  
 SCOTT A. PITCOCK, 0000  
 ALICIA H. PLEVICK, 0000  
 ALVIN H. PLEXICO JR., 0000  
 THEODORE R. POLACH, 0000  
 JOSEPH POLANIN, 0000  
 CHRISTOPHER X. POLK, 0000  
 DANIEL T. POLLARD, 0000  
 WANDA G. POMPEY, 0000  
 RODNEY C. POOLE, 0000  
 THOMAS C. POORE, 0000  
 WILLIE G. POSADAS, 0000  
 ANIE M. POWELL, 0000  
 CRAIG A. PRESTON JR., 0000  
 DAVID J. PRICE, 0000  
 THEODORE A. PRINCE, 0000  
 LARRY W. PROCTOR, 0000  
 MARSHALL R. PROUTY, 0000  
 JAMES E. PUCKETT II, 0000  
 FRED I. PYLE, 0000  
 JAMES E. QUADE, 0000  
 BRIAN J. QUIN, 0000  
 KEITH E. QUINCY, 0000  
 JOHN B. QUINLAN, 0000  
 ROBERT J. QUINN III, 0000  
 FRANCES M. QUINONES, 0000  
 NAVED A. QURESHI, 0000  
 WILLIAM RABCHENIA, 0000  
 RICHARD A. RADICE, 0000  
 JOHN P. RAFFIER, 0000  
 ALISON K. RAINAIRD, 0000  
 DONALD L. RAINES JR., 0000  
 JOSE R. RAMOS, 0000  
 JOHN H. RAMSEY, 0000  
 JAMES E. RANDLE, 0000  
 MARK D. RANDOLPH, 0000  
 EDWARD M. G. RANKIN, 0000  
 ROY A. RAPHAEL, 0000  
 MICHAEL D. RAPP, 0000  
 VICTOR G. RASPA, 0000  
 BRIAN A. RAYMOND, 0000  
 KEITH P. REAMS, 0000  
 MATTHEW G. REARDON, 0000  
 EDUARDO M. RECAVARREN, 0000  
 ALAN A. RECHEL, 0000  
 VINCENT P. RECKER, 0000  
 TIMOTHY C. RECKERS, 0000  
 LOWELL P. REDD, 0000  
 BRIAN W. REED, 0000  
 CAMERON S. REGALA, 0000  
 AMELIA M. REGUERA, 0000  
 JOSEPH G. REHAK, 0000  
 FERDINAND A. REID, 0000  
 DREW J. REINER, 0000  
 PAUL M. REINHART, 0000  
 SCOTT J. REINHOLD, 0000  
 LUIS E. REINOSO, 0000  
 DAVID F. REISCH, 0000  
 MICHAEL J. L. RENO, 0000  
 JEFFREY D. RENWICK, 0000  
 CHARLES R. REUER, 0000  
 JOHN W. REXRODE, 0000  
 TIMOTHY A. REXRODE, 0000  
 FARLEY K. REYNOLDS, 0000  
 ROBERT T. REZENDES, 0000  
 EVERETT G. S. RHODES, 0000  
 WISTAR L. RHODES, 0000  
 JERRY L. RICE JR., 0000  
 GARY J. RICHARD, 0000  
 JAMES F. RICHARDS, 0000  
 JOEL B. RICHARDS, 0000  
 GREGORY J. RIDOLFI, 0000  
 DANNY M. RIEKEN, 0000  
 JENNIFER C. RIGDON, 0000  
 MICHAEL J. RIGO, 0000  
 MICHAEL B. RILEY, 0000  
 MARY J. RIMMEL, 0000  
 RICHARD W. RING, 0000  
 GILBERT D. RIVERA JR., 0000

DANIEL J. ROBERTS, 0000  
 DANIEL G. ROBERTSON, 0000  
 WILLIAM J. ROBINETTE III, 0000  
 KEVIN M. ROBINSON, 0000  
 JAMES D. ROCHA, 0000  
 JOSE J. RODRIGUEZ, 0000  
 ROLAND C. ROEDER, 0000  
 GARY A. ROGENESS, 0000  
 WALTER E. ROGERS II, 0000  
 JAMES S. ROSE, 0000  
 MATTHEW D. ROSENBLUM, 0000  
 MATTHEW A. ROSS, 0000  
 RICHARD H. ROSS, 0000  
 VICTOR B. ROSS III, 0000  
 CHRISTOPHER L. ROSSING, 0000  
 MICHAEL J. ROTH, 0000  
 JAMES H. ROWLAND III, 0000  
 THOMAS M. ROWLEY, 0000  
 DARRELL G. RUBY, 0000  
 PAUL RUCHLIN, 0000  
 VALERIE E. RUD, 0000  
 MARK B. RUDESILL, 0000  
 KEITH L. RUEGGER, 0000  
 JOHN M. RUHSENBERGER, 0000  
 STEPHEN J. RUSCHINSKI, 0000  
 MICHAEL S. RUTH, 0000  
 LOUIS F. RUTLEDGE, 0000  
 JAMES B. RYAN, 0000  
 PETER J. RYAN JR., 0000  
 ROMELDA C. SADIARIN, 0000  
 DANELLE T. SADOSKI, 0000  
 BENJAMIN C. SALAZAR, 0000  
 KEITH M. SALISBURY, 0000  
 EDWARD J. SALLEE, 0000  
 DAVID W. SAMARA, 0000  
 DANIEL J. SANDER, 0000  
 WILLIAM M. SANDS, 0000  
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 GERALD T. SARGENT, 0000  
 STUART C. SATTERWHITE, 0000  
 PAUL A. SAUER, 0000  
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 MARC C. SCHWEIGHOFER, 0000  
 JOHN P. SCUDI, 0000  
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 VINCENT W. SEGARS, 0000  
 GERROD G. SEIFERT, 0000  
 GARY R. SEITZ, 0000  
 CHARLES L. SELLERS, 0000  
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 DEBORAH R. SENN, 0000  
 NICOLE M. SENNER, 0000  
 MARK F. SHAFER, 0000  
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 KELLOGG C. SHARP, 0000  
 LONNIE J. SHAW, 0000  
 DANIEL M. SHAW, 0000  
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 WILLIAM H. SHEERAN, 0000  
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 SCOTT C. SHERMAN, 0000  
 JUSTIN M. SHINEMAN, 0000  
 PETER S. SHINEY, 0000  
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 JONATHAN B. SHOEMAKER, 0000  
 JOHN D. SHORTER, 0000  
 DONALD C. SHORTRIDGE, 0000  
 KEVIN R. SIDENSTRICKER, 0000  
 DAVID M. SIEROTA, 0000  
 CHARLES R. SIKES JR., 0000  
 FRANCISCO H. SILVEI, 0000  
 JEFFREY M. SILVAS, 0000  
 ANTHONY L. SIMMONS, 0000  
 MELVIN J. SIMON JR., 0000  
 JEFFREY W. SINCLAIR, 0000  
 JAMES F. SKARBK II, 0000  
 DANIEL T. SKARDA, 0000  
 PETER W. SKELTON, 0000  
 DAVID W. SKIPWORTH, 0000  
 CHARLES P. SKOD, 0000  
 CHARLES L. SLOAN, 0000  
 KEITH A. SLOAN, 0000  
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 RALPH R. SMITH III, 0000  
 SCOTT M. SMITH, 0000  
 STEPHEN H. SMITH, 0000  
 TRAVIS R. SMITH, 0000  
 ANGELO R. L. SMITHA, 0000  
 RICHARD E. SMOAK, 0000  
 SCOTT R. SNOW, 0000  
 AUDREY M. SNYDER, 0000  
 PHILIP E. SOBECK, 0000  
 JOHN C. SOMA, 0000  
 JENSIN W. SOMMER, 0000  
 WILLIAM L. SOMMER, 0000  
 BRIAN K. SORENSON, 0000  
 ROBERT V. SORUKAS, 0000  
 GREGORY A. SPANGLER, 0000  
 LESLIE L. SPANHEIMER, 0000  
 DAVID W. SPANKA, 0000  
 TIMOTHY F. SPARKS, 0000  
 TIMOTHY G. SPARKS, 0000  
 JOHN D. SPENCER, 0000  
 ERIK A. SPITZER, 0000  
 JOHN W. SPRAGUE, 0000  
 ERNEST B. STACY, 0000  
 DEAN A. STAPLETON, 0000  
 TAD F. STAPLETON, 0000  
 DANIEL D. STARK, 0000  
 JACK A. STARR, 0000  
 TIMOTHY S. STEADMAN, 0000  
 RANDY C. STEARNS, 0000  
 FRANK R. STEINBACH, 0000  
 JAN S. STEINWINDER, 0000  
 ROBERT T. STENGEL, 0000  
 MICHAEL S. STEPHENS, 0000  
 ROBERT E. STEPHENSON, 0000  
 STEVEN STEPURA, 0000  
 MATTHEW P. STEVENS, 0000  
 RICHARD D. STEVENS, 0000  
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 ANDREW D. STEWART, 0000  
 DIANE K. STEWART, 0000  
 SANDRA D. L. STEWART, 0000  
 DAVID L. STOKES, 0000  
 ROBERT J. STOWE, 0000  
 DOMINICK J. STRADA, 0000  
 DOUGLAS G. STRAIN, 0000  
 VERNONIQUE L. STREETER, 0000  
 JACK W. STRICKLAND, 0000  
 STEVEN R. STROBERGER, 0000  
 LORETTA L. STROTH, 0000  
 CHARLES M. STUART, 0000  
 CHRISTOPHER P. STUART, 0000  
 KURT F. STUDDT, 0000  
 JOHN F. STUHLFIRE, 0000  
 JOHN A. SUAZO, 0000  
 JUNG Y. SUH, 0000  
 SCOTT P. SULA, 0000  
 MARK E. SULLIVAN, 0000  
 MARK S. SUMILE, 0000  
 RAY A. SWANSON, 0000  
 TIMOTHY B. SWAYNE, 0000  
 MARK C. SWEDENBERG, 0000  
 CHRISTOPHER J. SWEENEY, 0000  
 JOHN J. SZATKOWSKI, 0000  
 JESSICA A. SZEMKOW, 0000  
 LARA E. TANAKA, 0000  
 RANDY S. TANNER, 0000  
 SHARON L. TATE, 0000  
 ANDREW M. TAYLOR, 0000  
 JULIUS M. TAYLOR III, 0000  
 RUBYMICHELE TAYLORGAY, 0000  
 THOMAS W. TEDROSS, 0000  
 STEPHEN R. TEDFORD, 0000  
 JEANIE M. TERRY, 0000  
 JACK S. THOMAS, 0000  
 JON D. THOMAS, 0000  
 LORAN D. THOMAS, 0000  
 DARRON D. THOMPSON, 0000  
 DOUGLAS R. THOMPSON, 0000  
 FORREST G. THOMPSON, JR., 0000  
 GEORGE A. THOMPSON II, 0000  
 GEORGE N. THOMPSON, 0000  
 MARVIN E. THOMPSON, 0000  
 MARY L. THOMPSON, 0000  
 ROLLENS G. THOMPSON JR., 0000  
 TERESA A. TIERNEY, 0000  
 NORMAN M. TOBLER II, 0000  
 KAI O. TORKELSON, 0000  
 MARC E. TOUCHTON, 0000  
 JOHN M. TRACEY, 0000  
 CHRISTOPHER C. TRAGNA, 0000  
 QUOC B. TRAN, 0000  
 BRIAN P. TRAYERS, 0000  
 FREDERICK J. TRAYERS III, 0000  
 BRIAN A. TREAT, 0000  
 DANIEL T. TREM, 0000  
 DENIS G. TRI, 0000  
 STEPHEN J. TRIPP, 0000  
 CHRISTOPHER J. TRIPPEL, 0000  
 ROSS C. TROIKE, 0000  
 BRIAN N. TROTTER, 0000  
 ANTHONY W. TROXELL, 0000  
 LISA M. TRUESDALE, 0000  
 CAROL M. TRUJILLO, 0000  
 DANNY E. TURNER, 0000  
 FREDERICK W. TURNER, 0000  
 ROBERT J. TURNER, 0000  
 TYLER R. TURVOLD, 0000  
 CRAIG W. TWIGG, 0000  
 PETER H. TYSON, 0000  
 JEFFREY W. UHDE, 0000  
 CYNTHIA A. UTTERBACK, 0000  
 XAVIER F. VALVERDE, 0000  
 KENNETH R. VANBUREN, 0000  
 DARRRELL G. VANCE, 0000  
 SCOTT M. VANDENBERG, 0000  
 THOMAS D. VANDERMOLLEN, 0000  
 RICHARD A. VANDEROSTYNE, 0000  
 MATTHEW R. VANDERSLUIS, 0000  
 SCOTT P. VANFLEET, 0000  
 JOHN L. VANKAMPEN, 0000  
 PETER C. VANKUREN, 0000  
 LOUIS VANLEER, 0000  
 MARK D. VANWINKLE, 0000  
 EREM P. VENTERS, 0000  
 ERIC H. VERHAGE, 0000  
 KARIN A. VERNAZZA, 0000  
 JOHN W. VERNIEST, 0000  
 DAVID M. VIGER, 0000  
 BRYAN K. VINCENT, 0000  
 ROY J. VIRDEN, 0000  
 JOHN J. VITALICH, 0000  
 CARLA L. VIVAR, 0000  
 ANTHONY S. VIVONA, 0000  
 JOHN VLATTAS, 0000  
 JOHN B. VLIET, 0000  
 STEPHEN J. VOGEL JR., 0000  
 JAMES M. VOGT, 0000  
 JASON A. VOGT, 0000  
 JOHN J. VOURLIOTTIS, 0000  
 TIMOTHY P. WACHENDORFER, 0000  
 ARTHUR R. WAGNER, 0000  
 RUSSELL H. WAGNER, 0000  
 TONYA H. WAKFIELD, 0000  
 FRANK G. WAKHHAM, 0000  
 DAVID A. WALCH, 0000  
 WILLIE A. WALDEN, 0000  
 DARRYL L. WALKER, 0000  
 JOANN L. WALKER, 0000  
 RICHARD S. WALKER, 0000  
 ROBERT G. WALKER, 0000  
 SEAN S. WALL, 0000  
 BRUCE J. WALLACE, 0000  
 WILLIAM C. WALSH, 0000  
 WILLIAM S. WALSH, 0000  
 ALLAN R. WALTERS, 0000  
 HOWARD WANAMAKER, 0000  
 KENNY WANG, 0000  
 JEAN M. WARBURTON, 0000  
 BRUCE G. WARD, 0000  
 HARRY J. WARD, 0000  
 RODNEY C. WARD, 0000  
 JOHN R. WARGI, 0000  
 CARDEN F. WARNER, 0000  
 JAMES C. WASHINGTON, 0000  
 JOHN A. WATKINS, 0000  
 CAROL E. WATTS, 0000  
 MELISSA D. WATTS, 0000  
 DANIEL W. WAY, 0000  
 TIMOTHY S. WEBER, 0000  
 JULIE R. WELCH, 0000  
 DAVID L. WENDER, 0000  
 DAMON L. WENGER, 0000  
 ANDREW N. WESTERKOM, 0000  
 TOM P. WESTON, 0000  
 EDWARD C. WHITE III, 0000  
 JAMES C. WHITE, 0000  
 JOHN J. WHITE, 0000  
 RONALD L. WHITE JR., 0000  
 SHAWN E. WHITE, 0000  
 THOMAS R. WHITE, 0000  
 TRACY D. WHITELEY, 0000  
 MARTIN L. WHITFIELD, 0000  
 DOUGLAS B. WHITNEY, 0000  
 RICHARD A. WILEY, 0000  
 ALEXANDER M. WILHELM, 0000  
 PAUL F. WILLEY, 0000  
 CHARLESWORTH C. WILLIAMS, 0000  
 DAVID L. WILLIAMS, 0000  
 GLENN D. WILLIAMS, 0000  
 KEITH E. WILLIAMS, 0000  
 ROBERT K. WILLIAMS, 0000  
 ROBERT R. WILLIAMS IV, 0000  
 ROBERT W. WILLIAMS, 0000  
 SEAN L. WILLIAMS, 0000  
 THOMAS L. WILLIAMS, 0000  
 CHRISTOPHER L. WILLIAMSON, 0000  
 JOHN D. WILSHUSEN, 0000  
 CHRISTOPHER T. J. WILSON, 0000  
 GORDON S. WILSON, 0000  
 KEVIN R. WILSON, 0000  
 LAWRENCE R. WILSON, 0000  
 MICHAEL J. WILSON, 0000  
 SCOT M. WILSON, 0000  
 NILS E. WIRSTROM, 0000  
 CHRISTOPHER S. WIRTH, 0000  
 FRANCES K. WITT, 0000  
 ROBERT W. WITZLEB, 0000  
 TODD C. WOBIK, 0000  
 ERIC P. WOELPER, 0000  
 JEFFREY C. WOERTZ, 0000  
 JOHN W. WOOD, 0000  
 DEAN M. WOODARD, 0000  
 JOSEPH E. WOODFORD, 0000  
 ANTHONY R. WOODLEY, 0000  
 WILLIAM O. WOODWARD, 0000  
 GREGORY K. WORLEY, 0000  
 TIMOTHY R. WORTHY, 0000  
 KEITH F. WOZNIAK, 0000  
 ANTHONY W. WRIGG, 0000  
 RUSSELL A. WRIGHT, 0000  
 WILLIAM D. WRIGHT, 0000  
 FRANK E. WUCC, 0000  
 WILLIAM S. YATES, 0000  
 PAUL A. YETMAR, 0000  
 MICHAEL R. YOHNKE, 0000  
 GERALD N. YOUNG, 0000  
 PETER A. YOUNG, 0000  
 STEPHEN G. YOUNG, 0000  
 GREGORY J. ZACHARSKI, 0000  
 CHRISTOPHER J. ZALLER, 0000  
 ELIZABETH F. ZARDESKASASHBY, 0000  
 CHRISTOPHER J. ZAYATZ, 0000  
 SCOTT A. ZELLEM, 0000  
 JOHN J. ZERR II, 0000  
 MICHAEL ZIV, 0000