The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. Shimkus).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, September 6, 2001.
I hereby appoint the Honorable John Shimkus to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Roy Mays, III, Southland Christian Church, Lexington, Kentucky, offered the following prayer:

Dear Gracious Father, for years we have sung “America, America, God shed his grace on thee,” and in this prayer we affirm You have done it and we ask You to do it again.

As the Giver of grace, we need Your presence and assistance; Your good favor and great power. For whatever situation we face today, show us that Your strength is sufficient.

On the day following my diagnosis with myeloma cancer, You gave me an insight for experiencing grace in the metaphor of a railroad track, one rail symbolized healing and one rail symbolized dealing. I was invited to embrace Your grace and endure my race, keeping both rails parallel or I would wreck. Your part was to establish Your purpose and supply Your power. My part was to pray and persevere.

For all of the Members of this House and those they represent, we implore You to please touch us with Your healing grace, forgive us when we have forgotten You, lift us up when we have let You down, deliver help to those who are hurting, and provide peace for those who are in pain.

Also, we entreat You to please give us Your dealing grace: wisdom for our work, discernment for our decisions, resources for our responsibilities, and joy for our journey.

In all these requests, Heavenly Father, we pray that You will be done, and we accept that Your grace is sufficient. For thine is the kingdom and the power and the glory, forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. Fletcher) come forward and lead the House in the Pledge of Allegiance.

Mr. FLETCHER 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. Fletcher) will be recognized for 1 minute. There will be only one 1-minute until after the joint meeting of the House and Senate.

WELCOMING THE REVEREND ROY H. MAYS III

(Mr. Fletcher asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLETCHER. Mr. Speaker, I rise today to thank a dear friend and classmate, Reverend Roy Mays, for his beautifully insightful prayer opening today’s session of the United States House of Representatives.

Within the hallowed walls of this Chamber, my colleagues and I gather to attend to the business of this great Nation. Since the beginning of our democracy, we have begun each day’s work petitioning our creator that we might know truth and have the wisdom and understanding to rightfully fulfill our duties. As Reverend Mays so eloquently stated in his prayer, our creator grants us grace and strength sufficient for our duties.

Reverend Mays continues to be a beacon for everyone who has crossed paths with him or who has made his acquaintance, including people in over 40 States where Roy ministered as an evangelist, also among the students, faculty and administration whose lives he has touched during 12 years of service at Cincinnati Bible College and Seminary. For the past 16 years, Reverend Mays has blessed thousands through the congregation at Lexington’s Southland Christian Church as the senior executive associate minister.

Additionally, it is said that the character of a person is reflected in the countenance of one’s spouse and children so it is with Roy and his lovely wife of 28 years, Beth, and his two children, Amanda and Ryan, who reflect the grace and peace engendered by mutual unconditional love.

Even after being diagnosed with multiple myeloma cancer in 1999, Reverend Mays continues to touch the lives of those around him, refusing to allow his testimony to fade and his countenance to dim, even when struggling to overcome persistently failing health. He stands humbly but firm with God, and...
with God’s help of peace and perseverance during the most trying times of life. Through this example, countless others have received hope.

In this House, we pray alongside Reverend Roy Mays that we might be touched with both our Father’s healing grace and service grace. We are inspired by Reverend Mays’ unflagging faith and his steadfast confidence in God’s plan for all.

Mr. Speaker, it is with deep appreciation that I recognize Roy Mays, not only as a friend to us here today, but also to countless others across our Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Vicente Fox, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o’clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10:48 a.m. the following proceedings were had:

1048

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY VICENTE FOX, PRESIDENT OF THE UNITED MEXICAN STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Vicente Fox, the President of the United Mexican States, into the Chamber:

The gentleman from Texas (Mr. ARMEN); The gentleman from Oklahoma (Mr. WATTS); The gentleman from California (Mr. COX); The gentleman from Illinois (Mr. HYDE); The gentleman from North Carolina (Mr. BALLENGER); The gentleman from Arizona (Mr. KOLBE); The gentleman from California (Mr. DREEBER); The gentlewoman from New Mexico (Mrs. WILSON); The gentleman from Texas (Mr. BONILLA); The gentleman from Texas (Mr. BARRON); The gentleman from Utah (Mr. CANON); The gentleman from Missouri (Mr. GEHRARDT); The gentleman from Michigan (Mr. BONIOR); The gentleman from Texas (Mr. FROST); The gentleman from New Jersey (Mr. MENENDEZ); The gentlewoman from Connecticut (Ms. DELLAIO); The gentleman from Arizona (Mr. PASTOR); The gentleman from California (Mr. LANTOS); The gentlewoman from New York (Mrs. LOWEY); The gentleman from Texas (Mr. REYES); The gentlewoman from California (Ms. ROYAL-ALLARD); The gentleman from Texas (Mr. RODRIGUEZ); The gentlewoman from California (Mrs. NAPOLEITANO); The gentleman from California (Mr. BACA); The gentleman from Texas (Mr. OTWELL); The gentlewoman from New York (Ms. SERRANO); The gentleman from California (Mr. BEECHER); The gentleman from Illinois (Mr. GUTERREZ); The gentleman from Guam (Mr. UNDERWOOD); The gentlewoman from New York (Ms. VELAZQUEZ); The gentleman from Texas (Mr. HINOJOSA); The gentlewoman from California (Ms. SANCHEZ); The gentleman from Texas (Mr. GONZALES); The gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ); and The gentlewoman from California (Ms. SOLIS). The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency Vicente Fox, the President of the United Mexican States, into the House Chamber:

The Senator from South Dakota (Mr. DASCHLE); The Senator from Nevada (Mr. REID); The Senator from Massachusetts (Mr. KERRY); The Senator from West Virginia (Mr. ROCKEFELLER); The Senator from Washington (Mrs. MURRAY); The Senator from Illinois (Mr. DURBIN); The Senator from California (Mrs. BOXER); The Senator from Massachusetts (Mr. KENNEDY); The Senator from South Carolina (Mr. HOLLINGS); The Senator from Delaware (Mr. BIDEN); The Senator from Vermont (Mr. LEAHY); The Senator from Mississippi (Mr. LOTT); The Senator from Oklahoma (Mr. NICKLES); The Senator from Texas (Mrs. HUTCHISON); The Senator from Idaho (Mr. CRAIG); The Senator from Tennessee (Mr. FRIST); The Senator from New Mexico (Mr. Domenici); The Senator from North Carolina (Mr. HELMS); The Senator from Indiana (Mr. LUGAR); The Senator from Texas (Mr. GRAMM); and The Senator from Kansas (Mr. BROWNBACK).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, the Honorable Jesse Bibiano Marechalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seats reserved for him.

1100

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker’s rostrum.

1115

At 11 o’clock and 15 minutes a.m., the Assistant to the Sergeant at Arms announced the President of the United Mexican States, His Excellency Vicente Fox.

The President of the United Mexican States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk’s desk. [Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you the President of the United Mexican States, His Excellency Vicente Fox.
ADDRESS BY HIS EXCELLENCY Vicente Fox, President of the United Mexican States

(Portions of the following address were delivered in Spanish, with a simultaneous translation in English.)

President FOX. Thank you. The applause in this room welcoming me has been heard by 100 million Mexicans which, in the face of them, I thank all of you for being so kind with us in Mexico.

Honorable Members of the Congress of the United States of America, it is a distinct honor for me to meet you here in the oldest legislative assembly on the American continent, a Congress whose deliberations have such a strong influence not only on the history of this country, but of the entire world. This is an historic moment between our two nations in which the governments of Mexico and the United States have decided to begin a new era of friendship and cooperation to benefit both our peoples.

Mexico and the United States wish to bring principles and interests, as well as our traditions and hopes. The meeting of our two countries at the dawning of this new century may represent the beginning of the most promising chapters in our common history.

My presence in this Chamber bears witness to that will to bring our countries closer together. It is our very firm wish as Mexicans and Americans to establish a new relationship, a more mature, full and equitable relationship based on mutual trust.

Honorable Members of the United States Congress, I stand before you today with a simple message. Trust needs to be the key element of our new relationship. I am aware that for many Americans and for many Mexicans, the idea of trusting their neighbor may seem risky and perhaps even unwise. I am sure that many on both sides of the border would rather stick to the old saying that good fences make good neighbors.

This perception has deep roots in history. In Mexico, they derive from a long-held sense of suspicion and apprehension about its powerful neighbor. And in the United States, they stem from the common border to which the governments of Mexico and the United States have been forced to propel and strengthen our relationship.

This is why, since I took office last year, Mexico has enhanced its cooperation with the United States. In order to bring an end to impunity and to consolidate the rule of law throughout the country.

I am convinced that it is time to confront Mexico, some of which are perhaps unintended, but nonetheless tangible legacies from our authoritarian past. Among them, the poverty and inequality that for so many decades have condemned millions of Mexicans to a life of disadvantage and insecurity; the crippling disease of corruption, which has had such an insidious effect on the life of our country; and the fragility and weakness of our judicial system.

It should be clear by now that no government, however powerful, will be able to defeat on its own the forces of transnational organized crime that lie behind drug trafficking. Intense cooperation is required to confront this threat, and trust is certainly a prerequisite of cooperation.

This is why since I took office last year, Mexico has enhanced its cooperation with the United States. In order to bring an end to impunity and to consolidate the rule of law throughout the country.

I have already pledged to address the most pressing problems now confronting Mexico, some of which are perhaps unintended, but nonetheless tangible legacies from our authoritarian past. Among them, the poverty and inequality that for so many decades have condemned millions of Mexicans to a life of disadvantage and insecurity; the crippling disease of corruption, which has had such an insidious effect on the life of our country; and the fragility and weakness of our judicial system.

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to stop and must instead be regulated. Mexico is therefore seeking an agreement that will lend greater security and orderliness to the migration flows between our two countries.

That is why trust in dealing with migration breaches our role in addressing the status of Mexican migrants already working and living in the United States, already contributing to enrich this Nation. Let me be clear about this: regularization does not mean rewarding those who break the law, it means that we will provide them with the legal means to allow them to continue contributing to this great Nation.

The agreement that we seek would establish a higher ceiling for permanent visas awarded to Mexicans coming to this country, and it would also expand opportunities for Mexican workers to obtain temporary work visas so that they can enter the United States safely and legally. Additionally, the agreement would allow us to enhance our cooperative efforts to improve border safety, save lives and crack down on criminal smuggling gangs, or polleros. And, finally, it would demand that we promote economic growth in Mexico, and with our responsibility we must promote specific opportunities for all those kids and young persons specifically in those regions that are the source of most migrants.

Progress regarding migration will not be easy. Yet it is essential that we maintain our commitment to an open and frank discussion, so that we may find a lasting solution that is acceptable to both our countries.

Such a discussion can only take place in a climate of trust. We have a fundamental decision to make. It is a decision that provides us with an opportunity to achieve the highest aspirations of any politician, leaving a lasting legacy of well-being to their people.

The United States must also work constructively to promote our common values within our region. By adopting a clear and consistent stance, our governments may jointly address some of the most relevant and pressing issues of our hemisphere, such as the deepening of democracy and the promotion of human rights. This should be our most noble cause in the Americas and in the rest of the world.

On issues of common concern, such as the situation in Colombia, the promotion of economic development across Central America, the establishment of the Free Trade Area of the Americas, the negotiation of a democratic charter for the OAS, or the shared goal of fostering financial stability and disarming financial crises throughout our region, it is vital that Mexico and the United States work together, each one as a partner that we are, in building peace and stability throughout the Americas on the basis of our own principles and interests.

Evidently, we will not always see eye to eye. But both countries should convey to each other, in all sincerity and candor, their respective perceptions about how best to tackle issues of common concern for the well-being of our peoples. Trust will allow us to do this.

Members of the Congress of the United States of America, we have before us today the opportunity to dramatically change the future of our relationship. This meeting between Mexico and the United States is today the meeting between two democracies willing to build a better future.

The relationship between Mexico and the United States is now in our hands. It is up to us to open wide the windows of opportunity before us. We are the architects of our common destiny.

This means that we must re-create the relationship between our two great nations in a conscious and deliberate manner, moving forward firmly without leaving anything to chance. We must fully share this commitment in order to later enjoy together the fruits of our common labors.

Obviously, we know full well that there are no easy answers nor magical solutions to the challenges faced by Mexico and the United States, but there is a path along which we can make progress with firm steps towards their solution: the path of mutual trust, trust that our governments will always behave with integrity in their daily work, trust that the strength of our relationship as partners and friends is strong, trust in our future of shared prosperity.

The SPEAKER. The House will continue in recess until 12:15 p.m.
CONGRESSIONAL RECORD—HOUSE

AFTER RECESS

Mr. PENCE. Madam Speaker, I ask unanimous consent that proceedings had during the recess be printed in the Record.

The Speaker pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

STATEMENT FROM FAMILY OF
CHAPLAIN JAMES DAVID FORD

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I have been asked to read a statement by the entire Ford family on the death of Chaplain Ford.

"The Ford family thanks everyone for their sympathy and concern about the death of Chaplain James David Ford.

"We wish to clarify that Chaplain Ford was very ill for an extended period of time. Many people did not realize this. This physical illness gave him no hope of regaining his zest for life.

"The family is at peace with his decision. We have supported him his entire life in everything he did and thought and we support him still. Most importantly, he is at peace now with his Creator. Of this we are certain."

This is signed by Marcy Ford and the entire Ford family.

PRESIDENT FOX’S VISIT AND IMMIGRATION REFORM

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to reemphasize the need for immigration reform in the United States. In recent days, we have heard lengthy discussions from opponents and proponents on this issue. I want to make sure that the people, the hardworking immigrants and the many families that I represent, are not lost in that debate.

Millions of immigrants have lived here for an extended period of time. They go to work every single day. They pay taxes just like you and me. They own homes and many own businesses, and many have played by the rules. They also have children who are U.S. citizens. These people deserve respect. They deserve to be acknowledged for the many contributions that they have made to this great country.

Mexican President Vicente Fox has done a superb job of highlighting the need for immigration reform. He recognizes the immense contributions all immigrants make to the U.S. economy and to foreign economies such as his own, and a majority of U.S. citizens recognize the important contributions that immigrants have made to this country.

A recent bipartisan poll found that 62 percent of voters support legalization for immigrants who pay taxes, break no laws, and play by the rules.

I ask for this Congress to begin discussions, as President Fox stated yesterday at the Capitol today, to begin discussions on immigration reform.

CONGRATULATIONS TO UNITED STATES LITTLE LEAGUE CHAMPIONS FROM APOPKA, FLORIDA

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Madam Speaker, I rise today to congratulate the United States Little League champions from Apopka, Florida. While I may represent the people of Apopka in the U.S. Congress, the Apopka Little Leaguers represented our entire country with class and dignity.

Led by Coaches Brewer and Tapley, these 11 young men put the little town of Apopka, Florida, front and center on the world stage. They entered the 16-team world series tournament as underdogs, but they fought their way to the top of the heap to become national champions. Their persistence and hard work will surely inspire thousands of future Little Leaguers.

On behalf of myself, Senator NELSON, and the entire U.S. Congress, we say to the Apopka Little Leaguers, congratulations on a job well done, and we thank them for inspiring us all.

U.S.-MEXICO RELATIONS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, I join President Bush and my colleagues in welcoming His Excellency Vicente Fox to the U.S. Capitol today.

Listening to President Fox’s words this morning confirms the special relationship that we enjoy between Mexico and the United States.

We all know, as my colleague and friend just mentioned, that immigration policy is crucial and should be the focus of discussions between the United States and Mexico. We should be an America that welcomes again, and I say that from the heart as the grandson of an Irish immigrant to this country.

But we must also look, Madam Speaker, beyond immigration. We have a historic opportunity to expand our relationship with the top Latin American trading partner of which President Fox also alluded. President Fox accurately acknowledged that we share the most dynamic border in the world.

Let us show the world how neighbors can improve lives through mutual trust and mutual respect.

Today more than ever it is time for America and Mexico to prove that adage that we ought to love our neighbors as ourselves.

VIET NAM HUMAN RIGHTS ACT

Mr. SMITH of New Jersey. Madam Speaker, pursuant to a previous order of the House, I call up the bill (H.R. 2833) to promote freedom and democracy in Viet Nam, and ask for its immediate consideration in the House.

The Clerk read the title of the bill. The text of H.R. 2833 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Viet Nam Human Rights Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Purpose.

TITLE II—PROMOTION OF FREEDOM AND DEMOCRACY IN VIET NAM

Subtitle A—Prohibition on Nonhumanitarian Assistance to the Government of Viet Nam

Sec. 201. Bilateral nonhumanitarian assistance.

Sec. 202. Multilateral nonhumanitarian assistance.

Subtitle B—Assistance to Support Democracy in Viet Nam

Sec. 211. Assistance.

Subtitle C—United States Public Diplomacy

Sec. 221. Radio Free Asia transmissions to Viet Nam.

Sec. 222. United States educational and cultural exchange programs with Viet Nam.

Subtitle D—United States Refugee Policy

Sec. 231. Refugee resettlement for nationals of Viet Nam.

Subtitle E—Annual Report on Progress Toward Freedom and Democracy in Viet Nam

Sec. 241. Annual report.

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UNITED STATES- VIET NAM RELATIONS

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Sec. 211. Assistance.

Sec. 221. Radio Free Asia transmissions to Viet Nam.

Sec. 222. United States educational and cultural exchange programs with Viet Nam.

Sec. 231. Refugee resettlement for nationals of Viet Nam.

Sec. 241. Annual report.
Thich Quang Do, Father Nguyen Van Ly, numerous leaders of the Hoa Hao Buddhist Church and of independent Protestant churches, and an undetermined number of members of ethnic minority groups who participated in peaceful demonstrations in the Central Highlands of Viet Nam during February 2001.

4) In 1999 the Government issued a Decree Concerning Religious Activities, which declared that "[a]ll activities using religion in order to oppose the State of the Socialist Republic of Viet Nam, to prevent the believers from carrying out civic responsibilities, to sabotage the union of all the people, to against the healthy culture of our nation, as well as superstitious activities, will be punished in conformity with the law." (A) In February 2001 several thousand Hoa Hao believers who do not recognize the authority, political opinion, or membership in a particular social group.

6) The Government has also confiscated numerous properties belonging to religious organizations. The vast majority of these properties—such as the Catholic Church, are formally recognized by the Government. (F) The Government has also confiscated numerous properties belonging to religious organizations. The vast majority of these properties—such as the Catholic Church, are formally recognized by the Government. (F) The Government has also confiscated numerous properties belonging to religious organizations. The vast majority of these properties—such as the Catholic Church, are formally recognized by the Government.

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CONGRESSIONAL RECORD—HOUSE
September 6, 2001

by the Government but are subjected to per- verse regulation which violates the right to freedom of religion. For instance, the Catho- lic Church is forbidden to appoint its own bishops, which is the center of Hoa Hao religious activity, particularly at the Hoa Hao village, has sought to control all Hoa Hao religious activities except under circumstances rigidly defined and controlled by the government (A). (C) In February 2001 several thousand Hoa Hao believers who do not recognize the authority, political opinion, or membership in a particular social group. (A) In February 2001 several thousand Hoa Hao believers who do not recognize the authority, political opinion, or membership in a particular social group.

The Patriarch of the Unified Buddhist Church (UBCV), the largest religious denomina- tion in the country, has been declared illeg- al by the Government, and over the last twenty years many clergy have either been imprisoned and subjected to torture and other forms of persecution. (C) In February 2001 several thousand Hoa Hao believers who do not recognize the authority, political opinion, or membership in a particular social group. (A) In February 2001 several thousand Hoa Hao believers who do not recognize the authority, political opinion, or membership in a particular social group. (A) In February 2001 several thousand Hoa Hao believers who do not recognize the authority, political opinion, or membership in a particular social group.

(C) In February 2001 several thousand Montagnard peoples have been singled out for severe repression, in part because they are part of the Montagnard groups who participated in peace- ful protest against the policies of the South Vietnamese government. Thich Huy Quang has been detained for 21 years in a ruined temple in an isolated area of central Viet Nam. Most Venerable Thich Quang Do, the Executive President of the Unified Buddhist Church, has also been in various forms of detention for many years, and was recently rearrested and placed under house arrest after he had proposed to bring the government-sponsored organization to a halt. (B) In general, these programs have served their purpose well. However, many refugees who were eligible for these programs were unfairly denied or excluded, in some cases by vindictive or corrupt Communist officials who controlled access to the programs, and in others by United States personnel who im- plemented unduly restrictive interpretations of program criteria. These unfairly excluded refugees include some of those with the most compelling cases, including many Montagnard combat veterans and their families. (B) In 1995 the Governments of the United States and Viet Nam announced the “nor- ming of section 402 of the Trade Act of 1974 (commonly known as the “Jackson-Vanik Amendment”), which restricts economic assistance to countries with non-market economies whose governments also restrict freedom of emigration. In 1999 the Govern- ments of the United States and Viet Nam an- nounced “agreement in principle” on a bilat- eral trade agreement. This agreement was signed in 2000 and has been presented to Con- gress for approval or disapproval.

The Congress and the American people are united in their determination that the extension or expansion of trade relations with a country whose policies in serious and systematic violations of funda- mental human rights must not be con- strued as a statement of approval or complacency about practices that undermine freedom and democracy around the world—and particularly for people who have suffered in large part because of their past associations with the United States, as well as those who share our values—is and must continue to be a central objective of United States foreign policy. SEC. 102. PURPOSE. The purpose of this Act is to promote the development of freedom and democracy in Viet Nam.
Subtitle A—Prohibition on Nonhumanitarian Assistance to the Government of Viet Nam

SEC. 201. BILATERAL NONHUMANITARIAN ASSISTANCE.

(a) Assistance.—

(1) In general.—Except as provided in subsection (b), United States nonhumanitarian assistance may not be provided to the Government of Viet Nam—

(A) for fiscal year 2002 unless not later than the date of the enactment of this Act the President determines and certifies to Congress that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12-month period covered by the report.

(B) for each subsequent fiscal year unless the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 241 that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12-month period ending on the date of the certification; and

(2) Requirements.—The requirements of this paragraph are that—

(A) the Government of Viet Nam has made substantial progress toward respecting the right to freedom of religion, including the right of Vietnamese citizens to participate in religious activities and institutions without interference by or involvement of the Government;

(B) the Government of Viet Nam has made substantial progress toward respecting the right to freedom of opinion, including the right of Vietnamese citizens to participate in activities and institutions without interference by or involvement of the Government;

(C) the Government of Viet Nam has made substantial progress toward respecting the human rights of members of ethnic minority groups in the Central Highlands or elsewhere in Viet Nam; and

(D) neither a United States official nor any agency or entity wholly or partially owned by the Government of Viet Nam was complicit in a severe form of trafficking in persons;

(ii) the Government of Viet Nam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

(b) Exception.—

(1) In general.—Subsection (a) shall not apply with respect to—

(A) assistance provided to persons who are eligible for assistance for the purpose of refugee resettlement to nationals of Viet Nam or for the purpose of providing humanitarian assistance to nationals of Viet Nam for fiscal year 2001;

(B) assistance provided for the purpose of providing humanitarian assistance to refugees; and

(C) disaster relief assistance, including any assistance under chapter V of part I of the Immigration and Nationality Act (22 U.S.C. 1501 et seq.); relating to the overseas private investment corporation, other than—

(i) disaster relief assistance, including any assistance under chapter V of part I of the Immigration and Nationality Act (22 U.S.C. 1501 et seq.);

(ii) disaster relief assistance, including any assistance under paragraph 9 of section 211(a) of the Arms Export Control Act.

(c) Authorization of Appropriations.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 2002 and 2003.

Title II

Subtitle A—Prohibition on Nonhumanitarian Assistance to the Government of Viet Nam

Subtitle B—Support to Democracy in Viet Nam

SEC. 202. MULTILATERAL NONHUMANITARIAN ASSISTANCE.

The President shall ensure that section 701 of the International Financial Institutions Act (22 U.S.C. 262d), relating to human rights, is carried out with respect to Viet Nam.

Subtitle B—Support to Democracy in Viet Nam

SEC. 211. ASSISTANCE.

(a) In general.—The President is authorized to provide assistance, through appropriate international programs, to support the Government of Viet Nam, its armed forces, and its people and institutions without interference by or involvement of the Government.

(b) Authorization of Appropriations.—There are authorized to be appropriated—

(1) in each of fiscal years 2001 and 2002, such sums as may be necessary to carry out the policy under subsection (a) of $9,100,000 for the fiscal year 2002 and $1,100,000 for the fiscal year 2003.

Subtitle C—United States Public Diplomacy

SEC. 221. RADIO FREE ASIA TRANSMISSIONS TO VIET NAM.

(a) Policy of the United States.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Viet Nam.

(b) Authorization of Appropriations.—In addition to such amounts as are otherwise authorized to be appropriated, there are authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated to carry out the policy under subsection (a) $9,100,000 for the fiscal year 2002 and $1,100,000 for the fiscal year 2003.

SEC. 222. UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIET NAM.

It is the policy of the United States that programs of educational and cultural exchange with Viet Nam should actively promote progress toward freedom and democracy in Viet Nam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already made a commitment to these values are included in such programs.

Subtitle D—United States Refugee Policy

SEC. 232. REFUGEE RESETTLEMENT FOR NATIONALS OF VIET NAM.

(a) Policy of the United States.—It is the policy of the United States to offer refugee resettlement to nationals of Viet Nam (including members of the Montagnard ethnic minority groups) who were eligible for the Orderly Departure Program or any other United States refugee program and who were deemed ineligible due to administrative error or who for reasons beyond the control of such individuals (including the inability to pay bribes demanded by officials of the Government of Viet Nam) were unable to apply for such programs in compliance with deadlines imposed by the Department of State.

(b) Authorized Activity.—Of the amounts appropriated to be made available for the Department of State for Migration and Refugee Assistance for each of the fiscal years 2001, 2002, and 2003, $2,000,000 is authorized to be made available for the protection (including resettlement in appropriate cases) of Vietnamese refugees and asylum seekers, including Montagnards in Cambodia.

Subtitle E—Annual Report on Progress Toward Freedom and Democracy in Viet Nam

SEC. 241. ANNUAL REPORT.

Not later than May 31 of each year, the Secretary of State shall submit to Congress a report for the 12-month period ending on the date of submission of the report, on the following:

(1) the determination and certification of the President that the requirements of subparagraphs (A) through (D) of section 201(a)(2) have been met, if applicable.

(2) The determination of the President under section 201(b)(2), if applicable.

(3) Efforts by the United States Government to secure transmission sites for Radio Free Asia in countries in close geographical proximity to Viet Nam in accordance with section 221(a).

(4) Efforts to ensure that programs with Viet Nam promote the policy set forth in section 222 and with section 102 of the Human Rights, Refugee, and Other Foreign Policy Provisions Act of 1996 regarding participation in programs of educational and cultural exchange.

(5) Steps taken to carry out the policy under section 221(a).

Subcommittee on Asia and the Pacific
asking permission to start a non-
governmental organization that would
expose corruption and promote trans-
parency in government.

Yet, these thoughtful and courageous
men were dragged away from their
homes and families on the very day of
the vote on the trade agreement whose
supporters say is evidence that the Vi-
etnamese Government is on the road to
reform.

It is true that there have been some
improvements since the dark days of the
1970s and early 1980s, when hundreds of
thousands of people were confined to so-called “reeducation camps;” and as we know, many died there, simply because they had taken the
side of freedom. But in recent
years, there has been no such progress.
Indeed, in the last few months, the gov-
ernment of Viet Nam has substantially
increased the frequency and the severity
of its human rights violations.

Madam Speaker, the Government of
Viet Nam systematically denies the fundamental right to freedom of reli-
gion. Although some freedom of wor-
ship is permitted, believers are forbid-
den to participate in religious activi-
ties except under circumstances rigidly
defined and controlled by the govern-
ment.

In 1999, the government issued a De-
cree Concerning Religious Activities
which declared, in pertinent part, “All
activities using religious belief in order
to opposes the State of the Socialist Re-
public of Viet Nam, to prevent the de-
velopers from carrying out civic respon-
sibilities, to sabotage the union of all
the people, to go against the healthy
culture of our Nation, as well as super-
stitious activities, will be punished in
conformity with law.”

The Unified Buddhist Church of Viet
Nam, Madam Speaker, the largest reli-
gious denomination in Viet Nam, has
been declared illegal by the govern-
ment, and over the last 25 years its
clergy have been imprisoned and sub-
jected to other forms of persecu-
tion.

The Patriarch of the Unified Bud-
dhist Church, 83-year-old Most Venera-
ble Thich Huyen Quang, has been de-
tained for 21 years in a ruined temple
in an isolated area of central Vietnam.
Most Venerable Thich Quang Do, the
Executive President of the Unified
Baptist Church, has also been in var-
ious forms of detention for many years,
and was recently rearrested and placed
under house arrest after he had prop-
osed to bring the most Venerable
Thich Huyen Quang to Saigon for med-
ical treatment. For that, he was pun-
ished.

The Hoa Hao Buddhist Church was
also declared to be illegal until 1999,
when the government established an
organization which purports to govern
the Hoa Hao, but is dominated by gov-
ernment and Communist cadres, which
is not acceptable to the believers. Sev-
eral Hoa Hao have been sentenced to
prison terms for protesting this denial
of their religious freedom.

Independent Protestants, most of
whom are members of ethnic minority
groups, are subjected to particularly
harsh treatment by the Government of
Viet Nam. As the United States Com-
mission on International Religious Freedom, such treatment in-
cludes police raids on homes and house
churches, detention, imprisonment,
confiscation of religious and personal
property, physical and psychological
abuse, forced labor, threats of untrue-
approved religious activities such as col-
clective worship, public religious ex-
pression, the distribution of religious
literature, and performing baptisms,
marriages, and funeral services. In ad-
dition, the U.S. Commission’s report
goes on to say, it is reported that eth-
nic Hmong Protestants have been
forced by local officials to agree to
abandon their faith.

A Catholic priest, Madam Speaker.
Father Nguyen Van Ly was arrested in
March of 2001, just a few months ago,
and remains in detention after submit-
ning written testimony to the United
States Commission on International
Religious Freedom. For that, this great
man, this priest, was arrested: submit-
ning testimony to an official organ,
a function of the United States Govern-
ment that investigates religious perse-
cution.

Madam Speaker, the other human
rights violation in Vietnam right now
is the recent intensification of the gov-
ernment’s systematic repression of the
Montagnards. Since 1975, the
Montagnard people have been severely
persecuted, in part because of their
wartime association with the United
States, and in part because of their
strong commitment to their tradi-
tional way of life and to their Christian
religion, and that is regarded as incon-
istent with the absolute loyalty and
control demanded by the Communist
system.

In February 2001, several thousand
Montagnards participated in a series of
peaceful demonstrations throughout
the Central Highlands, demanding reli-
gious freedom and restoration of their
confiscated lands. The government re-
sponded by closing off the Central
Highlands and sending in military
forces, tanks and helicopters. Credible
reports and information from resi-
tants to Cambodia indicate that at least one
participant in the demonstration was
killed and that the government has
subjected others to imprisonment and
torture and other forms of physical
abuse. The Government of Vietnam has
also taken steps to prevent further
Montagnard escape, and the Vietnamese
security forces in Cam-
bodia are offering bounties for the sur-
render of Montagnard asylum seekers.

Madam Speaker, I want to also call
attention to the active involvement of
government officials and entities of the Vietnamese
Government in severe forms of traf-
ficking in persons. There is evidence
that the government’s official labor ex-
port program has subjected workers,
many of whom are women, to involun-
tary servitude, debt bondage, and other
forms of abuse. In the recent case of
several hundreds of workers who were
trafficked by Vietnamese-owned cor-
porations to the mining industry in
American Samoa, the reaction of gov-
ernment officials to worker complaints
of severe mistreatment was to threaten
the workers with “punishment under the
laws of Vietnam” if they continued to
complain.

Madam Speaker, as most Members
know, these are not the only human
rights violations committed by the Vi-
etnamese Government. The Govern-
mant of Vietnam also pursues a policy
of harassment, discrimination, intimi-
dation, and other types of detention
against those who peacefully express
dissent from the government or the
party policy. The arrests of Mr. Chinh
and Colonel Duong are just the latest
episodes in that awful story.

Madam Speaker, the Human Rights
Act for Vietnam will ensure that put-
ting an end to those egregious abuses
remains central to U.S. foreign policy
toward Vietnam. It will not restrict
us in any way, but it will add other
forms of leverage to construct a human
rights program that is comprehensive
yet reasonable and flexible.

First, the act tells the truth about
human rights and the situation of human
rights in Vietnam. It describes the
violations by the Government of Vietnam of the rights to freedom of
expression, association, and religion,
and the rights of workers, as well as the
persecution of ethnic minorities, as I
said, including the Montagnards and
persons associated with the United
States prior to 1975. The act concludes
that Congress and the American people
are united in their determination that
expansion of trade relations should not
be achieved or compla-
cency or complicity about human
rights violations, and that the pro-
motion of freedom and democracy
must be central to U.S. foreign policy.

Second, the act will link increases
in foreign aid, other than humanitarian
assistance to the Government of Viet-
nam, to a finding by the President that
the government has made “substantial
progress” toward meeting certain
human rights benchmarks. These
are attainable: substantial progress toward release of political and religious pris-

ers; substantial progress toward re-
respect by the Government of Vietnam
to the right of freedom of religion, in-
cluding the right to participate in religious
organizations not connected to the
Government of Vietnam; substantial
progress, Madam Speaker, toward re-
respect for the rights of members of eth-
nic minority groups in the Central
Highlands and elsewhere; and an end to
the government complicity and severe
forms of trafficking in human persons.

Madam Speaker, the Vietnam Human
Rights Act does not require cuts in
It is ironic to listen to the gentleman from New Jersey (Mr. SMITH), outlining in great detail the discrimination and persecution unfolding in Vietnam against religious and ethnic minorities, because Vietnam was not on the agenda at Durban, although we speak, slave trade is taking place in the Sudan.

Afghanistan and the Taliban were not on the agenda in Durban, although we know what happens to individuals who attempt to introduce Christianity into that country. There are few things Afghanistan needs more than some Christian values.

Saudi Arabia was not on the agenda, although the persecution of women continues unabated, discrimination against women continues unabated.

The only country singled out for criticism at the farce which was Durban was the democratic state and our ally in the Middle East, the State of Israel.

The legislation that we are considering today is about aid, trade, I want to stress that the Vietnamese Governmentplaces the most severe restrictions on the expression of religious beliefs, particularly beliefs in Buddhism, as my good friend and colleague so eloquently outlined.

I commend and congratulate the gentleman from New Jersey (Mr. SMITH) for introducing this legislation. I urge all of my colleagues to support its passage.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 10 seconds.

Madam Speaker, I thank my good friend for his outstanding statement and for pointing out the hypocrisy of the Durban conference, especially in leaving out some of these egregious violators and, as he pointed out, focusing on the state of Israel. I want to thank him for that statement and for his support for that statement and for his remarks.

Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in support of H.R. 2833, the Viet Nam Human Rights Act of 2001.

As an original co-sponsor of this landmark legislation, I believe a strong message of the Viet Nam Human Rights Act will send a strong message to the Hanoi regime and to its victims that expansion of trade relations does not imply approval of or complacency about the continuing pattern of severe human rights violations in Vietnam.

As an ardent supporter of human rights and a strong proponent of free trade, I want to stress that the Viet Nam Human Rights Act is about aid, not trade. This legislation sends a clear message to Hanoi, and also to other interested observers including the Vietnamese-American community, that the U.S. is serious about our commitment to the principles of free speech, freedom of expression, and the freedom of religious exercise.

As a founding member of the Congressional Dialogue on Viet Nam and a member of the Congressional Human Rights Caucus, I am acutely aware of the Vietnamese government’s human rights violations, including religious persecution and indefinite criminal sentences for political prisoners.

On May 12 of this year, I attended a hearing which addressed the issue or religious suppression and persecution in Vietnam. My colleagues and I heard testimony from many religious Vietnamese-American leaders who shared their perspectives on this important issue. Many of them had suffered personally at the hands of the Vietnamese government. In July, I sent a letter to Secretary of State Colin Powell, a decision I fully support.

It is ironic that this legislation is before us today, because if it were not and if it would be merely a discussion of trade with Vietnam, we ourselves would be engaging in hypocrisy as are the delegates in Durban as we speak. It is important to promote trade. But it is important to stand up for human rights as well.

I commend and congratulate the gentleman from New Jersey (Mr. SMITH) for introducing this legislation. I urge all of my colleagues to support its passage.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 10 seconds.

Madam Speaker, I thank my good friend for his outstanding statement and for pointing out the hypocrisy of the Durban conference, especially in leaving out some of these egregious violators and, as he pointed out, focusing on the state of Israel. I want to thank him for that statement and for his support for that statement and for his remarks.
This legislation sets a framework for an honest and detailed assessment of the human rights situation in Vietnam. It accurately identifies violations by the Vietnamese government against the rights of the Vietnamese people to exercise their freedoms of expression, association, and religion, and the rights of workers, as well as persecution of religious figures and ethnic minorities including the Montagnards and other people associated with the U.S. prior to 1975.

In addition, H.R. 2833 summarizes the history of U.S. policy towards Vietnamese refugees and of normalization of U.S.-Vietnam diplomatic and trade relations. This legislation outlines the principles that Congress and the American people are united in their belief that expansion of trade relations should not and must not be construed as approval or ignorance about the Vietnamese government’s human rights violations. Furthermore, we, the government and the American people, seriously believe that the promotion of freedom and democracy must be central to U.S. foreign policy.

This legislation makes conditional any increases in foreign assistance, other than humanitarian assistance, to the Vietnamese government on a finding by the President that they have made substantial progress toward meeting certain human rights benchmarks, which include the release of all political and religious prisoners from all forms of detention including imprisonment and house arrest; respect for the right to freedom of religion, including the right to participate in religious organizations not connected to the Vietnamese government; respect for the rights of members of ethnic minority groups in the Central Highlands and elsewhere and to government complicity in severe forms of trafficking in human beings, in particular, women and children.

This bill will also require an enforcement mechanism for a current law designed to withhold non-humanitarian loans and other extensions of funds from international financial institutions to governments that consistently fail to promote fundamental human rights.

This legislation will help to actively promote freedom and democracy in Vietnam by authorizing assistance to nongovernmental organizations committed to encouraging and advancing these principles in Vietnam.

Additionally, this legislation declares it to be the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia in countries near Vietnam. It also authorizes additional funding to enhance transmission facilities in order to overcome jamming.

This bill seeks to ensure that U.S. educational and cultural exchange programs promote American values. It requires the U.S. State Department to take steps to make sure that U.S. cultural and exchange programs are open to people who share our values, not just Vietnamese government and Communist Party officials and persons close to them.

Finally, this bill would declare it to be the policy of the United States to offer refugee resettlement to residents of Vietnam who met the statutory criteria for Orderly Departure Programs and other refugee programs, but who were incorrectly deemed ineligible for such programs or who, for reasons beyond their own control including but not limited to inability to pay bribes, were denied access to U.S. programs in time for deadlines imposed by State Department officials.

This legislation also requires the State Department to report on what steps it has taken to promote access to U.S. refugee resettlement.

This bill does not affect any form of humanitarian assistance, nor does it limit assistance that is provided through nongovernmental organizations. Essentially, the Viet Nam Human Rights Act will require the Vietnamese government to make substantial progress toward the release of political and religious prisoners, and an end to persecution of persons for the rights of ethnic minorities, and elimination of trafficking in human beings before receiving any further increases in government-to-government U.S. aid. It is my strong belief that this is the least we can do for all those being oppressed by the Communist Government.

For these reasons, I urge all of my colleagues to support H.R. 2833 so that we can hold the Vietnamese government accountable for the human rights abuses committed by their regimes and hopefully bring justice to the Vietnamese people.

I commend the gentleman from New Jersey (Mr. LANTOS) who has been a persistent and outspoken champion of human rights.

(Ms. LOFGREN) who has been a persistent and outspoken champion of human rights.

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.

Ms. LOFGREN. Madam Speaker, I rise in strong support of H.R. 2833, the Viet Nam Human Rights Act, a resolution to promote democracy and freedom in Vietnam.

Madam Speaker, last weekend many of us were celebrating Labor Day with our constituents and families honoring our country’s proud traditions of democracy and freedom. But last weekend, in Da Nang, Vietnam, a 61-year-old monk set himself on fire in protest of the communist authorities’ repression of religious freedoms.

Before his death, Ank wrote letters to the U.N. Human Rights Commission, the European Union and other international groups, stating simply, “I have decided that the only way I can protest is by setting my body on fire to denounce repression against the UBCV and all other religions.”

I have with me the Declaration of Vietnamese Priests Abroad, an open letter to the international community condemning the vicious repression of religious figures and other human rights in Vietnam. This letter, dated August 15, was signed by 144 Catholic priests worldwide and calls upon “freedom-loving governments to defend the values of human rights which are being trampl...
the Gospel in the midst of the people that we cannot fail to share the common concern of our people as stated in the above observations.

In the spirit of those observations, we, the undersigned Vietnamese priests abroad, want to declare our position regarding several urgent matters related to the present situation of religions in Vietnam as follows:

1. We fervently support the spirit of self-engagement of Reverend Thaddeus Nguyen-Van-Nguyenpriest of the Archdiocese of Hue, and his demands regarding true religious freedom. At the same time, we also support other religious leaders’ legitimate demands regarding religious freedom. We demand that the Vietnamese Communist Government guarantee religious leaders’ safety and security and their right to freely exercise religious duties.

2. We demand the Vietnamese Communist Government, for the sake of the future of our people and country, bring to an end religious persecution and insidious and malicious strategy, which is ordered to use religions in order to strengthen the Government, for the sake of the future of our exercise religious duties.

3. We call freedom loving governments and international human rights organizations to mate demands regarding religious freedom. We demand that the Vietnamese Communist Government guarantee religious leaders’ safety and security and their right to freely exercise religious duties.

Signed by the following the Vietnamese priests abroad:

Rev. Msgr. Dominic Mai-Thanh-Luong, Archdiocese of New Orleans, USA
Rev. John Nhung, Diocese of Chicago, Illinois, USA
Rev. Joseph Nho-Dinh-Hau, Archdiocese of Los Angeles, USA
Rev. Anthony Ngo-Kim-Trang, Diocese of Mobile, Alabama, USA
Rev. Joseph Vuô-Noûc, Archdiocese for the Military Services, USA
Rev. Michael Joseph Nguyễn-Ngoic-Vinh, Archdiocese of New Orleans, USA
Rev. Nguyễn-Ngoic-Vinh, S.V.D., Indiana, USA
Rev. Joseph Trân-Thế-MAIL, Archdiocese of New Orleans, USA
Rev. Joseph Nguyễn-Chinh, Archdiocese of Boston, Massachusetts, USA
Rev. Francis Bœu-Quyet, Diocese of Houma-Thibodaux, Louisiana, USA
Rev. John Baptist Nguyễn-Văn-Hien, Diocese of New York, USA
Rev. Peter Mary Bœu-Coang-Minh, Diocese of Orange, California, USA
Rev. Jones Ninh-Xuan-Long, Diocese of Charlotte, North Carolina, USA
Rev. Peter Trân-Nień, Retired, Carthage, Missouri, USA
Rev. Joseph Nguyễn-Sông-Duong, Archdiocese of Hartford, Connecticut, USA
Rev. Joseph Noá-Bai-AUL, Wyoming, Michigan, USA
Rev. Jerome Nguyễn-Thanh-Lâm, O.S.B., Carthage, Missouri, USA
Rev. Peter Nguyễn-Văn-Phong, (Society of the House of the Lord), Diocese of Dallas, Texas, USA
Rev. Dominic Noá-Duy-Nho, Diocese of Little Rock, Arkansas, USA
Rev. Peter Trân-Vieát-Huông, Archdiocese of New Jersey, USA
Rev. John Baptist Trân-Vaén-Taż, Diocese of Des Moines, Iowa, USA
Rev. Anthony Nguyễn-Văn-Noé, Archdiocese of Oklahoma, USA
Rev. Peter Trân-Ninh-Tažo, Diocese of Hanoi, Taiwan
Rev. Joseph Vœ-Xuán-Minh, Archdiocese of St. Paul and Minneapolis, Minnesota, USA
Rev. John Bœo-Phaim-Trung-Thoic, C.M.C., Archdiocese of Boston, USA
Rev. Nguyễn-Thiân, I.C., Diocese of Baton Rouge, Louisiana, USA
Rev. Thomas Thieán-Noé, I.C., Diocese of Baton Rouge, Louisiana, USA
Rev. Peter Nguyễn-Vieát-Taž, I.C., Diocese of Baton Rouge, Louisiana, USA
Rev. Magr. Philip Trân-Vaén-Hoaé, Vatican, Rome, Italy
Rev. Thomas Nguyễn-Vaén-Chaín, Archdiocese of New Orleans, Louisiana, USA
Rev. Joseph Nguyễn-Huáŋ-Coeng, Diocese of Wichita, Kansas, USA
Rev. Thoát-Viét-Vaén, I.C., Diocese of Orange, California, USA
Rev. Thomas Nguyễn-Xuán-Toan, Archdiocese of San Francisco, California, USA
Rev. Peter Noá-Coang-Thaéng, Archdiocese of Los Angeles, California, USA
Rev. Dominic Ninh-Minh-Hailih, C.Ss.R., Diocese of Dallas, Texas, USA
Rev. Joseph Phaim-Nôic-Khoii, Diocese of Stockton, California, USA
Rev. Vincent Phaim-Nôic-Chaai, S.V.D., Archdiocese of St. Louis, Missouri, USA
Rev. Joseph Trân Ninh Huynh, S.V.D., Archdiocese of Taipei, Taiwan/R.O.C.

Madam Speaker, a few months ago the gentleman from Virginia (Mr. Tom Davis) and the gentlewoman from California (Ms. Sanchez) and I held a hearing on human rights in Vietnam. Several of our invited guests, prominent religious leaders in Vietnam, were unable to leave Vietnam to give their testimony. As a result of this hearing, the congressional dialogue on Vietnam launched its Adopt A Voice of Science campaign. My colleagues and I have been in constant contact with the Vietnamese American community and the Department of State about the safety of Father Nguyen Van Ly, verable Thich Quang Do, and other leaders we know are being harassed or detained.

I invite my colleagues to again join this bipartisan campaign and make the release of these prisoners of conscience a prominent issue in U.S. policy towards Vietnam.

The Vietnamese people deserve to live in full freedom. Countless brave Vietnamese are currently in prison, under house arrest, or suffering other kinds of persecution.

These “voices of conscience” are both our inspiration and our responsibility. It is our duty to ensure that those who are courageous enough to speak out against injustice have our support and our protection.

Our offices have received hundreds of letters from our Vietnamese American constituents, calling upon Congress to pass the Vietnam Human Rights Act.

This bill tells the truth. It does not restrict trade. It does not limit humanitarian aid to Vietnam. It remembers by name those who have been persecuted because of their beliefs. It is important human rights legislation that I am proud to support, and I urge my colleagues to do the same.

Mr. SMITH of New Jersey. Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. Rohrabacher).

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of H.R. 2833. Let me commend the gentleman from New Jersey (Mr. Smith) and the gentleman from California (Mr. LANTOS) for the strong leadership they have provided. It has been my honor to stand with these two gentlemen on numerous occasions on issues dealing with human rights.

I only wish our other colleagues had the commitment to freedom and democracy and human rights that the gentlemen from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH) have because America truly could save the world if we had that type of commitment. It is up to us to try to reach out to our colleagues, and that is what we are doing today.

The Vietnam Human Rights Act stresses the importance of human rights in American policy towards Southeast Asia. During the last 24 hours, let us take a look at what has happened. The Vietnamese government is reopening this type of repression against the Montagnards. I fear that personal communication. I was in a Montagnard village in 1967, and I believe that my life was a lot safer with those Montagnards because they were on the side of the United States. It is up to us to try to reach out to our colleagues, and that is what we are doing today.

The Vietnamese government, the regime, the dictators in Vietnam, have sent us their message. We talk about human rights in Vietnam. They start arresting dissidents. The British Broadcasting Corporation reports that dozens of other dissidents have been called and questioned by police, called into the police departments and been given the message. These incidents indicate that the reality of what we are voting on today. They have verified themselves by their own arrogance the need for us to pass a bill concerning human rights in Vietnam.

During the past 6 years, the United States has normalized relations and extended trade subsidies through waivers in the Jackson-Vanik Act, and we have a bilateral trade agreement with Communist Vietnam. These initiatives by our government have made absolutely no impact on promoting democracy and human rights in Vietnam. To paraphrase a song I heard as a kid, when we will ever learn. Trying to cozy up and ignore the pitfalls and the bad parts of a dictatorial regime, trying to ignore the violence and the crimes of gangsters will not make this a better world.

Right now the Hanoi regime is proving that they are as stubborn and as brutal as ever in their campaign against Buddhists, Catholics, and others. They are proving their very nature by continuing these attacks on anyone who believes in religion in Vietnam who has not succumbed to the temptation of simply trying to register their church and run their church affairs in the way that the government would have them run.

Finally, we know now of a brutal suppression of the Montagnard hill tribes people. These people fought valiantly alongside Americans during the war and since then have faced brutal repression; and now that the war is long over when these chapters should be closed, the Vietnamese Communist Government is reopening this type of repression against the Montagnards. I fear that personal communication. I was in a Montagnard village in 1967, and I believe that my life was a lot safer with those Montagnards because they were on the side of the United States. It is up to us to try to reach out to our colleagues, and that is what we are doing today.
today, but in his recent work also when he was in South Africa.

Madam Speaker, I rise today as a co-sponsor and a strong supporter of H.R. 2833, which promotes the development of freedom and democracy in Vietnam. While the United States should move toward promoting economic relations with Vietnam, we must first address the current human rights violations, religious persecution, and the social injustice that is faced by so many in that country.

In her support for the economic revitalization of Vietnam, we cannot ignore these basic human rights. We cannot ignore that they go unresolved in that country. Although diplomatic and trade relations between the United States and Vietnam have improved in recent years, very little headway has been made with respect to the rights of people in that country.

Madam Speaker, I have the privilege of representing the largest Vietnamese community outside of the country of Vietnam. They are the parents, siblings, and children of families who fought communism for 2 decades. The majority of the people that I represent feel that the economic relations with Vietnam should not be established until specific immigration, political, and human rights are addressed; and in this debate, I am their voice.

On their behalf, I support H.R. 2833, which links bilateral, non-humanitarian assistance to the country of Vietnam. They are the parents, siblings, children of families who fought communism for 2 decades. The majority of the people that I represent feel that the economic relations with Vietnam should not be established until specific immigration, political, and human rights are addressed; and in this debate, I am their voice.

When we held a human rights hearing recently on Vietnam with my other colleagues, we reviewed the United States State Department records, and they reported that the Vietnamese Government has made some change, but their human rights record remains poor.

Moreover, human rights groups report that over the past year the Vietnamese Government, in order to avoid international criticism, has cracked down on political and religious dissidents by isolating and intimidating them, practices as house arrest and constant surveillance rather than imprisoning them.

In fact, I myself saw some of this while I was in Vietnam this past year. I was surprised by how quickly I was ability to stop this religious persecution.

The Patriarch of the Unified Buddhist Church, Thich Huyen Quang, has been detained for 21 years, 21 years, in a ruined temple, and Thich Quang Do has recently been put under house arrest once again simply because he wanted to get his colleague to Saigon for medical treatment.

Contrary to the pretense of the Vietnamese Government that it has no political or religious prisoners, many Vietnamese continue to languish in prisons because of their beliefs. All they simply do is say they broke the law. Well, the law is to allow for the right to assemble, if the law would be the right to free speech, if the law would be the right to religious freedom, if it was a right to own the press or speak up in the press, then the laws of that country would be correct, but currently all of that is deprived these people in Vietnam.

Madam Speaker, today I will support H.R. 2833 because I believe we must keep the pressure on the Government of Vietnam to improve its record on religious and human rights.

It is the United States' responsibility, the world's beacon of democracy, to make certain that the Vietnamese Government makes sufficient progress with the human rights of their own people before we give them concessions with respect to trade normalization.

I urge my colleagues to join me in keeping the spotlight on the Government of Vietnam so that it may improve its political and human rights record.

Vote yes to end that religious persecution. Vote yes to promote free speech and democracy. Vote yes on H.R. 2833.

Mr. SMITH. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa of the Committee on International Relations.

Mr. ROYCE. Madam Speaker, I rise in strong support of the Viet Nam Human Rights Act.

Last year I led a delegation to Vietnam to survey the political, social and economic situation there in the country. And I paid a visit to the Venerable Thich Quang Do, who was imprisoned there under house arrest. He is the leader of the banned Unified Buddhist Church of Vietnam. Because of his years of peaceful protest in support of religious and political freedom, he has suffered constant harassment, constant imprisonment; and even though he was under house arrest that is what I am going to talk about today.

Because of my private visits with this brave dissident and Le Quang Liem, another courageous fighter for freedom, I came to the conclusion that we needed frankly to speak out. What was surprising was how quickly I was denounced by the government, by the Communist government of Vietnam. That told me something. That told me that the Vietnamese Government that is sensitive to international criticism.

And I think this obliges the United States to speak out constantly against Vietnam's human rights violations. We may not always realize it, but protests today is a good one. The legions of the American people do help the cause of freedom in Vietnam and elsewhere. Silence I think for us, Madam Speaker, is not an option.

However, I am afraid that we as a Nation have been tardy when it comes to challenging human rights abuses in Vietnam. Our last ambassador to Vietnam even went so far as to say, "I don't hear anyone reporting problems here. Vietnam by any standard has been a success story that he said. By no standard is Vietnam a success. Just ask those who were forced to flee their country. Just ask those who want freedom of speech. Just ask, as I did, Thich Quang Do or Le Quang Liem.

Today is our chance to correct the mistakes of the previous administration and to act against human rights abuses in Vietnam. The bill before us is a good one. The legislation links human rights as a condition to non-humanitarian aid to Vietnam, it authorizes assistance to democratic forces in Vietnam, and it provides additional funding of Radio Free Asia to overcome jamming efforts by the Communist government of Vietnam.

I am particularly supportive of the Radio Free Asia provisions in this act, because it should now be more able to bring objective news, the truth, to the Vietnamese people. The spread of democratic values in Asia is critical to U.S. security interests. Radio Free Asia is a step in the right direction. The Vietnamese service airs important programs on issues like democracy and political freedoms, and it tells the Vietnamese people what the world is saying, what this Congress is saying, about their repressive government. It gives critical moral support to Thich Quang Do and Le Quang Liem. We know that these broadcasts are effective. Why do we know that? Because the Vietnamese Government spends so much time trying to block them. With this bill, that will be a harder task.

I urge its passage.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to the gentleman from Missouri (Mr. CLAY).
Mr. CLAY. Madam Speaker, let me thank the distinguished gentleman from California for yielding the time.

Today, as we consider improving our relations with the country of Vietnam, we must not overlook our longstanding commitment to human rights in our global relationships. In recent months, the Government of Vietnam has significantly increased its suppression of religious and personal freedoms within its borders. The regime has imprisoned scores of religious leaders, mostly Christians, who have courageously spoken out against their government’s repressive actions, and it has caused hundreds more to flee into Cambodia to avoid imprisonment. Still other Vietnamese religious leaders are currently under government-ordered house arrest, effectively cutting off contact with their parishioners and congregations.

In addition to its actions against free expression and religious activities, the Vietnam Human Rights Act has also confiscated church properties, where in some cases they have turned church sanctuaries into state-run nightclubs.

In light of these continued crackdowns on religion, dissidents and minorities, Congress must make it clear to the Vietnamese Government that in order for the U.S. and Vietnam to have a closer relationship, they must do more to improve their human rights record.

The Viet Nam Human Rights Act, H.R. 2833, seeks to establish such human rights safeguards. H.R. 2833 would prohibit any increase in nonhumanitarian assistance to the Vietnamese Government unless there is clear progress on human rights on their part. It would also authorize $2 million to help promote human rights and democratic change within Vietnam and support additional Vietnamese refugee resettlement.

I urge my colleagues to support H.R. 2833.

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that the gentleman for yielding me time.

The SPEAKER pro tempore (Mrs. Biggert). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, who has been a forceful advocate for human rights worldwide, including Vietnam, and is one of the cosponsors of this legislation.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Madam Speaker, I thank the gentleman for yielding me time.

I strongly support H.R. 2833, the Viet Nam Human Rights Act. I want to congratulate the gentleman from New Jersey (Mr. SMITH), the vice chairman of the House Committee on International Relations, and other cosponsors of this comprehensive human rights legislation.

Later this afternoon, the House will consider a resolution to approve the U.S.-Vietnam Bilateral Trade Agreement. We are all hopeful that free trade will improve the lives of the Vietnamese people. But, it will eventually create irresistible domestic pressure for human rights and democracy in Vietnam. In the meantime, however, the Vietnamese Government remains one of the most repressive regimes on Earth. Religious persecution, especially of Buddhists and of Evangelical Protestants, has taken a turn for the worse during the last year. Since February, the government has engaged in a brutal crackdown against its members of the Montagnard ethnic minority groups who participated in peaceful demonstrations seeking the return of their traditional lands.

I think it is important, therefore, that in expanding trade relations we avoid sending a message of approval or complacency about Hanoi’s human rights record.

This bill makes clear that progress towards freedom and democracy will continue to be a central theme of U.S. foreign policy toward Vietnam. It uses forms of leverage other than trade sanctions to promote this objective, such as conditions on nonhumanitarian foreign assistance, guarantees that U.S. educational and cultural exchange programs will be open to people who share our values, and serious efforts to overcome the jamming of Radio Free Asia.

I urge a unanimous vote in favor of this important human rights legislation.

Mr. LANTOS. Madam Speaker, I am delighted to yield such time as she may consume to my good friend and colleague, the gentilewoman from Texas (Ms. JACKSON-LEE), who has been an eloquent champion of human rights across the globe.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks, and include extraneous material.)

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Mr. HYDE. Madam Speaker, I thank the distinguished gentleman from California for his leadership and the gentleman from New Jersey (Mr. SMITH) for his leadership on this legislation.

Clearly, I believe it is important that those of us who may go in the face of adversity on issues that may provide a certain degree of contention and tension, that we continue to be united around the question of human rights and the right kind of human rights.

Let me also thank my friends and colleagues from New Jersey (Mr. SMITH). The gentleman helped me out. Although my constituent is still incarcerated in Vietnam, we spoke a couple of months ago about the gentleman who simply walked across the border because he had a sense of concern. A Vietnamese citizen out of Houston walked across the border in Vietnam trying to express the desire for political freedom. I commend the gentleman for assisting his family, though we know that he is still incarcerated and his family, of course, is suffering greatly in our community.

I come here today because I support H.R. 2833 because it is important for America to know that Vietnam is our friend. The Vietnamese stood alongside of us in the Vietnam War, and those same Vietnamese are now here in our country. They are our friends and neighbors. They have simply asked us to allow the freedom that they experience in this country to be the same kind of freedom that their friends and relatives could achieve in Vietnam.

We are friends of Vietnam. There are many of us who lost our relatives and friends in that country. But now, today, this legislation is needed, because it simply ties to the funding process a very strong statement: no increase in appropriations from the United States of America unless you address the human rights abuse.

What do I mean by that? The incarceration of a Catholic priest, who simply wanted to include testimony in the U.S. Commission’s hearing on International Religious Freedom, and the incarceration of the cofounder of the Inter-Religious Council, a leader of the banned Buddhist church, incarcerated; since 1992, the detaining of the Patriarch 62 year old Mr. Nguyen of the Unified Buddhist Church. These people are ailing. They are seeking justice, and they are seeking freedom.

Mr. SMITH of New Jersey. Madam Speaker, these individuals are simply an example of those who we have lost contact with, who because of their particular religion were forced, to practice their religion without intimidation, have been lost in the prison system of the Vietnamese Government, the present Vietnamese Government.

So I would simply say that the United States has its responsibility to ensure that the message of freedom, the opportunity of equality, most importantly, human rights and religious freedom, is promoted to our friends. And the Vietnamese community here exhibited for us an example of how we stand with them in supporting H.R. 2833, thanking the gentleman from California (Mr. LANTOS) for his leadership and the gentleman from New Jersey (Mr. SMITH).

I am hoping and praying that my neighbor, who is still incarcerated, leaving his family in financial destitution, can raise his head again in dignity and come back home. But if I do not stand for him on the floor of this Congress, then I would not be truly a friend and ally. In this Congress, we do a disservice to those who lost their lives and stood alongside of us as brothers as we
I have closely followed the persecution of religious leaders, including the Vietnamese government’s restriction on church activities. I have commended and supported the work of courageous individuals such as Catholic priest Father Nguyen Van Ly, a champion for religious freedom in Vietnam. For example, Father Ly’s parish bravely planted a large banner with the words “We Need Freedom or Religion” on the church property. It should not have to be an act of bravery to stand up for religious freedom. It should be an assured right. Father Ly also submitted written testimony before the U.S. Commission on International Religious Freedom and joined with other religious leaders in Vietnam to organize an inter-religious Council to campaign peacefully for religious rights. In May, Vietnamese authorities arrested Father Ly. I have also received dozens of letters from Vietnamese constituents expressing their own profound concern over the persecution of Father Ly and of religious leaders from the Bhudhist Church. I must conclude that these concerns of my constituents are representative of those who are in danger across the nation. More importantly, it is our role as leaders of the free world to promote the core values of our human rights.

Mr. SMITH of New Jersey. Madam Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BALLenger).

Mr. BALLenger. Madam Speaker, I thank the gentleman for yielding me time, and also the gentleman from California (Mr. LANTOS) for coming up with this bill.

Madam Speaker, I am fortunate to have many Montagnard tribesmen living in my district, so it is a pleasure today to be able to speak out in favor of this bill, H.R. 2833.

Today, we have an opportunity to send a clear message to Hanoi that human rights abuses will not be forgotten with the passage of a resolution to codify the trade agreement recently negotiated between the U.S. and Vietnam. Since 1975, the Vietnamese human rights system has been poor, with very few real improvements. Government crackdowns on religious groups and political dissidents continue today. In a 1999 State Department report, it said, “In areas populated by ethnic minorities, authorities allow little discretion in practicing their faith.”

One particular group that bears heavy-handed Hanoi treatment are the Montagnard people of the Central Highlands. Since 1975, the Montagnards have been singled out, in part for their past assistance to the United States, their strong commitment to the Christian religion, and a traditional way of life.

In February of 2001, several thousand Montagnard protestors gathered for a series of peaceful demonstrations throughout the Central Highlands. These peaceful demonstrations were forcibly stopped by the Vietnamese military, using helicopter gunships and tanks. In addition, refugees that did escape to Cambodia are being sought now by Hanoi for their return and, in some cases, bounties are offered by the Vietnamese Government to ensure their return.

With these events occurring on a daily basis, it is imperative that the international community know that the United States remains committed to improving the human rights situation in Vietnam. The bill we are debating now, H.R. 2833, the Viet Nam Human Rights Act, is a positive step forward in that direction.

I urge my colleagues to support this bill. By passing this resolution, we will reaffirm our resolve to help the Montagnards, along with other ethnic minorities in the same position. The Montagnards fought hard alongside members of the U.S. Army Special Forces in the war in the North. Do not give up the fight for them now. I urge all my fellow Congressmen to vote yes on H.R. 2833.

Mr. SMITH of New Jersey. Madam Speaker, I yield 5 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairwoman of the Subcommittee on International Operations and Human Rights who has been a very potent and strong force on human rights matters, but also on behalf of the Vietnamese.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, on behalf of the people of Vietnam who clamor for democracy and the right to live free of oppression, on behalf of all the faithful and religious leaders who have been imprisoned, tortured and subjected to the most barbaric persecution simply for exercising their universal rights, as a refugee from another Communist regime, and as chairman of the Subcommittee on International Operations and Human Rights, I rise in strong support of the Viet Nam Human Rights Act.

The Vietnamese regime continues to systematically violate the human rights, the civil liberties and the religious freedoms of its people. March 1st of this year, the Vietnamese authorities prevented the Hoa Hao Buddhist believers from participating in a mass pilgrimage to their sacred ground. Key leaders were arrested or their homes surrounded by police. Devotees were threatened or detained on their way to visit the holy site. Those who were finally able to reach the Hoa Hao village were met by police and security officials.

The extent of the human rights violations and religious persecution is so acute that on Tuesday of this week Amnesty International reported that a Buddhist monk killed himself as a form of protest for the heinous practice. After the Vietnamese authorities interrogate, they were released with warnings from security police to stop their activities.
FROM FLORIDA (MRS. ROS-LEHTINEN) FOR Speaker, I thank the gentlewoman New Jersey.

YIELD 2 MINUTES TO THE GENTLEMAN FROM Speaker, I yield myself the balance of 

I CONGRATULATE THE GENTLEMAN FROM NEW YOUR AMENDMENTS TO THE VIETNAM HUMAN RIGHTS ACT OF 2001. THE AMERICAN LEGION FULLY SUPPORTS THIS IMPORTANT LEGISLATION WHICH SEeks TO PROMOTE FREEDOM OF RELIGIOUS CONSCIENCE; AND STOP THE REPRESSION OF ETHNIC MINORITIES, ESPECIALLY THE MONTAGNARDS OF THE CENTRAL HIGHLANDS; AND STRONG PRESSURE TO MAKE A FINDING AS TO WHETHER OR NOT WAIVING A PROVISION, A SANCTION, IF YOU WILL, IS IN THE NATIONAL INTEREST.

THE VNM HUMAN RIGHTS ACT IS AN INTEGRAL COMPONENT OF SUCH A STRATEGY, USING NONHUMANITARIAN ASSISTANCE, DEMOCRACY PROGRAMS AND U.S. GOVERNMENT MINISTRIES AND AID AGENTS TO SUPPORT THE VIETNAMESE PEOPLE IN THEIR STRUGGLE TO EXERT THEIR RIGHTS AS HUMAN BEINGS AND AS CITIZENS. IT SENDS A SIGNAL TO THE VIETNAMESE AUTHORITIES THAT THE U.S. CONGRESS IS KEEPING A WATCHFUL EYE.

AS THE WIFE OF A PROUD VIETNAM VETERAN, I ASK MY COLLEAGUES TO SUPPORT THIS IMPORTANT PIECE OF LEGISLATION, AND I CONGRATULATE THE GENTLEMAN FROM NEW JERSEY (CHAIRMAN SMITH) FOR ONCE AGAIN BEING THE FORCEFUL LEADER THAT HE IS ON THE ISSUE OF INTERNATIONAL HUMAN RIGHTS.

MR. SMITH OF NEW JERSEY, MADAM SPEAKER, I YIELD MYSELF THE BALANCE OF MY TIME.

MR. LANTOS, MADAM SPEAKER, I YIELD 2 MINUTES TO THE GENTLEMAN FROM NEW JERSEY.

MR. SMITH OF NEW JERSEY, MADAM SPEAKER, I YIELD MYSELF THE BALANCE OF MY TIME.

MR. LANTOS, MADAM SPEAKER, I YIELD 2 MINUTES TO THE GENTLEMAN FROM VIRGINIA (MR. WOLF).
and the gentleman from California (Mr. LANTOS), to vote for passage of this very important legislation. I want to applaud the gentleman from New Jersey, my good friend, for his hard work and devotion and dedication in bringing this legislation to the floor. And the gentleman from California (Mr. LANTOS) for his efforts on not only this, but on frankly all of the major important human rights issues that we have had before the Congress. I also applaud the bipartisan group of colleagues who have cosponsored this piece of legislation.

I would say to the government, is it too much to ask that the government of Vietnam be required to make “substantial progress” toward the releasing of political prisoners, ending religious persecution, increasing respect for the rights of ethnic minorities, and eliminating their participation in the trafficking of human beings before they receive any further increases in government-to-government, nonhumanitarian assistance from the United States? These steps should be at a minimum, the minimum actions taken by any Nation who is serious about establishing normal relations with the United States.

Madam Speaker, H.R. 2833 requires that the President of the United States certify that the government of Vietnam make substantial improvements in the area of human rights. Those of us who have been listening and have listened to the heartbreaking testimonies of witness after witness who have endured the persecution from Hanoi policies know that these substantial improvements are long overdue. Witnesses attest that many groups of people in Vietnam have suffered unending persecution since the war ended in 1975, and the persecution has continued.

Regarding religious persecution, no faith, no faith is untouched by Hanoi’s persecution. Normally, the House sent a letter to Vietnam to open a dialogue on the persecution of religious leaders in Vietnam. Christians in Vietnam have suffered immeasurably simply trying to worship their God. It should be clear that imprisonment, torture, and killing of innocent citizens, based on their religious beliefs by any country, will always stand in the way of normal relations with the United States. There we met with political prisoners who had been abused, who had been tortured, and that meeting and the subsequent representation that he and I and others made—but he led the way on that—helped to secure the freedom of those individuals.

We did the same thing in China and in other places in Asia. He has been all over Africa. When he speaks—and he and the gentleman from California (Mr. LANTOS) speak with enormous amounts of credibility—on humanitarianism and respect for human rights and respect for life, the gentleman from Virginia (Mr. WOLF), I think, takes a second to no one.

I do hope Members are listening—and K Street and some of the lobbyists, and the government itself, which through its embassy has announced this Congress not to support this legislation. Why? I went to their Web site. Madam Speaker, just the other day and looked and they had a statement—about how democracy is respected, it is constitutionally protected. Then what do they have to worry about? This simply says there has to be “substantial progress” in that area; we are not even saying achievement. We are saying progress; move in the right direction. I would hope that Members would find it in their hearts to vote for this and say, we are going to give away the store and have free trade with the hope and expectation that will lead to a liberalization of human rights. I do believe that is naive, but if this is our belief, I do not know how we cannot support this legislation. This is waivable. It provides the President, who we hope will make an honest determination, to decide whether a waiver is in the best interests of the tenets that are contained within this legislation.

Madam Speaker, we want to see real progress. We are tired of words. We want deeds by the government of Vietnam. We are not only talking about the Montagnard people. They are beating people. They are killing people. That is not hyperbole, that is the truth on the ground. There are religious believers such as the Unified Buddhist Church, as we mentioned earlier, and others have mentioned it. They have suffered immeasurably simply because of their faith. Again, the gentleman from Virginia was the prime sponsor of the International Religious Freedom Act, legislation that the previous administration did not want and they opposed. I hope legislation does not follow that course as well. Embrace human rights. Be real, transparent, up front.
Again, I want to thank the gentleman from Virginia (Mr. Wolf) for his very, very strong advocacy. He is a champion and someone for whom I have a tremendous amount of respect. I hope my colleagues hear these words and will support this legislation.

Mr. LANTOS. Madam Speaker, I yield myself the remaining time.

I want to thank all of my colleagues for their eloquent statements. Earlier this year, under the leadership of the gentleman from Missouri (Mr. Gephardt), the Democratic leader in the House, a number of us went to Vietnam to see on the ground the development of that country that has suffered so much during the long and painful war. We feel for the Vietnamese people. They are an enormously talented and hardworking, committed people to leading better lives. But we have to stand with them, not just in terms of their economic aspirations, but in terms of their aspirations along individual and human rights, rights of religious freedom, political freedom, press freedom, none of which they enjoy at the moment. This legislation attempts to address those issues.

As we open up our relations with Vietnam, politically and economically, it is critical that this body speak out loud and clear on the issue of human rights in Vietnam. I again want to pay tribute to the gentleman from New Jersey (Mr. Smith), my friend and colleague, who has led us on this issue, and I call on all of my colleagues to vote with this legislation.

Mr. HYDE. Madam Speaker, I submit two letters relating to the consideration of H.R. 2833, the “Viet Nam Human Rights Act.”

DEAR MR. SPEAKER: I am writing to you concerning the bill H.R. 2833, the Viet Nam Human Rights Act. This legislation contains provisions relating to international financial institutions and multilateral banking organizations which fall within the Committee’s jurisdiction over the provisions which may be the subject of a sequential referral of the bill to your committee. From this date, I understand that you are willing to waive the right to a sequential referral which will permit this committee to move expeditiously to the floor.

I understand that this waiver in no way affects your subject matter jurisdiction, and I will support appointment of conferees from your committee on these or other related matters within your jurisdiction.

I appreciate your assistance in this matter.

Sincerely,

HENRY J. HYDE.

Chairman.

HOUSE OF REPRESENTATIVES.

COMMITTEE ON INTERNATIONAL RELATIONS.


Hon. F. JAMES SENSIBRENNER, Jr.,
Chairman, House on the Judiciary, House of Representatives, Washington, DC.

DEAR JIM: I am writing to you concerning the bill H.R. 2833, the Viet Nam Human Rights Act. This legislation contains legislative language which may be the subject of a sequential referral of the bill to your committee. From this date, I understand that you are willing to waive the right to a sequential referral which will permit this committee to move expeditiously to the floor.

I understand that this waiver in no way affects your subject matter jurisdiction, and I will support appointment of conferees from your committee on these or other related matters within your jurisdiction.

I appreciate your assistance in this matter.

Sincerely,

HENRY J. HYDE.

Chairman.

HOUSE OF REPRESENTATIVES.

COMMITTEE ON FINANCIAL SERVICES.


Hon. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing with regard to H.R. 2833, the Viet Nam Human Rights Act, which is scheduled to be considered by the House today. This bill is similar to H.R. 2368 which was reported by the Committee on International Relations yesterday and additionally referred to the Committee on Financial Services. As you are aware, both bills contain provisions relating to international financial institutions and multilateral organizations which fall within the jurisdiction of the Committee on Financial Services pursuant to clause 1(g) of rule X of the Rules of the House of Representatives.

As a result of the continuing consultation between the Committees on Financial Services and International Relations, H.R. 2833 contains language responsive to the concerns raised by Members of both Committees. Therefore, I have no objection to allowing the Committee on Financial Services to be discharge from further consideration of both H.R. 2833 and H.R. 2368. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over either measure. In addition, the Committee on Financial Services reserves its authority to seek conferences on any provisions of H.R. 2833 that are within the Financial Services Committee’s jurisdiction during any House-Senate conference that may be convened on this or related legislation.

Thank you for your assistance in this matter.

Sincerely,

F. JAMES SENSIBRENNER, JR.,
Chairman.

Mr. OXLEY. Madam Speaker, I rise today in strong support of H.R. 2833, the Viet Nam Human Rights Act. This legislation is an important component of our Viet Nam trade policy.

This bill was additionally referred to the Committee on Financial Services, which I chair, because it contains provisions relating to international financial institutions and multilateral banking organizations. I am including for the record a letter to the Speaker memorializing the cooperation between my committee and the Committee on International Relations in reaching this important compromise.

I want to thank the Chairman of the Subcommittee on International Monetary Policy and Trade, the gentleman from Nebraska (Mr. Bereuter) for his hard work, and Chairman Hyde and Chairman Smith for their willingness to engage the Committee on Financial Services on matters within its jurisdiction. Madam Speaker, I urge all of my colleagues to support this important measure.

As you know, the Committee on the Judiciary has a jurisdictional interest in this legislation, and I appreciate your acknowledgment of that jurisdictional interest. While the bill would be sequentially referred to the Judiciary Committee, I understand the desire to have this legislation considered expeditiously. My intention do not hold a hearing or markup on this legislation.

In agreeing to waive consideration by our Committee, I would expect you to agree that this procedural route should not be construed to prejudice the Committee on the Judiciary’s jurisdictional prerogatives on this or any similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee on the Judiciary takes this action with the understanding that the Committee’s jurisdiction over the provisions within the Committee’s jurisdiction is in no way diminished or altered, and that the Committee’s right to the appointment of conferees during any conference on the bill is preserved. I would also expect your support in my request to the Speaker for the appointment of conferees from my Committee with respect to the jurisdiction of my Committee should a conference with the Senate be convened on this or similar legislation.

Again, thank you for your cooperation on this important matter. I would appreciate your including this letter in the Congressional Record during today’s debate of H.R. 2833.

Sincerely,

Chairman.

Mr. GILMAN. Madam Speaker, I want to commend Chairman Smith for crafting this important bill. I also wish to commend Chairman Counsel Joseph Rees for his excellent work in helping to prepare this comprehensive measure.

Madam Speaker, the Vietnam Human Rights Act is a landmark initiative that sets out clear goals and direction for our Nation’s policy towards Vietnam. It is an example of the sort of policy the State Department should be doing with other repressive governments.

Unfortunately, in the past few years, our government delimited trade restrictions to human rights in Vietnam. This action was shortsighted and an insult to the memory of these American and Vietnamese men and Woman who died during the war attempting to bring about positive change. Their sacrifice to promote democratic governments in the region must not be forgotten.

The Vietnam Human Rights Act will ensure that the State Department puts our Nation’s best foot forward. Accordingly, I strongly urge my colleagues to support it.

Mr. LANTOS. Madam Speaker. I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. Biggert). All time for debate has expired. Pursuant to the order of the House, Wednesday, September 5, 2001, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. SMITH of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 1, not voting 19, as follows:

[Roll No. 335]

YEAS—410

Abercrombie,  Allen,  Andrews,  Baldacci,  Baker,  Barrett,  Biggert,  Baca,  Baldwin,  Barcia,  Baird,  Barret,  Bartlett

Aderholt,  Ackerman,  Allen,  Baldwin,  Baca,  Baldwin,  Barcia,  Baird,  Baker,  Barrett,  Bartlett
H. J. Res. 51

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 51 is as follows:

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Mr. PICKERING. Madam Speaker, I ask unanimous consent that my name be removed.

Mr. DAVIS of Oklahoma. Madam Speaker, I was unavoidably detained. Had I been present, I would have voted no.

Mr. HAYES. Madam Speaker, I was unable to be present for roll call 335 due to recovery from hip surgery. Had I been present, I would have voted "yea" on roll call 335.

Mr. THOMAS. Madam Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 51) approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, and ask for its immediate consideration.

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Mr. PICKERING. Madam Speaker, I ask unanimous consent that my name be removed.

Mr. DAVIS of Oklahoma. Madam Speaker, I was unavoidably detained. Had I been present, I would have voted no.
It is a trade agreement that will allow us to continue to improve the relations between one of the fastest growing countries, both in terms of population and in terms of economy, in Southeast Asia.

Madam Speaker, I would place in the Record a Statement of Administration Policy with regard to H.J. Res. 51.

This statement says, “The administration supports H.J. Res. 51 which would extend for 10 years, as a discriminatory, i.e., normal trade relations, treatment for products of Vietnam.”

The closing of the paragraph says that “the Bilateral Trade Agreement’s entry into force completes a normalization process that has spanned four administrations. Completion of this process will facilitate important bilateral engagement on other issues of concern.


STATEMENT OF ADMINISTRATION POLICY (This statement has been coordinated by OMB with the concerned agencies)

H.J. Res. 51—Extending the Approval of Normal Trade Relations Status for Vietnam—(Rep. Armey (R) TX and 2 cosponsors)

The Administration supports H.J. Res. 51, which would approve the extension of non-discriminatory, i.e., Normal Trade Relations (NTR), treatment for the products of Vietnam.

The Administration has continued to work with Vietnam to incrementally normalize our bilateral political, economic, and consular relationship. U.S. engagement helps promote the development of a prosperous Vietnam and integrates it into world markets and regional organizations, which, in turn, helps contribute to regional stability. In addition, U.S. involvement has secured Vietnamese cooperation and engagement on a range of important U.S. policy goals, including achieving the fullest possible accountabilities from the Vietnam War. U.S. engagement also gives hope of producing gains in respect for human rights as well.

The U.S. has extended a Jackson-Vanik waiver to Vietnam for the past 3 years. This waiver, which is a prerequisite for NTR trade status, has permitted U.S. businesses operating in Vietnam to make use of U.S. Government programs supporting U.S. exports to and investments in Vietnam. U.S. businesses view Vietnam the thirteenth most populous country in the world, as an important potential market.

On August 9, President Bush submitted the U.S.-Vietnam Bilateral Trade Agreement (BTA) to Congress for its approval as part of extending NTR to Vietnam. This BTA binds Vietnam to extend an array of reforms, including tariff reductions for key U.S. exports, elimination of non-tariff barriers, intellectual property rights protection, market access for American service industries, protections for American investors, and mechanisms to promote the rule of law.

The Agreement into force completes a normalization process that has spanned four Administrations. Completion of this process will facilitate important bilateral engagement on other issues of concern.

PAY-AS-YOU-GO SCORING

Any law that would reduce receipts is subject to the pay-as-you-go requirements of the Balanced Budget and Emergency Deficit Control Act. Accordingly, H.J. Res. 51, which would reduce revenues, will be subject to the pay-as-you-go requirement. The Administration will work to ensure that any unintended sequester of spending does not occur under current law or the enactment of any other proposals that meet the President’s debt reduction fund priority initiatives, and grant tax relief to all income tax paying Americans.

Mr. THOMAS. Madam Speaker, the U.S.-Vietnam Bilateral Trade Agreement marks a milestone in the strengthening of our bilateral relations. This is a sensible and necessary step. Vietnam has emerged as one of Southeast Asia’s more promising economies, and it has the potential to be a strong trading partner for America.

Continued engagement with Vietnam must lie at the core of our relationship. It has already produced concrete results in terms of the achievement of U.S. policy objectives, such as the fullest possible accounting of U.S. servicemen missing in action and resolution of remaining emigration cases.

This trade agreement—the product of many years of bipartisan effort—will allow this engagement to continue, offering us the opportunity to promote significant change in Vietnam’s trade and economic policies, enhancing both internal reform and regional stability. It commits Vietnam to the core principles of a market economy: open goods and services markets, expanded rule of law, and broader economic freedoms.

You get off the plane in Vietnam and sense immediately the profound changes that have occurred. It was a nation on the brink of collapse. It has already brought Vietnam moves at a vibrant pace. Its streets teem with new enterprises alongside the old. Young entrepreneurs sell modern electronic goods beside ancient shopkeepers and purveyors of hand-painted bowls. Joint ventures create modern factories where remote rice paddies once lay.

But Vietnam is a work in progress. Its commitment to reform has been tested by two years of slow economic growth following an extended period of strong improvement. The economy is now recovering, but that recovery remains fragile.

The country leapt toward a market economy in the last 1980s, and its GDP doubled in the last 20 years.

Most of all, continued engagement maximizes U.S. influence over the pace and direction of Vietnam’s reforms, allowing our voice to be heard as Vietnam determines its future. And a strong Vietnam matters to America. It matters because history has proved that we pay a heavy price for instability in Southeast Asia.

I urge you to vote yes for H.R. 51.

Madam Speaker, I reserve the balance of my time.

Mr. MCNULTY. Madam Speaker, I am unanimously confident that half of my time be yielded to the gentleman from California (Mr. ROHRABACHER) and that he be permitted to allocate that time as he sees fit, and that, further, I be permitted to yield the time that I have remaining.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCNULTY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to H.J. Res. 51, a resolution approving the U.S.-Viet Nam Bilateral Trade Agreement. As my colleagues know, this debate is about nothing much more important. As I said last year, I do not oppose the eventual normalization of relations with Vietnam, but I do oppose declaring business as usual when the remains of American service personnel are still unidentified. According to the Department of Defense Prisoner of War Missing Personnel Office, we are receiving newly discovered remains on a fairly frequent basis.

In the most recent joint field activity accounting which concluded on August 7, 2001, just 4 weeks ago, Madam Speaker, the remains of five more American military personnel were identified. They will be formally repatriated in the next few weeks. Two of the identities are unilateral meaning the Vietnamese simply handed over the remains. In my opinion, this indicates that the Vietnamese government has more information about our missing personnel.

My question, Madam Speaker, is this: Can we just wait until this process is completed?

I have stated before on this floor, Madam Speaker, the story of my family as it relates to Vietnam. On August 9 of 1969, my brother, Bill, HM-3 William F. McNulty, was killed in Vietnam. He was a Navy medical corpsman transferred to the Marines. He spent his time patching up his buddies, and
one day he stepped on a land mine and lost his life. That was a tremendous loss to the members of our family. I can tell my colleagues from personal experience that while the pain may subside, it never goes away.

There is a difference between what the McNulty family went through and what an MIA family goes through because Bill’s body was returned. We had a wake and a funeral and a burial. What we had, Madam Speaker, was some closure. I can only imagine what the family of those Official Pentagon POWs and MIA families have gone through over these past several decades.

Madam Speaker, until there is a more complete accounting for those missing in action, I will propose that my colleagues vote against NTR for Vietnam.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

My colleagues and I clearly our relationships with Vietnam represents a major challenge. There is the troubled past, and the gentleman from New York (Mr. McNULTY) has once again reminded all of us here in the Nation of that past. The present reality is, as the chairman has, we are dealing with a large nation of over 80 million people. As some progress was made in 1994 regarding POW/MIA’s, the embargo was lifted. In 1995 diplomatic relationships were established. At that time, there was the beginning of negotiations for a bilateral trade agreement. These negotiations went on for several years. They were finalized within a few years, by 1997.

As the gentleman from California (Mr. THOMAS) indicated, this agreement has some very major ingredients, and I think basically positive ingredients in terms of our national interest: market access for industrial and agricultural goods; protection of intellectual property rights; market access for industrial and agricultural goods; and increased foreign investment in Vietnam. This agreement is the logical consequence of the trade agreements passed by Congress to date.

So here we are today considering normal trade relations as a result of this trade agreement. We have waived Jackson-Vanik several times now, and that allowed an agreement to provide certain economic support for our businesses.

Madam Speaker, I support this agreement, realizing and pointing out its shortcomings. One of those relates to the failure to address labor market issues. Several years ago, a number of us urged our Ambassador in our administration to address these issues. As we review the chronology that was sent to us by the former Ambassador Peeterson, it is clear that the embassy and the administration attempted to move the ball in terms of labor market issues. And I will not relate the entire history of it, but it included involvement by the AFL-CIO. Of course teams from the AFL-CIO under OPIC auspices, to discuss worker-rights issues within Vietnam.

We urged that the administration and the Ambassador go further, and I think basically positive ingredients to strengthening adherence to core labor standards. And the question remains as Vietnam goes further, what efforts will be made not only to free up their capital markets but also to free up their labor markets.

In July of this year, a letter was sent by the gentleman from New York (Mr. RANGEL) and Senator Baucus, Chairman of the Senate Committee on Finance, and myself to the Ambassador urging the following: Since the signing of the BTA was signed last year, we have been working to ensure that as we move forward in strengthening the U.S.-Vietnam economic relationship, we also move forward in advancing the issue of labor in Vietnam. Vietnam has taken some steps in that regard, including by signing a Memorandum of Understanding on labor issues with the United States last November. However, more should be done.

“To that end, we urge the administration to include a positive incentives labor provision in the eventual U.S.-Vietnam bilateral textile and apparel agreement. This approach would provide incentives in return to take additional concrete measures to strengthen adherence to core labor rights and would reward Vietnam with tangible, commercial benefits as it continues to strengthen labor standards.

“We encourage the administration to make clear its intent to pursue a labor provision in the textile and apparel agreement as the BTA resolution moves through the Congress. We know that a number of Members of Congress share our belief that addressing these concerns will strengthen the bipartisan support necessary for prompt congressional approval of the BTA, and will represent a positive action on trade legislation.”

The response we received some weeks ago from Mr. Zoellick on behalf of the administration was disappointing, essentially noncommittal, so I want to say just a few things rather quickly about the labor provision.

Number one, there is no use of calling it a social issue. It is an economic issue. It is part of the trade equation. I refer to a letter that was sent by Senator LOTT and a number of other Senators to Mr. Zoellick on February 9, 2001. It is just one example of how labor market issues remain so important and so controversial and competitive equation. I quote from this letter. “We are concerned about imports from Vietnam of an Asian-type catfish displacing U.S. farm-raised catfish in the U.S. and world market.”

“Most of the fish from Vietnam are grown in floating cages under cramped fisherman’s homes under the Mekong River Delta. Vietnam can produce these fish at a much lower cost because of cheap labor and very loose environmental regulations for ponds, therapeutics, and feed.”

The letter continues, “It is our hope that as the USTR, you will keep our concerns foremost in mind when you meet with top Vietnamese trade officials. It is essential that we take every action possible to preserve the U.S. catfish industry.”

Another example is the agreement that was negotiated with Cambodia regarding the textile and apparel industry.

I refer to an article of July 12, 2001, in the New York Times, and I urge that everybody read this article if they have any doubt about the importance of labor market issues in our relationships in our competition. This article talks about this negotiation, about the efforts by Cambodia to adopt a labor code and the BTA and the ILO. I quote, “The incentive to improve working conditions and permit unions has come from Washington where in 1998 trade negotiators were preparing to put quotas on fast-growing Cambodian garment imports. Amid pressure from American unions and public opinion, the Clinton administration pushed Cambodia to accept unprecedented conditions. If Washington decided in an annual review that its industry was not in compliance with Cambodian labor law and international standards, it would raise Cambodia’s quota by 14 percent.”

This article describes how it is an uneven picture, but I think it is basically clear that with the help of this provision in the textile agreement there has been improvement in the ability of workers in Cambodia to organize, to represent themselves, and to get a piece of the action.

So this is what I want to make clear. As we did in Cambodia, as was done in the Jordan agreement, as was done in the accord, this agreement is important that labor market issues be part and parcel of trade negotiations.

There is going to be an annual review of Vietnam and its progress; and I want everybody to know that for myself and many, many other members, we will be watching Vietnam to see, if and when there is an apparel and textile agreement, there is due consideration
of labor market issues as there was with the Cambodia agreement and in other trade agreements.

I consider it to be not a social issue alone. It is clearly an economic issue and indispensable issue. How we handle this is to have our disagreement but not whether it is relevant.

So I urge support within that statement, within these circumstances as we are in human rights through this agreement, while I also indicate that we have to be vigilant. As circumstances as we are in human rights through this agreement, while I also indicate that we have to be vigilant. As we just stated in the last debate, during the last 12 months, despite presidential waivers, the Communist regime has accelerated their actions. We have to be vigilant that as our relationship with Vietnam unfolds, it broadens in a way that makes sense in terms of Vietnam, in terms of its ability to progress; but that we, as these relationships unfold, take into account the full economic competitive picture.

Madam Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong opposition to the bilateral trade agreement with the Communist government of Vietnam.

Madam Speaker, we just had a vote in the body of 410 to 1 reconfirming that we believe that human rights in Vietnam is something of importance to the people of the United States.

I would submit that large votes like that, being followed by basically agreeing to the treaty to treat the Communist government of Vietnam the same way we treat economically democratic countries of not only that region but throughout the world, is one reason why, number one, the dictators of the world do not pay attention to us and think that we are being either frivolous or lying about our commitment to human rights.

It also is a disheartening factor for people who live under tyranny, because those who live under tyranny, their only hope for many of these people who live under tyranny is the commitment by the people of the United States of America to try to make this a better world.

These types of contradictions between human rights, but giving precisely the same trade rights and economic rights to these vicious dictatorships as we do to democracies, is very disillusioning to most of the free people of the world who struggle for democracy.

I urge my colleagues to vote no on this Vietnam bilateral trade agreement. Let us remember, as we have just stated in the last debate, during the last 12 months, despite presidential waivers, the Communist regime has actually increased its brutal repression of religious clergy, advocates of democracy and ethnic tribal minorities, many of whom were actually loyal to the United States during the war.

What does voting against this agreement really do, and what are we talking about? What will happen with this agreement? We are not talking about breaking relations or isolating Vietnam. That is not what this debate is about. This will not in any way, no matter how we vote, break our relations with Vietnam. We will not be isolating Vietnam.

People will still be free to trade. Americans can still go over there and sell their goods and services, and so it is not about whether or not we are going to have relations or isolate Vietnam. It is not about whether American companies can sell their products there, because there will be no law in the United States preventing that.

So what is this bill all about? I have repeated this on numerous occasions because we have studied this trying to find what other reason a bill like this has such momentum in Congress.

This bill is about whether or not American businessmen who want to build factories in Vietnam to exploit the near slave labor there and the lack of labor rights that have it in Vietnam, whether or not those American businessmen will be eligible for taxpayer subsidies or loan guarantees so that they can set up their factories over there, literally putting American workers out of work and setting up factories to exploit slave labor of this Communist tyranny in Vietnam done with American taxpayer subsidies and guaranteed loans through the Export-Import Bank and other international financial institutions that are supporting this.

This is a travesty. I do not know anybody who can really defend that policy. But, as I have presented the case, those people on the other side have refused to even acknowledge this part of the debate. And over the years, even though I have made this charge over and over again, no one seems to even comment on it, the people who are advocating from the other side. I would like to hear the proponents of this trade agreement tell me why it is a good thing for the American taxpayers, our working people, to be taxed in order to subsidize and guarantee loans to American businessmen so they can build factories over there which will produce goods that will compete with the jobs of the American people over here. I want to hear a comment on that. I would hope that my colleagues who are supporting this trade agreement will at least take that into consideration. So we ask the American taxpayers to subsidize and insure the businesses going into a Communist dictatorship.

This is bad business, for one thing, because the reason they need the government to guarantee, meaning our tax dollars, to guarantee their investments over there is that it is a risky proposition to invest in a dictatorship. And it is especially risky to invest in Vietnam. It is a risky thing, because when you do not have really the rule of law working in a country and it is a dictatorship, you end up having their property confiscated. Many American businessmen have already fled Vietnam. But they will not invest with their own money and our banks certainly will not give them a loan unless the taxpayers guarantee it.

That is bad business, and it is also contrary to American values. If we really do believe in democracy and human rights, it is contrary to our values. If we are giving more taxpayer dollars to guarantee loans so that American businessmen can do business in a foreign country, and I do not think we should even be doing it anywhere, but if we do, at the very least we should be with democratic countries. And by insuring these loans and insuring this type of an incentive for American businessmen to go use that slave labor, we are not only hurting our own people, we are hurting governments and people like who are in the Philippines.

In the Philippines they are struggling to have democratic government. They have got opposition newspapers. They have got opposition parties. They have trouble with keeping a truly democratic system because of corruption there. But there are people who want to have democratic government in the Philippines. What are we doing? Instead of encouraging our businessmen to go to the Philippines, a country that loves us, we are subsidizing our businessmen to plant factories in a Communist dictatorship. This makes no sense. No wonder why the dictators of the world do not believe us when we pass 410–1, a resolution claiming that we believe in human rights and that it is important to us.

Let me talk about one last element here, and I appreciate the gentleman from New York (Mr. McNULTY) yielding me the time that he has and the points that he made about American POWs in Vietnam. This is an important point. I have been in Vietnam numerous occasions. I took this personally upon myself.

My chief staff member here, Al Santoli, was wounded three times in Vietnam. I was not in the military, but I spent time in Vietnam during the war in 1967 doing political work there, and so I have over these last 30 years had a personal interest and have gone back many times, as has Mr. Santoli, to Vietnam.

The idea that the Communist regime in Vietnam has in good faith cooperated with us on the POW issue is a fraud. It is not true. There is no basis to it. They have exploited the POWs search since day one. Even to this day they are charging the American Government a million dollars every time we go out and try to search for some bones. What they have done is relegated our search for justice and our search for real truth about what happened to our POWs to a search for bones which they give up every now and then. The fact is that there were not even bones in captivity, alive and in captivity, in Communist hands that were never accounted for. Since that time, during
this supposed cooperation, the Government of North Vietnam has done nothing that will help us determine what happened to those 200 men.

I have repeatedly asked during this debate, during trips to Vietnam in which I spoke directly to the leaders of North Vietnam, I asked for the records of the prisons in which American POWs were held during the war. Why? Because if we get those records, we can find out exactly who was in the prison and how many people were there, how much food was bought because they had the number of prisoners and we can determine if there is a difference between the number released and the number that they were taking care of during the war. What have I been told? “Oh, those records aren’t available. They were destroyed in B-52 raids near the end of the war.”

Well, baloney. The Communist regimes throughout this world have been noted time and again for the fact that Communist regimes keep such incredible records. They keep records of everything. When they have meetings of their central committee, they keep intricate notes. They did not throw away those records. They were not burned by B-52 raids. They will not give them to us because it indicates that they kept Americans after the war. Now, why with a regime like this are we going to give our businessmen subsidies to invest over there and create jobs over there exploiting their slave labor? This is ridiculous.

I would hope that we can see an evolution in Vietnam. The people of Vietnam are wonderful people. In fact, I represent many Vietnamese in my area, Vietnamese Americans. They came to the United States and under freedom these very people have prospered. They are the very best of citizens. They love democracy. They have taken advantage of the opportunity to increase the standard of living of their lives. That could be true of all of the millions of people who live in Vietnam if they were not suffering under the yoke of tyranny. This is not the time to ignore what that government has done about the POWs. It is not time for us without any democratic reform going on in Vietnam.

We have heard about what was happening in Cambodia. In Cambodia, they have not had those same reforms in Vietnam. They have had a Cambodia. In Cambodia there are opposition parties. There are actually opposition newspapers. They have got nothing like that in Vietnam. Let us see some reform there before we bestow upon them subsidies by our taxpayers and incentives for our businessmen to go over there and create jobs over there.

I strongly urge my colleagues to vote against this bilateral trade agreement with Vietnam and to rally the human rights seriously. If the United States takes human rights seriously like we did with Ronald Reagan and the Soviet Union during the Cold War, we will be striking a blow for peace. Ronald Reagan never provided most-favored-nation status for the Soviet Union. And the Soviet Union fell apart, and we have a chance for true democratic government there today. Let us do the same thing in China, and let us do the same thing in Vietnam. Let us do the same thing with dictatorships around the world. Let us let America be a shining light of hope of liberty and justice for all.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, I rise in support of the resolution.

There has been such a long period now between our war on Vietnam and now that I think it is only appropriate to have a trade agreement which symbolizes how far our two countries have come.

It was not so long ago that President Carter and President Ford were unable to establish any kind of relationship with Vietnam, accordingly, the first Bush Administration got more positive responses to their attempts to begin a new relationship. This set the stage for President Clinton in 1994 to order the lifting the trade embargo against Vietnam. The following year the two countries established ambassadorial-level diplomatic relations. And former Congressman Peterson who had been held as a POW in Vietnam was sent as our first ambassador. I think it says a lot about the need for healing that we have the Vietnam Trade Agreement before us today. Of course, it would not have occurred if the Vietnamese had not become sensitized to our need to return American bodies to their families. And to also have yearly reports made on their progress on human rights—a subject we will discuss later today.

But it is here! A bilateral trade agreement which took almost five years to craft. When you go to a country you are confronted as an American for what took place during the war but 50% of the population were not alive at that time. This is really an old country with very young population who do not see Americans in the same light as their parents and want to establish a new relationship with us.

They are eager to open up their country to trade even though to this day there is disagreement between the economic hard-liners and those who want to really open up the Nation.

This agreement will do that. Although we do not export much to Vietnam and vice versa at this time, this is a young and vibrant nation that wants to participate in global economics.

They have a high literacy rate and the desire to open up their markets. And American industry wants to sell them lots of goods. Who would have thought that all these years later that our war with Vietnam would result in what could be a highly productive relationship. I believe it really is a new era.

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

First of all, all of us express continued regret about the loss of American lives in Vietnam and treatment that Americans received during that war. Some of those very same individuals have been and are Members of the United States Congress.

The stories that they tell are ones that truly depict a very difficult and. I do believe, however, that we can make a relatively firm statement that a no vote on this measure will not increase our ability to work with the Vietnamese for the fullest possible accounting of missing Americans.

I also want to respond briefly to my colleague from Michigan about the question of a lack of a labor agreement in this particular provision. The last administration, in November of 2000, entered into a very specific labor agreement with the Socialist Republic of Vietnam. I might underscore that they are no longer on my map as a North Vietnam and a South Vietnam. There is a Socialist Republic of Vietnam.

That agreement, which was announced on November 17, 2000, was a United States and Vietnam agreement on labor cooperation. The press release issued by the last administration stated, in the Secretary of Labor’s words, “This is a significant step in establishing labor issues as an important component of our overall relationship with Vietnam. In fact, more than $3 million in technical assistance is being provided in collaboration with the International Labor Organization to address such issues as establishing skills training and employment services, including placement services, development of unemployment insurance and pension systems, improving access to employment for workers with disabilities, eliminating child labor and child trafficking, and launching workplace education to prevent HIV and AIDS.”

So although there is no specific labor component in this particular agreement, clearly the two countries have entered into an ongoing relationship to improve the labor standards and working conditions in Vietnam.

I would respond to my friend from California to indicate that this is a bilateral trade agreement to establish the trade relationship between the Socialist Republic of Vietnam. It pertains to the tariffs that apply to Vietnamese goods coming into the United States. It does not apply to credits extended to American business people who wish to do business in Vietnam. That is a provision of the Jackson-Vanik structure, and this body voted 91 no, 324 yes on the Jackson-Vanik waiver. That was the structure that provided the credits to the Socialist Republic of Vietnam.

A no vote on this particular measure, House Joint Resolution 31, would be a vote against allowing Americans, consumers, business people, to bring Vietnamese goods into the United States.
not subject to the tariff. So if you are looking for a measure to stop the international credits going to business people doing business with Vietnam, that is under the Jackson-Vanik waiver. If you vote no on this particular measure, you are trying to make sure that American people get the benefit of a tax-free relationship with the products that are going to be imported into the United States.

Madam Speaker, I yield 4 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Subcommittee on Trade of the Committee on Ways and Means.

Ms. DUNN. Madam Speaker, I rise in support of this joint resolution to approve the United States-Vietnam Bilateral Trade Agreement. I am very happy to see that we are finally passing this important trade agreement with the third largest nation in ASEAN, which is the Association of Southeast Asian Nations, and the second most populous country in Asia.

This is an historic agreement. It will reduce tariffs and it will improve market access for United States services and for our products.

I am also very pleased with Vietnam’s commitment to adopt international standards to protect intellectual property rights. This is a very important step for Vietnam, and it will help very much in reducing piracy and in safeguarding American innovation.

For the States that I represent, Washington State, this agreement could mean more high-paying jobs. The Vietnamese Government has made a commitment to purchase four 777 airplanes. These are commercial aircraft. Their construction will be directed by people who live in the district I represent.

For our farmers in eastern Washington, lower tariffs and better transparency rules will reduce the red tape that has caused us great trouble in finding a market, and it will expand the exports of our apples, potatoes and wheat to Vietnam.

I think it is very important, as we continue this debate, to reaffirm that continuing economic engagement with Vietnam does not diminish our commitment for a full accounting of American soldiers still missing in action. I would say to the gentleman from California that engagement with Vietnam also does not diminish our commitment among the Vietnamese Government to respect basic human rights. This is important to all of us, and we will not take our eyes off the interaction between our governments.

We appreciate that much must be done before Vietnam can join the global community, but by expanding economic freedom, I think that we can foster an environment for further political reforms that can lead to greater openness and tolerance.

It seems to me that it is time we no longer view Vietnam simply as a war. We have got to begin to see the Vietnamese as a people who want to build a stronger relationship with us and who will provide enormous economic opportunity for our American producers. Continuing our policy of engagement is the best way, I believe, to help both our people and the Vietnamese people.

I ask my colleagues to support this joint resolution.

Mr. McNULTY. Madam Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Madam Speaker, I rise in opposition to H.J. Res. 51, a bill that would grant permanent normal trade relations with the communist country of Vietnam. I am especially concerned that until Vietnam stops illegally substituting an inferior species of fish for U.S. farm-raised catfish, the American consumer and the American farmer will continue to suffer.

The catfish industry in Alabama and in the southeast is a very vital industry that employs tens of thousands of workers in primarily rural economies and economic areas, and contributes hundreds of millions of dollars annually to these states’ economies. In Alabama, for example, catfish production ranked second nationally and had over $81.6 million in sales last year. Nationwide, the catfish industry accounts for over 50% of the total volume and value of all U.S. aquaculture at 600 million pounds.

Additionally, the catfish industry has contributed over $50 million to familiarize the American consumer with the superior quality of the U.S. farm-raised catfish product. As such, the substitution of fish that are not even in the same genus or species as the North American channel catfish has led to consumer confusion. These Vietnamese fish are raised in cages in rivers, the same polluted rivers that sewer and waste are dumped into. Moreover, they are fed a diet of various things including other fish, not a completely grain-fed diet like the U.S. farm-raised catfish.

Efforts to substitute the cheaper Vietnamese species of fish have failed, and many believe the improper use of the name “catfish”, has also led to unprecedented levels of imports that have displaced American catfish. In fact, Vietnamese fish imports are displacing U.S. catfish at a rate of 70 million pounds annually according to U.S. Census Bureau estimates in May. This is equivalent to an estimated 15-20% of the total U.S. farm-raised catfish market.

It also appears that Vietnam is encouraging increased production and export of these fish by recentgraing incentives and by allowing fish feeders to provide federal loans until 2005 for investment in aquaculture. Figures from the Department of Commerce indicate that imports of these fish from Vietnam have tripled from what they were this time last year, and now account for over 12% of U.S. imports. This has also led to the decreased exports of farm-raised catfish from the U.S. to other countries.

U.S. catfish farmers have spent millions of dollars and years of hard work to build a market for their product based on its guaranteed quality and safety, and now we must work to have it destroyed. Moreover, consumers deserve to know exactly what kind of food they are putting on their dinner tables.

Industry officials have met with the Administration, and with the government of Vietnam and so far have not had their problems addressed. Until the Administration and the government of Vietnam address this issue satisfactorily, I cannot support normalizing trade relations with Vietnam.

Mr. McNULTY. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Madam Speaker, I stand before you today to speak of something that I care deeply about and have been working hard to correct, irresponsible trade agreements that ignore the needs of rural communities. I am not opposed to free trade, but I am opposed to trade agreements which further harm communities, families and industries in Mississippi and across rural America.

Today we are considering extending normal trade relations with Vietnam. We must promote reasonable, responsible trade agreements, and we must be mindful of some of the unintended consequences of free trade agreements that have devastated communities throughout my district. This is the case in rural communities and urban cores across America.

We know that NAFTA has worked fine for many of the places in our Nation, but our rural communities have been ignored. Hard-working people in places like Prentiss, Collins, Magee or Centreville have been hurt by these trade deals. When a factory shuts down in a rural community like this, it is devastating to every family.

We have a responsibility to fight for fair trade that supports American workers, families and communities from these trade agreements. Today I stand in opposition to extending normal trade relations with Vietnam.

One example is the damage even restrictive trade with Vietnam has done to the catfish industry in Mississippi. Domestically grown catfish, which meet strict environmental and health standards, are being displaced by inferior and potentially unsafe products from Vietnam. These fish products are disguised by labels that imitate those placed on legitimately farm-raised catfish to mislead the consumer about the origin of the product.

I urge a no vote on this measure.

Mr. LEVIN. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today to speak about an issue that is very important to some of the citizens of my district. Over the August recess I met with a large group of Southeast Asian and Vietnamese Americans about issues of importance to them. The issue they expressed the greatest concern
about had to do with human rights in Vietnam. They expressed to me their fear that an increase of trade with Vietnam may only serve to strengthen the hand of the Communist government that denies its citizens basic freedoms of association, religion and other human rights. I believe those fears are valid and important for us to consider.

I do not believe we can discuss trade with Vietnam without addressing the human rights violations of the Vietnam Government. Therefore, I was very pleased that the legislation we passed earlier today addressed precisely these issues. Without adequately monitoring human rights situations and without real consequences for non-compliance, I would have had strong reservations about passing the Vietnam trade agreement we are debating now. But by considering these bills in conjunction, we will be able to send a message that the U.S. believes in engaging Vietnam and strengthening economic and political ties, but we still demonstrate our concern for the lack of rights afforded to the Vietnamese people.

I think it is especially important to send to the Vietnamese Government the message that it remains unacceptable for them to continue to imprison religious leaders, including individuals such as Father Nguyen Van Ly, the Venerable Thich Tam Anh, Thich Khong Thanh, Thich Quang Hue, Ly Tong, and other religious and political prisoners. I will not vote in favor of this legislation, but only because this body has assured us that we will continue to put pressure on this country to further human rights.

Mr. ROHRABACHER. Madam Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Ms. BIGGERT). The gentleman from California (Mr. ROHRABACHER) has 18 minutes remaining.

Mr. ROHRABACHER. Madam Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. WATKINS), a member of the Committee on Ways and Means.

Mr. WATKINS of Oklahoma. Madam Speaker, I stand in support of H.J. Resolution 51. Let no one be fooled. What this basically does is subsidize the trade relationship with Vietnam. We are trying to have a bilateral trade relationship with this country. I am very proud of the fact that the State of Oklahoma was the first State to have an office in Vietnam to do trade. We are still the only office there that has a presence, but we have an office there, and we have people there.

Yes, Oklahomans are there trying to engage in having a normal trade relationship, but we are also trying to work with educational and cultural exchanges, because we know the only way we are going to resolve the human rights problems is to be able to engage and be able to carry on that conversation one on one with our values, our values. I started to say we normalized California. A lot of Okies went out that way, but the chairman is from California so I have to be very careful about what I say about California.

But let me say I know there are conditions there, and I visited with the chairman from California (Ms. CALLAHAN) about some economic trade policies that we need to continue to be concerned about and aware of, and I yield to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Madam Speaker, I thank the gentleman for yielding and for bringing this point up.

First let me say that I have great respect for the Committee on Ways and Means chairman and the subcommittee chairman of my accord. We have worked so feverishly and so effectively on these free trade policies. I am a free trader I do not deny, and I am quite proud of it, and I have voted for each and every bill they have brought to the floor. But sometimes we need to talk to our own administration and the only chance we have to talk to them effectively, and usually I do this on the appropriation bills, is by threatening to withhold their money.

But we do have a tremendous problem in the catfish industry. The catfish industry in Alabama is a growing industry that is employing thousands of people. They have developed a hybrid catfish that is raised in fresh water ponds that are grain fed, that are high quality catfish. Now we find that the Vietnamese, and the Commerce Department or the FDA is allowing them, to ship into the United States, the Vietnamese, a poor quality fish that is not even a catfish, that is labeled a catfish.

The reason I stand here today is to shoot a bow over the front of the ship of the FDA, and I have written Ms. Janice Oliver a letter and asked for her immediate decision on this classification.

We do not mind importing any product from the Vietnamese that is a safe, edible product, but we do not want it mislabeled, and the FDA can do something about it. My message today to the FDA is to do something about it immediately and they are going to be facing my wrath when these appropriation bills come to the floor.

I had to do it one other time. I remember I had the same problem with the chairman that is sitting right behind my colleague now, and I threatened to withhold $1 million a day until they made a decision. I am not threatening to withhold $1 million a day from the FDA; I am just insisting that FDA make this decision today, make it as expeditiously as they can, and let us get on with this ability to trade with Vietnam and other countries.

Mr. ROHRABACHER. Madam Speaker, I yield myself 1 minute.

I would ask our colleague, the gentleman mentioned the catfish industry. Is the gentleman aware of whether or not the American company dealing with the catfish industry there, was there any loan guarantees by the Export-Import Bank to any American company that was involved or a subsidy from the American taxpayer in assisting the catfish industry in Vietnam that is now wreaking such havoc in the gentleman's State?
Mr. CALLAHAN. Madam Speaker, if the gentleman would yield, I am not familiar with anything that the Ex-Im Bank has done there, although I am a big supporter of the Ex-Im Bank. I do know that the government of Vietnam is offering interest-free loans to people, which I think is in violation of all of our agreements, is offering interest-free loans to people to start catfish farms, and if they want to do that and pay on the same level playing field that we are playing on here in the United States, that is all right with me too.

Mr. ROHRABACHER. Madam Speaker, reclaiming my time, there is a real possibility, and neither one of us knows that now, but I do not think there is anyone on this floor that would step up and say, no, it is impossible; the catfish industry in Vietnam has not been created with the help of subsidies from the American taxpayers. We cannot say that, because we do not know who is laying down the rules.

Mr. McNULTY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. George Miller). (Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I urge my colleagues in the House to vote for this legislation to establish a bilateral trade relationship with Vietnam. This legislation is the product of long negotiations between our governments, and builds on the trade relationship we have been developing over the past decade. Just a few weeks ago, this House again voted by an overwhelming vote against imposing trade restrictions on Vietnam; now, we should pass this BTA by just as overwhelming a vote.

We recognize the sensitivity of any legislation involving Vietnam because of our nation's past history. But we in the House have begun a healthy, expanding and maturing relationship with this country of nearly 80 million people. And this legislation is not about the past; it is about the future relations of our governments and our economies.

I have had the opportunity to visit Vietnam, to meet with government leaders and private citizens, and to talk at length with our former ambassador, Pete Peterson, who has been one of the supporters of the improved political and economic relations with Vietnam. Ambassador Peterson has devoted countless hours during his years of service to developing improved economic and political relationships between Washington and Hanoi, and between the United States and Vietnamese people. Our vote today is, in no small way, a testament to the success of his efforts and a credit to his hard work.

Vietnam is a large and changing country. There are multinational investments in production of oil and gas and the manufacture of sports wear; Vietnam is a country where most people labor in rice paddies and start businesses with micro-loans of less than $100. It is a country of educated, industrious people that will continue to play a key role in the future of Southeast Asia. We should not cut ourselves off from that nation, but rather work closely to help it advance and to encourage moves towards a more open economy.

We are building a new and positive relationship with Vietnam. It is the 12th largest population in the world and plays a key role in the political and economic security of Southeast Asia. Last year, the Congress enacted legislation I helped to write creating a program to promote higher education exchanges between our countries. We should continue to build on these because they are in the best interests of both nations.

Some may wish to turn this debate into one over sensitive issues between the United States and Vietnam. That strategy is inappropriate here, and should be rejected. Vietnam, as illustrated by our annual Jackson-Vanik votes, has made great strides on immigration and is a full partner in the effort to locate remaining American soldiers missing in action. Negative and unjustified attacks on Vietnam’s efforts at cooperation can only injure future efforts, and have no place in this debate.

However, let us note that this BTA does not end our review of Vietnam’s moves towards openness and transparency. We will still engage in annual reviews of its practices. Nor does this BTA or the memorandum of understanding concerning labor standards adequately address concerns I have, along with many others, about the need for a free labor movement in Vietnam that allows workers to organize and collectively bargain with their employers. As we move towards the next phase of trade agreements, we will continue to press for assurances that the working men and women of Vietnam will enjoy the basic rights to free association recognized by the International Labor Organization.

Free trade unionism, improved environmental policies, expanded political and religious rights for all Vietnamese: these are, and should be, legitimate factors for securing improved and lasting trade relations with the United States and other democracies. We will continue to work with the Vietnamese to assure that they are protected.

Those are issues that remain to be discussed in the course of future negotiations. For today, we should move ahead and pass this Bilateral Trade Agreement which sets the stage for those future discussions, while helping to bring our countries and our people together.

Mr. McNULTY. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. Sanchez).

Ms. SANCHEZ. Mr. Speaker, I rise today in the support of House Joint Resolution 51, which extends temporary most favored nation status to the Socialist Republic of Vietnam. The Vietnam-U.S. bilateral trade agreement is unwarranted until Vietnam demonstrates tangible progress in addressing its human rights and the movement forward to a more market-oriented economy.

Free trade does not mean trade at any cost. In the case of Vietnam, certain conditions, I believe certain conditions, will have to be met, including meaningful, lasting trade relations developed. I am concerned that we are losing our economic leverage without gaining concrete, verifiable steps towards reform in exchange.

In our support for the economic revitalization of Vietnam, we cannot ignore basic human rights issues that need to be resolved.

Mr. Speaker, I have the privilege of representing the largest Vietnamese community outside of Vietnam. They are the parents, the siblings, the children of families who fought communism for over 2 decades, and they are the majority of the American Vietnamese. They do not want to establish normal trade relations with Vietnam until we do something about immigration, political and human rights issues for the people of Vietnam.

Recently, I have learned of the distressing case of Mr. Dac Vi Hoang, a former Vietnamese businessman who fled Vietnam recently to escape persecution. His situation is emblematic of the economic repression and political persecution that still abound in Vietnam. Mr. Hoang was a prominent Vietnamese entrepreneur who owned Thanh My, Incorporated, an international exporter of lacquerware. In fact, he enjoyed an astounding success, this private corporation, in the year 2000 sales of $3 million and over 400 employees. Thanh My was internationally recognized as the first private corporation in Vietnam to receive permission to sell its shares to a foreign entity, although that permission was eventually revoked by the Vietnamese government. Nonetheless, just 1 year ago, in August of the year 2000, Mr. Hoang found himself having to flee Vietnam with his family, leaving this entire business behind.

Let me take a minute and tell my colleagues the story. In February of 1976, nearly 1 year after the end of the war, Dac Vi Hoang started his small, family-oriented company specializing in lacquerware products. At that time, the government was just starting to open up. Of the communist government was closing down large corporations and industrial plants because they were considered to be tools of capitalism, but they allowed a few small, private companies to operate, as long as they did not have a lot of capital or heavy machinery.

Although the business was allowed to remain in operation, Mr. Hoang was imprisoned for 5 years so that he could be “reeducated,” which meant that his work was to run the school; meantime, he was severely tortured, mentally and physically, when he underwent reeducation.

Although business operations were kept to a minimum, when he was released, he started into the business, and by 1991, Thanh My was allowed by the Government of Vietnam to actually export its lacquerware to other countries. Ultimately, Thanh My became one of Vietnam’s largest export-ers. For years, Mr. Hoang lived in France, Japan, Germany, Sweden, even Canada. Because of his success, however, Mr. Hoang became a well-known
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Mr. LEVIN. Mr. Speaker, I yield myself 3 minutes.

I ask my colleagues to understand that this is continuing to happen in Vietnam. As the person who represents so many of the Vietnamese, we get all of these cases all of the time. After hearing this story, does Vietnam appear to be a country that is moving toward market-oriented reforms?

Mr. Speaker, I cannot support this, and I hope that my colleagues will help and not support this either.

Mr. EVANS. Mr. Speaker, I urge all of my colleagues to support normal trade status for Vietnam.

The only way American business companies are going to go over there is if we guarantee their loans and subsidize them. That makes no sense. We grow catfish, we put them out of work. What is this all about? This is about a dictatorship in which some American businessmen want to go over there and exploit the slave labor, and want to do so with loan guarantees and subsidies by the American taxpayer.

I am very happy to hear that Oklahoma set up a business office in Vietnam. A lot of other people set up business offices in Vietnam. But what we need to hear about are the offices that have closed up, all the businessmen who thought they were going to do business there, but the environment is so corrupt that they were unable to do business, and that they have closed shop and left.

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the same rules with vicious dictatorships as we do with democratic countries, surprise, surprise, we are going to bolster the strength of the regime, of the clique that holds power in those dictatorships.

No, we should be having freer trade with countries like the Philippines, who are struggling, struggling to have a good democracy with human rights, instead of giving more incentives and more ways of making profit by setting up businesses in dictatorships like Vietnam.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. KOLBE), someone who has been extensively involved in a number of trade discussions and debates.

(Mr. KOLBE asked and was given permission to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding time to me.

I thank the gentleman again for yielding me this time, and I appreciate the leadership he has shown with his committee on so many trade issues this year. This is just one of the many.

Mr. Speaker, I do rise today in support of House Joint Resolution 51, which would extend normal trade relations to the nation of Vietnam. Let us begin, as I know the chairman has made clear earlier, what this is and what this is all about. This is called free trade agreement. It is a bilateral trade agreement, a trade agreement that allows us to trade on the same basis as we trade with all the other countries of the world except the very small handful with whom we do have a free trade agreement.

Because Vietnam is a socialist or a Communist country, it comes under the banner of the Jackson-Vanik requirements, and still, with this passage, we acquire an annual Jackson-Vanik waiver from the President of the United States.

Mr. Speaker, in 1995 this country embarked on a new path with the country of Vietnam. We chose to take a different direction toward better political, economic, and consular relations. In making that decision, we recognize the need to encourage the development of Vietnam as a prosperous country, and believed, as I believe today, that doing so would begin to bring about the fruition of democracy within that country.

We understood how important it is to integrate our former adversary, with whom some of us in this body itself fought in a war in that country, to integrate that former adversary into the economic progress of Asia and ultimately into the global community.

Since starting down the path, our policy, I believe, has reaped some very important benefits. It secured Vietnamese cooperation on achieving the fullest possible accounting of the POWs and MIAs from the Vietnam War. It has helped to contribute to regional stability. It has helped to open a new market for U.S. businesses and U.S. workers in the world’s 13th most populous country.

Mr. Speaker, just 2 weeks ago today I returned from a trip to Vietnam. It was my first time in the country in 10 years, in exactly the 10 years ago that I was there, and the 22 years before that I had been there during the Vietnam War. I was struck with the tremendous changes that have taken place over the last 2 decades.

Ten years ago, we had no embassy in Hanoi. We had no consular office in Ho Chi Minh City. We had no American business presence. In fact, there was almost no foreign business presence anywhere in Vietnam at that time.

Today we find the city of Ho Chi Minh, or Saigon, with five-star hotels, with very upscale restaurants and shops catering to foreign shoppers, with high-rises, with skyline. It is beginning more to resemble Hong Kong or Bangkok than the somnolent Saigon many of us knew during the time of the Vietnam War when we were there 30 plus years ago.

It is a different city. It is changing. I believe with this agreement we will accelerate that change. I believe that change will be to the good, both for the United States, but most importantly, for the people of Vietnam.

Certainly the U.S.-Vietnam foreign policy relationship is one that is still maturing. We would all agree that we must continue to make progress in our relationship along several dimensions. But today’s legislation marks a very important milestone in the development of that relationship. Today we can support the extension of normal trade relations between our two countries. U.S. trade and economic ties with Vietnam have increased tremendously. U.S. trade and economic ties with Vietnam have increased tremendously.

Mr. Speaker, no country can engage in trade with other countries, can engage in foreign relations, without ultimately having to come to terms with the rule of law. That faith in the rule of law can then serve as a foundation upon which further social and political development can be based.

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So to my colleagues in the House, I urge their support for this resolution.

Mr. McNULTY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, I oppose House Joint Resolution 51, and I urge my colleagues to vote against this resolution. I am fortunate to represent Santa Clara county, an area in California with a vibrant Vietnamese-American population. Quite a few of my constituents came to San Jose as refugees escaping an oppressive political regime.

Over the last 25 years, as the Santa Clara County supervisor, as an administration lawyer, and as a Member of Congress, I have worked closely with these Americans; and many of them have become my friends. I value their knowledge, experience, and support, and believe they have a unique perspective that the United States’ relationship with Vietnam.

While we are told that the government in Vietnam is making progress in the area of human rights, I continue to hear about religious persecution, political imprisonment, and unwarranted detentions from my friends in the Vietnamese community. During the past 12 months, the Vietnamese Government has intensified its campaign of brutal oppression, especially against religious leaders and ethnic minorities.

When I, along with the gentleman from Illinois (Mr. Davis) and the gentlewoman from California (Ms. Sanchez) hosted a hearing on human rights in Vietnam this spring, we learned of this firsthand. Once after another, religious leaders testified to the lack of religious freedom in Vietnam. Several invited witnesses were unable to leave Vietnam to deliver their testimony in the face of government threats. They smuggled out written or audio testimony so their stories could be heard.

In light of the government crackdown on religions, dissidents, and minorities, unconditional ratification of the bilateral trade agreement will send the wrong message to the Vietnamese leadership. The U.S. Commission on International Religious Freedom recommended that the U.S. Congress ratify the BTA only on the condition that Vietnam undertake substantial improvements in its policy towards and treatment of religion.

I am a firm believer in trade. I have voted repeatedly for trade agreements, believing that situations are different. We have a clear opportunity to change the course of the nation’s behavior by denying it what it desires greatly, a trading relationship with America.

President Bush, please stand up to the communists in Vietnam and insist on human rights in exchange for trade. We have the tools at hand to improve the human rights situation in Vietnam. I ask my colleagues how they justify not using this tool when so many have asked for our help.

Mr. McNULTY. Mr. Speaker, I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

(Mr. WICKER asked and was given permission to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, I rise in opposition to this legislation, until such time as the administration can reach a fair agreement with Vietnam on the catfish issue.

Well, my suggestion is that they are going to continue stealing our software
in Vietnam, just as in China, now that we have liberalized trade with them. It has not changed their practices one iota at all.

So let us understand that when we make agreements with these types of regimes, these financial regimes that are around the world, surprise, surprise, we are not going to be treated as if we are dealing with an honest democratically elected government that keeps its word. Instead, we are dealing with gangsters who will—...press their own people, even commit murder. I mean, they murder their opponents in these regimes, and that means Vietnam, and yet we expect them to abide by some nice trade agreement with us? No. The agreements that they make with us will only be followed to the point that they are beneficial to the Vietnamese Government and the clique that runs that country.

Let us take a look. We have heard about the catfish industry. I am very happy that the catfish industry was brought up today because we do not know whether or not the catfish industry in Vietnam was established with the help of a taxpayer loan or subsidy from the American taxpayers, but we do know that we have several Congressmen from a variety of States here worried about their constituents being put out of work because catfish from Vietnam are flooding into our market. We do not know whether or not that catfish industry was set up with a taxpayer subsidized loan; but we do know that there is slave labor in Vietnam, that there are none of the environmental health standards in Vietnam, and there are none of the other types of protections in Vietnam that would be required of them if they were raising those catfish in the United States.

And by the way, those same requirements might be put on Vietnam if they had a democratic government. If they had a democratic government, maybe they would be forced to pay their people more, or perhaps the people of Vietnam would demand higher health standards. But they do not have a democratic government. They have a gangster clique that runs the country and they are going to manipulate the catfish industry for their benefit. I would bet some of this clique in Hanoi are making money off the catfish industry by putting our people out of work.

By making this agreement today, we will just do for the rest of American industry, step by step, what was done to the catfish industry, and we will be doing it with subsidies from the American taxpayer, and loan guarantees from the American taxpayer. It makes no sense.

Let us talk a little bit about the issue of human rights. And I will just say to my colleagues that suggest that if we open up these economic ties, there will be more respect. In fact, we have heard some people claim there has already been progress.

There has been no progress. There has been retrogression in China, and there has been no progress about opening up that system democratically in Vietnam whatsoever. There are more five-star hotels around so that there our businessmen with guaranteed loans in their pockets from the American taxpayers can go over there and invest and set up factories over there to use slave labor. Oh, yes, there are some five-star hotels, but that is not progress at all. What we still have are no opposition parties, no independent courts at all. There is no rule of law in that country, no freedom of the press, so nobody can criticize the corruption there. And that is why in trying to have an accounting for what they have government guarantees and loans or subsidies, because it is too risky a proposition.

Why are we setting up the rules of the game and doing trade with a country like that which is at war and we should be seeking to encourage people to invest in democratic countries like the Philippines or in our own country to protect people with our own jobs? Last but not least, we have the POW issue. I have spent so much time on this issue over my 13 years in Congress. I cannot say it is more than any other Member, but I know that I have spent considerable time on it. I have been to Vietnam numerous times, and Southeast Asia numerous occasions on this issue. I have studied it and I, without hesitation, can tell my colleagues that I do not believe this government has cooperated in good faith with the United States in returning our prisoners. In fact, they have been using on our people there digging for bones. Yes, they show pictures of this issue, of the Vietnamese prisoners who lost loved ones. Over 56,000 Americans did not return. And there have been massive efforts on behalf of both the United States and the Vietnamese Governments to try to account for every one of them. I think that in American history, yet we are still striving to close that chapter.

And, of course, we have to look no further than the streets of America now where we see homelessness in some cases, homeless veterans who returned scarred by the process.

But those of us who have experienced a little bit of the situation in Vietnam recently, who have talked to our constituents who are here now and who are of Vietnamese heritage know that this chapter exacted a horrible price on Vietnam itself. There were hundreds of thousands of casualties, tens of thousands of missing and still unaccounted for, and it produced a flirtation with global communism as an ally that has delayed the modernization of that country, including not just its economy and human rights, but reintegrating into the family of nations.

Thankfully, soon after the formal fighting ended, there were courageous people who stepped forward to try to begin this new era. No discussion of this issue would be complete without noting the unique contributions by American heroes, like Senator McCain, Senator Kerry, and our own former colleague on the floor of this House and ambassador to Vietnam, Pete Peterson, who worked to engage our two countries.

We have made tremendous progress in reconciling our past to the new future. It is still not going to be easy. This terrible tragedy in Vietnam continues to claim victims every day. And those who visited the country recently cannot help but be touched by the young children who continue to be maimed by land mines and other unexploded ordnance, by people struggling with war injuries, physical and psychological, children with birth defects.

We have hundreds of thousands of Vietnamese who have fled to the United States.
States, who are now citizens of our country, who are trying to reconcile it as well, struggling with the past, and who are hungry for reconciliation with divided families. This trade agreement is an opportunity to open up whole new avenues of commerce and contact between these countries, but particularly for Vietnamese Americans.

Vietnam today is an entirely different nation, unlike what some would lead us to believe. It is entirely different from what we saw 40 and 50 years ago. The architects of the Vietnam War on the side of the Vietnamese, like Ho Chi Minh and his contemporaries, are gone. It is an oft-cited statistic that 60 percent of the Vietnamese people have been born after the conclusion of that war and the vast majority have no memory of those efforts.

I appreciate the gentleman from Michigan (Mr. Levin) yielding me this time, and I apologize if I got carried away, but we see this new country that is emerging that can take advantage of this trade agreement to forge new links. Southeast Asia is a cauldron today of over 600 million people, of diverse countries rich in natural resources, energy rich and rich cultures, and Vietnam is right in the middle of it. It is a country that has a long history of being leery of the country of China, for instance, and a thousand-year experience of back it up. We have seen people laboriously over this trade agreement. We are going to see a new era of economic prosperity in Vietnam. It is going to help us economically, but it will be transformational for them, and it is going to empower a new generation of leaders, of entrepreneurs, speed the healing, and give them the energy to slam the pages closed on this chapter and open a new one.

I deeply appreciate the leadership of the Chairman, the gentleman from Michigan (Mr. Levin), in bringing this forward, the many people who have labored mightily for this agreement, and I strongly urge its passage.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

I had a chance at the beginning to lay out a perspective of mine and, I think, many, many of my colleagues on the Democratic side. I think this has been an area of consensus, and I have heard many have said it, though not here. I simply want to reemphasize that this is not an easy relationship. It is a complex relationship because of the past, but also because of the present and likely the near future.

There could be no rose-colored lenses. We are dealing with a society, a structure, that is very different from ours. Very different. A political structure that is very different and an economic structure that is very different. As a result, there is no automatic factor here. There is no magic wand. One thing will not lead automatically to another. I do not think a free capital market will lead automatically to a free labor market or to human rights. I think, as a result, we need a well-rounded comprehensive approach. I think included must be engagement, including on intellectual property. This agreement is a cover for intellectual property. It has restrictive terms of how the Vietnamese handle it.

But beyond that, I think comprehensiveness must increasingly include, with this authoritarian society, their movement towards a free market in a very different structure that requires a different formula as we did with Cambodia, as we have wrestled with, with other countries, we would apply, if we were negotiating or approving an agreement with Vietnam, we must consider the factors, including the labor market factors and perhaps even the environmental factors that at this point are not as critical.

So, in a word I think we need to move forward but in a comprehensive way. And on balance, I believe that this bill represents a movement forward, as long as we keep in mind the reality of a very different society with a very different structure that requires a different formula as we did with Cambodia. As I grow older, Mr. Speaker, I try to keep my priorities straight. That is why I think, as we negotiate further agreements with Vietnam, we must consider the factors, including the labor market factors and perhaps even the environmental factors that at this point are not as critical.

Mr. LEVIN. Mr. Speaker, I yield the balance of my time.

Mr. McNUULTY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my other colleagues who are in opposition to this measure have eloquently outlined the many reasons to oppose it, by concentrating again just on the MIA issue. Mr. Speaker, I thank Boyd Sponaugle, Ron Cima and Chuck Henley of the Office of the Secretary of Defense for the updated information on the search for our MIA’s. I am grateful to them and all who are working to bring our MIA’s home.

As I grow older, Mr. Speaker, I try to keep my priorities straight. That is why when I get up in the morning, the first two things I do are to thank God for my life and then veterans for my way of life. Because had it not been for my brother Bill and all of those who gave their lives in service to this country through the years, had it not been for people like the gentleman from Texas (Mr. SIMPSON) and Pete Peterson and SenatorMcCain who endured torture as prisoners of war, had it not been for people like Pete Dalessandro, a World War II Congressional Medal of Honor winner from my district who was laid to rest 2 years ago in our new cemetery in Saratoga, had it not been for them and all of those who wore the uniform of the United States military over the years, I would not have the privilege as an American citizen to go around bragging, as I often do, how we live in the freest and most open democracy on the face of the Earth. Because freedom is not free. We paid a tremendous price for it.

So today, Mr. Speaker, based upon the comments that I made earlier and the comments of my colleagues, and on behalf of all 1,374 Americans who are still missing in Vietnam, I ask my colleagues to join me, to see that the Veterans of the Vietnam War, the National Vietnam Veterans Coalition, and the Disabled American Veterans in opposing this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me say that ordinarily in this debate the gentleman from Illinois (Mr. Crane), would be heavily involved in the debate; but due to a family circumstance, the gentleman is not here today.

Mr. Speaker, in my response to my friend, the gentleman from New York (Mr. McNulty) and his poingant comments, I too share the concern that he expresses.

I think it is important to note, however, that, for example, in World War II there were more than 50,000 missing in action. It is true we have a better capability and we have carried on a much longer search to verify each and every individual who was missing in action; but the two former major Axis Powers are now two of our major trading partners. I do have to say we engage in trade disputes periodically, but we do so in an ordered process.

I believe most of us who are in support of this resolution to enter into normal trade relations with the Socialist or Communist Government of Vietnam do believe that this too will have a better outcome.

I do want to respond to my colleague, the gentleman from California (Mr. Rohrabacher), about his concern in terms of taxpayers’ money. While this debate has gone on, we have engaged in a number of conversations. For example, the Export-Import Bank of the United States has indicated that there have been no transactions, therefore, no funds have been authorized for participation in Vietnam by American businessmen. I pursued further. The Overseas Private Investment Corporation has indicated that there has been no activity. Beyond that they are required by law to examine any project to determine if it would have a negative impact on the U.S. economy and business. They would be required to turn a project down. So although there may be somebody’s private dollars involved in the catfish operation, at this point I believe I can offer a degree of assurance to the gentleman from California that there has been no taxpayer dollars.

But the point he makes, if not specific to the catfish industry, is one that...
we have to be concerned about. And that is why this agreement can be revoked at any time by the President under the structure that we have established. This is a year-to-year renewal. It is an embankment on an attempt with a nonmarket economy. So improve its labor laws that the gentleman from Michigan (Mr. Levin) has indicated he has a concern about, but the intellectual property rights guarantee that has caused so much pain by the copying around the world is key to not only the transparency in the transactions. This will be a good test of the Government of Vietnam to see if they can be trustworthy.

In fact, I find it entirely appropriate to reflect on the comments of the President of Mexico in the address he gave to the joint session today. He indicated one of the key commodities to improve the relationship between the United States and Mexico is a degree of trust. And that that under standing the democratic title of the country over a number of years, it was far more authoritarian, that was his word, than democratic, but that there is a new era.

Mr. Speaker, I cannot say the same for the current government of Vietnam, but I do believe sincerely that this agreement will move us more in the direction of an open opportunity for Vietnamese citizens to express themselves.

Currently, this will be in the more economic realm rather than in the political realm. There is no question they have what they believe to be a semblance of what they call a democracy; but the fundamental core of a democracy is that the decisions be made quantitatively with each person getting equal weight. We know that is not now the case in the Socialist or Communist Republic of Vietnam.

All of those facts laid bare on the table, House Joint Resolution 51, introduced by the gentleman from Texas (Mr. Armey), the majority leader, and the gentleman from Missouri (Mr. Gephardt), the minority leader, with the support of the chairman of the Subcommittee on Trade, the gentleman from Illinois (Mr. Crane), is worthy of a "yes" vote. We should move forward with this ongoing engagement with the Socialist or Communist Republic of Vietnam. It will be a yearly test to see if, in fact, as is well placed. If it is not, we can change. But for today, I urge my colleagues to vote "yes" on House Joint Resolution 51.

Mr. Gilman. Mr. Speaker, I rise in strong opposition to H.J. Res. 51, a resolution approving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam.

Amnesty International reports that the government of Vietnam continued to prevent independent human rights monitors from visiting the country, and dozens of prisoners of conscience remained in prison throughout 2000. Restrictions on released prisoners continued to be harsh. Political dissidents, independent labor leaders and religious critics of the government were subjected to imprisonment, beatings, torture, surveillance, harassment and denial of basic freedoms, including freedom of expression.

Last year, five members of the Hoa Hao Buddhist Church were sentenced to between one and three years' imprisonment on trumped up charges. The State Department points out that the government of Vietnam prohibits independent political, labor, and social organizations; such organizations are only under government control. The Vietnamese Government also restricts freedom of religion and significantly restricts the operation of religious organizations other than those entities approved by the State. Dissident groups of Buddhists, Hoa Hao, and Protestants, in particular, face harassment by authorities.

Accordingly, we should not reward the Vietnamese communist dictatorship with trade benefits. It is an insult to the thousands of American and Vietnamese men and women who were wounded or died during the war fighting for democracy, the rule of law and human rights.

Accordingly, I urge my colleagues to vote against H.J. Res. 51.

Mr. Gephardt. Mr. Speaker, last January, I traveled to South Korea, Cambodia and Vietnam to discuss the role of reconciliation, trade and security between the United States and Asia. It was a remarkable trip that helped us to learn. We learned so much about Vietnam and I became convinced that implementation of this Bilateral Trade Agreement is the right policy to move forward in the relationship between the American people. Therefore, I urge Members to vote for the Vietnam trade agreement to establish a regular trade regime between the United States and Vietnam.

Thanks to Pete Peterson, former Ambassador to Vietnam, thousands of American and Vietnamese veterans, and the hard work of literally millions of people we have made large strides in reconciling our two nations after the agony of the Vietnam war. Over 50,000 Americans died in that conflict, thousands more were wounded, and the war took the lives of hundreds of thousands of Vietnamese and left the country devastated. Pete Peterson has said: "We cannot change the past. What we can change is the future."

Working in this spirit, America and Vietnam have established diplomatic ties, undertaken joint efforts to locate the remains of those still missing in action, and trade between our countries has increased. Last year, the United States and Vietnam completed this bilateral trade agreement, to set the stage for an even closer relationship between our two nations and a trade regime that is more robust.

On the last night of our trip, I spoke in Hanoi to the American Chamber of Commerce. That night, it became clear that both Americans in Vietnam and the Vietnamese wanted free and fair trade to lift up the lives of both our peoples. The Vietnamese hunger not to forget but to use the war as a springboard for healing and hope for the future of both countries. Virtually everyone we met said they wanted to join the global community and reap the benefits of the twin revolutions in trade and technology sweeping the globe.

Our challenge is to work with Vietnam among other partners in trade to bend globalization for progressive ends: to make sure globalization produces higher living standards and stronger economies in developing and developed nations alike. This agreement is only a first step to raise living standards in Vietnam. It is not a free trade agreement. It establishes a formal trade relationship between our countries, lowering tariffs, expanding trade and providing important new protections of intellectual property and investments in Vietnam by American companies.

I hope that passage of this agreement will eventually help to strengthen labor rights and intellectual property rights for the American people. We must continue the dialogue developed by Ambassador Peterson on labor rights and the U.S. technical assistance program. Also, I strongly support the suggestion from Congressman Levin, among others, that any textile agreement between Vietnam and the United States include a provision to promote labor rights. The model for such a provision lies in the agreement between America and Cambodia, to provide positive incentives in which we have promised to increase textile quotas once progress on labor issues has been established.

I urge the Bush administration to continue to press in Vietnam for progress on human rights and religious freedom. If Vietnam moves towards the rule of law in commerce, I believe that it must also make progress in freedom for the Vietnamese people.

Since the war ended in 1975, our countries have traveled on a journey, often difficult and agonizing, yet remarkable all the same; a journey defined by peace and reconciliation, motivated by healing and deeper human understanding. This trade agreement moves both countries forward in this remarkable effort. It is a positive development for both people. I hope all of my colleagues will support this resolution, and help us take another step on the road to healing and hope for all.

Mr. Crane. Mr. Speaker, I stand in firm support of House Joint Resolution 51, which approves the U.S.-Vietnam Bilateral Trade Agreement, grants NTR status to Vietnam, completes the normalization of our diplomatic relations begun in 1995. A failure to support this key legislation risks undercutting long-standing U.S. foreign policy objectives in Southeast Asia, damaging the credibility of the reform faction within the Hanoi government, and causing Vietnam's 80 million people to slide backwards toward isolationism.

In 1986, Hanoi initiated a policy of doi moi, or "economic renovation." For the first time the government encouraged private business start-ups and permitted inward foreign investment. As a result, Vietnam sustained on average nearly 8 percent annual GDP growth and welcomed $8.3 billion in foreign investment during the 1990s.

I visited Vietnam this past April and was struck by its 92 percent literacy rate, its thriving entrepreneurship, and the thousands of zooming motorbikes. Industrial parks now line the suburbs of the major cities, and government is planning to open a stock exchange in downtown Ho Chi Minh City. As GDP has doubled and per capita income has risen 60 percent since 1990, a small but growing, consumer-oriented middle class is taking root.

Signed in July 2000, the U.S.-Vietnam BTA will buttress these enormous economic and social reforms. The BTA represents the most
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far-reaching and comprehensive trade agreement ever negotiated with a non-market economy country. It grants the United States vastly improved access to Vietnam's potentially enormous consumer class, and improves market access for industrial and agricultural goods, services, intellectual property rights, and investment, while requiring greater transparency.

The U.S.-Vietnam Bilateral Trade Agreement will help Vietnam's reformers lock in the economic transformation that slower growth after the Asian financial crisis threatens to unravel. Continued engagement with the Vietnamese government also advances key U.S. foreign policy objectives, including the fullest possible accounting of Prisoners of War/Missing in Action (P.O.W/M.I.A.), freedom of emigration, increased U.S. business opportunities in Vietnam, and promoting Asian regional stability.

Former Vietnamese Ambassador to the United States, Le Van Bang recently noted the positive influence that continued engagement has had on Vietnamese people. He said that since we first reestablished diplomatic ties, the Vietnamese people have changed their attitudes toward Americans from "the bitterness of war to a love of America." In such a fresh and positive atmosphere, our values in other key areas should surely stand a much better hearing and more open consideration if we continue down this road. Approval of the U.S.-Vietnam BTA demonstrates we too are healing from one of the most divisive wars in our nation's history and that we seek to begin a new and truly productive era in U.S.-Vietnamese relations.

Congressional approval of the U.S.-Vietnam Bilateral Trade Agreement and the expansion of business contacts between our two nations provides the strongest foundation for encouraging even further progress and reform in Vietnam. Therefore, I urge my colleagues to vote yes for H.J. Res. 51.

Mr. THOMAS. Mr. Speaker, I rise in strong support of this measure to expand our trade relations with Vietnam.

This resolution, which ratifies the U.S.-Vietnam bilateral trade agreement and extends normal trade relations to Vietnam, enjoys broad bipartisan support. The agreement represents progress toward building a stronger commercial relationship with Vietnam and promoting U.S. security and diplomatic interests in the region.

We have seen tremendous progress in our diplomatic and economic relations with the Vietnamese Government. The country is experiencing a new era, driven by a population where 65 percent of its citizens were born after the war. Vietnam today welcomes U.S. trade and economic investment. This policy of engagement and U.S. business investment, Vietnam has improved its policies on immigration, cooperated on U.S. refugee programs, and worked with the United States on achieving the fullest possible accounting of P.O.W/M.I.A.s from the Vietnam War.

Despite corruption and the former government's human rights record, there is reason to believe that our presence in Vietnam can improve the situation and encourage its government to become more open, respect human rights and follow a rule of law. Former U.S. Ambassador to Vietnam, Pete Peterson, our esteemed colleague and former POW, has been one of our nation's strongest advocates for expanding trade with Vietnam.

However, this resolution is not a blank check to Vietnam. Before the United States grants NTR status to Vietnam, the Vietnamese Government is required to sharply lower most tariffs; phase out all non-tariff measures; and adhere to WTO standards in applying customs, import licensing and other measures.

This measure represents an important step in requiring Vietnam to allow U.S. firms over a period of time to enter its services market in a full range of areas, including financial, telecom, engineering, computing, education, health and other services. Two other critical measures of this agreement require Vietnam to protect U.S. investments from expropriation and adopt a fully transparent trade and investment regime.

Mr. Speaker, disapproval of this resolution will only discourage U.S. businesses from operating in Vietnam, arm Soviet-style hardliners with the pretext to clamp down on what economic and social freedoms the Vietnamese people now experience, and eliminate what opportunity we have to influence Vietnam in the future.

Approval of this bilateral agreement will advance U.S. economic interests and, more importantly to our regional interests in Asia, further integrate Vietnam into the global economy. I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in favor of H.J. Res. 51. I am pleased to have the opportunity to vote in favor of free trade while respecting my commitment to Human Rights.

Mr. Speaker, last year the U.S. signed a sweeping bilateral trade agreement with Vietnam.

The State Department year 2000 review of Vietnam human rights noted that Vietnam has made improvements in its human rights record. Despite these improvements, the State Department still rated Vietnam as "poor" overall on human rights, highlighted continuing government repression of basic political freedoms. The State Department also noted that the Vietnam Government is intolerant of dissenting viewpoints, and selectively represses the religious rights of its citizens. Because of these factors, I voted in favor of H.J. Res. 55, legislation disapproving Waiver Authority with respect to Vietnam. Mr. Speaker, my vote was a protest vote, for I believe we cannot continue to hope that trade alone will guarantee the basic human rights of our trading partners.

Today, this House also considers H.R. 2368, the "Vietnam Human Rights Act," which establishes a commission to monitor human rights in Vietnam. I regard this as a step in the right direction, and one that I applaud. By discussing trade with Vietnam in the same context as its human rights situation, we are finally moving in a more comprehensive direction that respects our global obligations.

As the leader of the free world, we have an obligation to promote core values when engaging the rest of the world. Thus, I have fewer reservations about moving forward with Vietnam.

As we move into this new millennium, our actions here today signal a commitment to expanding our new commitment in a manner that benefits both the United States and Vietnam. The extension of Normal Trade Relations will grant market access to American industrial and agricultural products previously denied from competition. U.S. firms are also granted access to the Vietnam services market. We will be allowed to compete in telecommunications, financial services, engineering, accounting, and a variety of industries that will help develop an infrastructure in Vietnam to support our new commitment to engage Vietnam on all levels of concern.

The approval of this legislation will ensure that U.S. firms committed to trade with Vietnam receive the protection of investments necessary to commit resources in a foreign country. By requiring a fully transparent trade regime with the promulgation of laws and regulations through a public process, this legislation helps Vietnam develop policies that will help this nation fully engage the world.

This legislation cannot be evaluated, however, without the approval of H.R. 2368. Advancing the agenda of global trade in countries that do not respect their citizens is tantamount to modern day feudalism, and should not be supported by this House.

Establishing a trade regime with Vietnam that will ease this nation's transition into the WTO means nothing unless prisoners like Catholic Priest Nguyen Van Ly, Mr. Le Quang Liem of the Inter-Religious Council, and Buddhist leaders like the Venerable Thich Quang Do and the Venerable Thieh Quang Do are ensured their right to freely exercise their respective religions.

Mr. Speaker, today this House goes a long way toward reconciling the concerns of all parties interested in global trade and its consequences. Passage of H.J. Res. 51 ensures that American products will be given fair access to the Vietnamese marketplace. By combining the extension of this trade with the recognition of Human Rights here on the House Floor, we set a positive precedent for future trade legislation. I therefore support H.J. Res. 51.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The Speaker pro tempore (Mr. Simpson). All time for debate has expired. Pursuant to the order of the House of Wednesday, September 5, 2001, the joint resolution is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 51, the joint resolution just passed.

The Speaker pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REREFERRAL OF H.R. 1448 TO COMMITTEE ON RESOURCES AND COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from consideration of the bill,
September 6, 2001

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H5441

H.R. 1448, and that the bill be re-referred to the Committee on Resources and to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 10, 2001

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia? There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 1600

SUDAN SPECIAL ENVOY

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to thank the President of the United States, President George W. Bush, for the appointment today of a special envoy, former Senator Danforth from Missouri to work on the issue of bringing peace in Sudan.

I also want to thank Secretary of State Colin Powell for his efforts and his work. I think the Bush administration, President Bush and Secretary Powell, have really taken a very bold and a very, very important step.

I also want to congratulate or thank and commend Senator Danforth for accepting this very difficult job. As many people know, there has been a war going on in Sudan for almost more than 18 years.

I have visited Sudan four times in the last 10 years. In Sudan more than 2.2 million people, most Christians, a number of Animists and a number of Muslims, have been killed as a result of this war.

There has been unbelievable famine in Sudan. In Sudan, every major terrorist group, Haras, Abu Nidal and others, has had operations in and around Khartoum, and there is also, as many people know, Osama bin Laden had been in Sudan for a period of time.

There is slavery in Sudan. What happens is the militia go into the villages, kill the men, rape the women, and take the children away for slavery.

Mr. Speaker, I rise to thank and congratulate Senator George W. Bush and his administration for naming former Senator John Danforth of Missouri as the United States Special Envoy to Sudan.

Mr. Speaker, I am grateful to the Bush administration for naming former Senator John Danforth of Missouri as the United States Special Envoy to Sudan.

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The SPEAKER pro tempore (Mr. WOLF). Mr. Speaker, I want to thank all of the groups, and I will support for the record all of the names, but those individuals who have been working on this issue for so long. I am reluctant to get into specifics because there are so many; but I will at the end of the statement with the timber names and all the people who have been working for the last, some for 10, 11 and 12 years, a number of Members of Congress.

When I think on the Senate side, the Senator from Tennessee (Mr. Frist) and the Senator from Kansas (Mr. Brownback). On the House side, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. LANTOS) and the number of Members of Congress.

With prayer and with the hard work of Senator Danforth, it will be my hope that we can bring peace whereby the people of Sudan could live in peace.

In closing, from the bottom of my heart, I want to thank President Bush for this action, President Bush for naming former Senator John Danforth of Missouri as the United States Special Envoy to Sudan.

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THE U.S. DOLLAR AND THE WORLD ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader. Mr. PAUL was granted a Special Order today to address the subject of the U.S. dollar and the world economy, and in the words of James Madison, the pestilent effects of paper money.

Mr. Speaker, Congress has a constitutional responsibility to maintain the value of the dollar by making only gold and legal silver tender and not to emit bills of credit, that is, paper money. This responsibility was performed relatively well in the 19th century despite the abuse of the dollar suffered during the Civil War and despite repeated efforts to form a Central Bank.

This policy served to maintain relatively stable prices, and the shortcomings came only when the rules of the gold standard were ignored or abused. In the 20th century, however, we saw the systematic undermining of sound money with the establishment of the Federal Reserve System in 1913 and the outright rejection of gold with the collapse of the Bretton Woods agreement in 1971. We are now witnessing the effects of the accumulated problems of 30 years of the weaker the dollar, but also all the world currencies, something the world has never before experienced.

Exactly how it plays out is yet unknown. Its severity will be determined by future monetary management, especially by the Federal Reserve. The likelihood of quickly resolving the deeply ingrained and worldwide imbalances built up over 30 years is remote. Yielding to the addiction of credit creation, every central banker’s dream, the market correction over the past 30 years, remains irresistible to the central bankers of the world. Central planners who occupy the seats of power in every central bank around the world refuse to accept the fact that markets are more powerful and smarter than they are.

The people of the United States, including the U.S. Congress, are far too complacent about the seriousness of the current crisis. They remain oblivious to the significance of the U.S. dollar’s flat status. Discussions about the dollar are usually limited to the question of whether the dollar is now too strong or too weak. When money is defined as a precise weight of a precious metal, this type of discussion does not exist. The only thing that matters under that circumstance is whether an honest government will maintain convertibility.

Exporters always want a weak dollar; importers, a strong one. But no one demands a stable, sound dollar, as they should. Manipulation of foreign trade through competitive currency devaluation has become commonplace and is used as a form of protectionism. This has been going on ever since the worldwide acceptance of fiat money 30 years ago. Although some short-term advantage may be gained for certain manufacturers and some countries by such manipulation, it only adds fuel to the economic and financial instability inherent in a system of paper money.

Paper money helps the strong and hampers the weak by destroying the properties and undermines international trade. The U.S. dollar, with its reserve currency status, provides a much greater benefit to American citizens than that which occurs in other countries that follow a very similar monetary policy. It allows us to export our inflation by buying cheap goods from overseas while our dollars are then lent back to us to finance our current account deficit. We further benefit from the confidence bestowed on the dollar by our banks and the economies of the powerhouses of the world, thus postponing the day of reckoning. This permits our extravagant living to last longer than would have otherwise occurred under a gold standard.

Some may argue that a good deal like that should not be denied, but unfortunately the piper must eventually be paid. Inevitably the distortions such as our current account deficit and foreign debt will come to an end with in foreign suffering than anyone has anticipated.

The monetary inflation of the 1990s produced welcomed profits of $145 billion for the NASDAQ companies over the 5 years between 1996 and 2000. Astonishingly, this entire amount was lost in the past year. This does not even address the trillions of dollars of paper losses in stock values from its peak in early 2000. Congress has expressed concern about the staggering stock market losses, but has not even addressed the trillions of dollars of paper money, including the billions of dollars of paper money used as a form of protectionism. This is our current account deficit and foreign debt.

Instead, Congress chooses to blame the analysts for misleading investors. The analysts may not be entirely blameless, but their role in creating the bubble is minimal compared to the misleading information that the Federal Reserve has provided with artificially low interest rates and a financial market made flush with generous new credit at every sign of correction over the past 10 years.

By preventing the liquidation of bad debt and the elimination of malinvestment and overcapacity, the Federal Reserve’s actions have kept the financial bubble inflated. Of course, it is an easy choice in the short run. Who would deliberately allow the market tendency to deflate back to stability? That would be politically unacceptable.

Talk of sound money and balanced budgets is just that. When the economy sinks, the rhetoric for sound policy and a strong dollar may continue, but all
actions by the Congress and the Fed will be directed toward reflation and a congressional spending policy oblivious to all the promises regarding a balanced budget and the preservation of the Social Security and Medicare Trust Funds.

But if the Fed and its chairman, Alan Greenspan, have been able to guide us out of every potential crisis all the way back to the stock market crash of 1987, why should we not expect the same to happen once again? Mainly because there is a limit to how long the monetary charade can be perpetuated. Now it looks like the international financial system built on paper money is coming to an end.

Modern day globalists would like us to believe they invented globalization. Yet all throughout history there has been an unprecedented plan for global power to be placed in the hands of a few powerful special interests.

Globalism has existed ever since international trade started thousands of years ago. Whether it was during the Byzantine Empire or the more recent British Empire, it worked rather well when the goal was honest trade and the currency was gold. Today, however, world government is the goal. Its tools are fiat money and the international agencies that believe they can plan globally, just as many others over the centuries believed they could plan domestically, ignoring the fact that all efforts at socialism have failed.

The day of reckoning for all this mischief is now at hand. The dollar is weakening in spite of all the arguments for its continued strength. Economic law is overriding political edicts. Just how long will the U.S. dollar, or taxpayers be able to bail out every failed third-world economy and pay the bills for policing the world? U.S. troops are now in 140 nations around the world. The answer is certainly not forever and probably not much longer, since the world economies are readjusting to the misallocations of the past 30 years of mismanagement and misallocation of capital characteristic of fiat money.

Flat money has been around for a long time off and on throughout history, but never has the world been so entranced with the world economy being artificially structured with paper money and with a total rejection of the anchor that gold provided for thousands of years.

Let there be no doubt, we live in unprecedented times and we are just beginning to reap what has been sown the past 30 years. Our government and the Federal Reserve officials have grossly underestimated the danger.

Current concerns are expressed by worries about the criteria for a government-declared recession and whether a weaker dollar would help. The first is merely academic, because if you are one of the many thousands who have been laid off, you are already in a recession. The second does not make a lot of sense unless one asks, compared to what? The dollar has been on a steady course of devaluation for 30 years against most major currencies and against gold. Its purchasing power in general has eroded.

The fact that the dollar has been strong against Third World currencies and against most major currencies for the past decade does not cancel out the fact that the Federal Reserve has systematically debased the value of the dollar by steadily expanding the money supply. Recent reports of a weakening dollar on international exchange markets have investment implications, but do not reflect a new policy designed to weaken the dollar. This is merely the market adjusting to 30 years of systematic monetary inflation.

Regardless of whether the experts demand a weak dollar or a strong dollar, each inevitably demands lower interest rates, hoping to spur the economy and save the stock market from crashing. But one must remember that the only way the Federal Reserve can lower interest rates is to inflate the currency by increasing the money supply and by further debasing the currency.

In the long term, the dollar is always weakened even if the economy is occasionally stimulated on a short-run basis. Economic growth can hide the ill effects of monetary inflation by holding some prices in check, but it cannot prevent the overcapacity, the malinvestment which causes the economic downturn.

Of course, the central bankers cling to the belief that they somehow can prevent the ugly corrections known as “recessions.” Economic growth, when artificially stimulated by money growth and low interest rates, generates the speculation we have seen in the stock, bond and real estate markets, along with the accumulation of excessive debt. Once the need for rectifying the overcapacity is recognized by the market, these imbalances are destined to be wiped out.

Prolonging the correction phase with the Fed’s effort to reflate by diligently working for a soft landing, or merely postponing the day the economy can return to sustained growth. This is a problem the United States had in the 1930s and one that Japan has experienced for more than a decade with no end in sight.

The next recession, from which I am sure we are already suffering, will be even more pervasive worldwide than the current one. The official nature of modern globalism with world paper money and international agencies deeply involved in the economy of every nation. We have witnessed the current and recent bailouts of Mexico, Brazil, Argentina, Turkey, and countries in the Far East. While resisting the market’s tendency for correction, faith in government deficits and belief in paper money inflation will surely prolong the coming worldwide crisis.

Alan Greenspan made a concerted effort to stave off the 1991–1992 recession with numerous reductions in the Fed funds rate, to no avail. The recession hit, and most people believe it led to the Bush people’s re-election. It was not that Greenspan did not try. In many ways, the Bush people’s criticism of Greenspan’s effort is not justified. Greenspan, the politician, would have liked to please the elder Bush, but was unable to control events as he had wished.

This time around, however, he has been much more aggressive, with half-point cuts, along with seven cuts in just the last 8 months, for a total of 3 points cut in the Fed Funds rate. But, guess what? So far, it has not helped; stocks continue to slide and the economy is still in the doldrums. It is now safe to say that Greenspan is pushing on a string.

In the year 2000, bank loans and commercial paper were growing at an annualized rate of 23 percent. In less than a year, in spite of this massive influx of new credit, these loans have crashed to a rate of minus 5 percent. Where is the money going? Some of it probably has helped to prop up the staggering stock market, but that cannot last forever. Plenty went into consumption and to finance extravagant living. The speculating on the dollar as the reserve currency of the world has permitted the bubble to last longer. That would be especially beneficial to American consumers. But in the meantime, understandably, market and political forces have steadily eroded our industrial base, while our service sector has thrived.

Consumers enjoyed having even more funds to spend as the dollars left manufacturers, a little over a year, 1 million industrial jobs were lost, while saving rates sank to zero and capital investments plummeted. Foreigners continue to grab our dollars, permitting us to raise our standard of living, but unfortunately, it is built on endless printing of fiat money and self-limiting personal debt.

The Federal Reserve credit created during the last 8 months has not stimulated economic growth in the technology or the industrial sector, but a lot of it ended up in the expanding real estate bubble, churned by the $3.2 trillion of debt maintained by the GSEs,
the Government Sponsored Enterprises. The GSEs, made up of Fannie Mae, Freddie Mac and the Federal Home Loan Bank, have managed to keep the housing market afloat, in contrast to the more logical slowdown in hotel and office construction. This spending by the GSEs has served as a vehicle for consumption spending. This should be no surprise, considering the special status that the GSEs enjoy, since their implied line of credit to the U.S. Treasury keeps their interest rates artificially low.

The Clinton administration encouraged growth in housing loans that were financed through this system. In addition, the Federal Reserve treats GSE securities with special consideration. Ever since the fall of 1999, the Fed has monetized GSE securities just as if they were U.S. Treasury bills. This message has not been lost by foreign central banks, which took their cue from the Fed and now hold over $310 billion worth of United States GSE securities.

The Fed holds only $20 billion worth, but the implication is clear: Not only will the Treasury loan to the GSEs, if necessary, since the line of credit is already ready, if necessary, Congress will surely accommodate with appropriations as well, just as they did during the savings and loan crisis of the 1980s.

But the Fed has indicated to the world that the GSEs are equivalent to U.S. Treasury bills, and foreign central bankers have enthusiastically accommodated, sometimes by purchasing more than $10 billion worth of these securities in 1 week alone. They are merely recycling the dollars we so generously print and spend overseas.

After the NASDAQ collapsed last year, the flow of funds into real estate accelerated. The GSEs accommodated by borrowing without restraint to subsidize mortgages, record sales and refinancing. It is no wonder the price of houses is rising to record levels.

Refinancing especially helped consumers to continue spending, even in a slowing economy. It is not surprising for high credit card debt to be frequently rolled into second mortgages, since interest on mortgage debt has the additional advantage of being tax deductible.

When financial conditions warrant, leveraging financial instruments such as paper assets and looking for hard assets such as houses is commonplace and is not a new phenomenon. Instead of the newly inflated money being directed toward the stock market, it now finds its way into the rapidly expanding real estate bubble. This, too, will burst, as all bubbles do. The Fed, the Congress or even foreign investors cannot prevent the collapse of this bubble, any more than the Japanese banks were able to keep the Japanese miracle of the 1980s.

Concerned Federal Reserve economists are struggling to understand how the wealth effect of the stock market and real estate bubbles affect economic activity and consumer spending. It should be no mystery, but it would be too much to expect the Fed to look to itself and its monetary policy for an explanation and assume responsibility for engineering the entire financial mess we are in.

A major problem still remains. Ultimately, the market determines all values, including all currencies. With the current direction of the dollar, certainly downward, the day of reckoning will prompt dumping of GSE securities before Treasuries, despite the Treasury’s and the Fed’s attempt to equate them with government securities. This will threaten the whole GSE system of finance, because the challenge to the dollar and the GSEs will hit just when the housing market turns down and defaults rise.

Also a major accident can occur in the derivatives market, where Fannie Mae and Freddie Mac are deeply involved in hedging their interest rate bets. Rising interest rates that are inherent with a weak currency will worsen the crisis.

The weakening dollar will usher in an age of turbulence to the whole worldwide financial system. The dollar has been the linchpin of economic activity, and a severe downturn in its value will not go unnoticed and will compound the already weakening economies of the world.

More monetary inflation, even if it is a concerted worldwide effort, cannot solve the approaching crisis. The coming crisis will result from flat money and the monetary inflation. More of the same cannot be the solution. Pseudo free trade, managed poorly and driven by flat money, is no substitute for true free trade in a world with a stable commodity currency, such as gold.

Managed trade and flat money historical proof of trade wars, which the international planners pretend to abhor. Yet the trade war is already gearing up, and the WTO, purported to exist to lower tariffs, is actually the agency that grants permission for tariffs to be applied when complaints of dumping are levied.

We are in the midst of a banana, textile, steel, lumber and tax war, all managed by the WTO. When cheap imports hit our market, it is a good deal for our consumer, but our manufacturers are the ones who demand permission to place protective tariffs on imports. If this is already occurring in an economy that has been doing quite well, one can imagine how strong the protectionist sentiments will be in a worldwide slowdown.

Congress is starting to realize that the budget forecast based on an overly optimistic growth rate of 3 percent is way off target, and even the pseudo surpluses are soon to be eliminated. It is time to remember, the national debt never went down with the so-called surpluses. The national debt is currently rising at more than $120 billion on an annualized rate, and is destined to get worse. Our dollar problem, which affects our financial and budgetary decisions, originated at the Fed with our country’s acceptance of paper money 30 years ago. Federal Reserve officials and other government leaders purposefully continued this financial illusion by believing the nonsense that there is no evidence of inflation as measured by government rigged price indices.

Even though significant price increases need not exist for monetary inflation to place a hardship on the economy, stock prices, housing prices, costs of medical care and education and the cost of government have all been rising at very rapid rates. But the true inflation, measured by the money supply, is rising at a rate greater than 20 percent as measured by M3M. This fact is ignored.

The deception regarding price increases is supported to reassure us, and may do so for a while. The Fed never admits it, and the Congress disregards it. But the serious harm done by artificially low interest rates leading to malinvestment, overcapacity, excessive debt and speculation are the distortions that always guarantee the next recession.

Serious problems lie ahead. If the Fed continues with the same monetary policy of perpetual inflation and the Congress responds with more spending and regulations, real solutions will be indefinitely delayed. The current problems will only worsen with a nation and, in particular, Congress to reassess the policies that have allowed the imbalances to develop over these last 30 years.

Some day, stable money, based on the gold standard, must be reconsidered. Stable money is a constitutional responsibility of Congress.

The Federal Reserve Board’s goal of stable prices, economic growth and interest rates, through centralized economic planning, by manipulating money and credit, is a concoction of the 20th century Keynesian economics. These efforts are not authorized by the Constitution and are economically detrimental.

Economic adjustments would not be so bad, as many mild recessions have proven. Except that by an inexorably and unfairly transferred from the middle class and the poor to the rich. Job losses and the rising cost of living hurt some more than others. If our course does not change, the entire middle class prosperity is destined to be endangered, as has happened all too often in other societies that pursued a false belief that paper money could be satisfactorily managed.

Even the serious economic problems generated by a flawed monetary system could be tolerated, except for the inevitable loss of personal liberty that accompanies government’s effort to centrally plan the economy through a:
paper monetary system and ever-growing welfare state. Likewise, an imperialistic foreign policy can only be supported by inflation and high taxation.

This policy compounds the threat to liberty because, all too often, our leaders get us involved in overseas adventurism in which we should have no part. Today, that danger is greater than ever as we send our dollars and our troops hither and yon to areas of the world most Americans have no knowledge or interest in. But the driving force behind our foreign policy comes from our oil corporations, international banking interests, and the military industrial complex which has high-stake interests in the places our troops and foreign aid are sent.

If, heaven forbid, the economy sinks as low and for as long as many free market economists believe, what policy changes must we consider? Certainly, the number one change ought to be to reject the ideas that created the crisis, all rejecting old ways that Congress and the people are addicted to is not easy. Many people believe that government programs are free. The clamor for low interest rates and, therefore, more monetary inflation, by virtually all public officials and prominent business and banking leaders is endless. And, the expectation for government to do something for every economic malady, even if ill-advised government policy had created the problem in the first place, drives the active system of centralized planning that ultimately undermines prosperity. A realization that we cannot continue our old ways may well be upon us, and the inflating, taxing, regulating, and the centralized planning programs of the last 30 years must come to an end.

Only reigning in the welfare-warfare state will suffice. This eliminates the need for the Fed to monetize the debt that politicians depend on to please their voters and secure their re-election. We must reject our obsession with policing the world by our endless foreign commitments and entanglements. This would reduce the need for greater expenditures, while enhancing our national security. It would also remove pressure on the Federal Reserve to continue a flawed monetary policy of monetizing endless government debt. But we must also reject the notion that one man, Alan Greenspan, or any other member of the Federal Reserve, can know what the proper money supply and the proper interest rates ought to be. Only the market can determine that. This must happen if we ever expect to avoid continuous and deeper recessions and to get the economy growing in a healthy and sustainable fashion. It is in the marketplace and the Federal Reserve should only work to maintain a sound money system. This means working to maintain a healthy business cycle, not trying to manipulate one. A healthy business cycle is not only better for the economy, but also better for society. Instead, it will result in what no one wants: more poverty and political turmoil.

There are no other options if we hope to remain a free and prosperous Nation. Economic and monetary meddling undermines its principles of a free society. A free society and sound money maximize production and minimize poverty. The responsibility of Congress is clear: avoid the meddling so ingrained in our system and assume the responsibility all but forgotten, to maintain a free society, while making the dollar, and gold, as sound as gold.

Now, I want to close with a quote from James Madison from The Federalist Papers, because the founders of this country faced the dilemma of runaway inflation with the continental currency and that is where our slogan comes from: “It is not worth a continental.” This was a major reason why we had the constitutional convention because they knew and understood the evils and the disastrous effects of what paper money would do to a society.

These are the words of James Madison. He says, “The extension of the prohibition to bills of credit must give pleasure to every citizen in proportion to his love of justice and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace, from the pestilent effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industries and morals of the people, on the character of the republican government, constitutes an enormous debt against the States chargeable with this ill-advised measure.”

BRINGING BROADBAND TO RURAL AMERICA
(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, a recent Department of Commerce report states that only 38.9 percent of rural households have Internet access.

In this unprecedented age of information and global interaction, broadband access and the Internet are critical elements. Americans are increasingly using online services to conduct such everyday activities as bank account transactions, personal correspondence, shopping, and research. As our Nation continues to evolve, access to the opportunities of the Internet will have an important supporting role in the economic, educational, and social success of our citizens.

Today, along with the gentleman from Nebraska (Mr. OSBORNE), I am introducing the Rural American Technology Enhancement Act, or RATE, of 2001. The legislation will: one, provide incentives to expand broadband/high-speed telecommunications access to rural America; two, provide incentives and tax credits for expanding and relocating high-tech businesses to rural America; three, provide funding to prepare, educate, and train our current and future workforce for high-tech-based employment; and finally, establish an Office of Rural Technology within the Department of Agriculture to coordinate rural technology programs and act as a clearinghouse for government policies and private, high-tech grant information.

Broadband access should not be an intangible idea lying beyond the reach of our rural citizens. We must continue to take steps to expand access to these information resources and include those Americans who are currently being left behind in the effort to eliminate the digital divide.

Mr. Speaker, I urge my colleagues to join me in the support of this legislation.

MARKING AN IMPORTANT MILESTONE FOR PARKINSON’S DISEASE RESEARCH, THE MORRIS K. UDALL RESEARCH ACT

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I am proud to come to the floor this evening to mark the fourth anniversary of the passage of the Morris K. Udall Parkinson’s Research Act, an anniversary that occurred this week.

In 1999, along with my friends and colleagues, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from Illinois (Mr. EVANS) and the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Colorado (Mr. UDALL) and the gentleman from New Mexico (Mr. MARK Udall) and the gentleman from California (Mr. WAXMAN), I formed the Congressional Working Group on Parkinson’s Disease. The working group strives to ensure that the Nation’s decision-makers remain ever aware of the needs of the more than one million Americans struggling with the devastating disease of Parkinson’s.

Four years ago this Monday, Senator wellstone was successful in adding the Morris K. Udall Parkinson’s Research Act as an amendment to the Senate Labor-HHS Appropriations bill. Not surprisingly, the amendment was approved by a vote of 95 to 3.

Represented for Arizona Representative Mo Udall to honor his legacy, the Morris K. Udall Parkinson’s Research Act was originally introduced on April 9 of 1997. The gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) were the bill’s lead sponsors in the House, and Senator McCain and Senator Wellstone were the sponsors in the Senate. In the 105th Congress, this bill had over 255 cosponsors, and I was proud to be an original cosponsor of the bill.

The Udall Act expanded basic and clinical research in Parkinson’s disease. It established Udall Centers of...
Excellence around the country and set up the Morris K. Udall Awards in Parkinson’s Research to provide grants to scientists who are working to cure Parkinson’s. One of the 11 Udall Centers is located in the City of New York. The New York center is doing innovative research, including identifying new genes, that when either expressed or suppressed, contribute to the degeneration of key nerve cells. They are also investigating gender and ethnic differences in people with Parkinson’s Disease.

Notably too, Columbia University’s Dean of Medicine is the former director of NIH’s National Institute of Neurological Disorders and Stroke. Dr. Gerald Fischbach, the work at this Udall Center, as well as centers across the country, is leading to a better understanding of the brain and how this disease affects it. The ground-breaking research at the Udall Centers, as well as our federal and private sector research efforts, will lead to better treatments and hopefully, a cure for Parkinson’s.

In this Congress I will proudly join the delegation from Colorado (Mr. Mark Udall) and the gentleman from New Mexico (Mr. Tom Udall) and members of the Congressional Working Group in introducing a reauthorization of the Morris K. Udall Parkinson’s Research Act. I urge all of my colleagues to join us in this effort.

In the spirit of Mo Udall’s tenacity and strength of purpose, we cannot stop now. We must wholeheartedly support Parkinson’s research until we find a cure.

As the President has said, we must continue on a path to doubling the NIH budget by 2003. In last year’s appropriations, over $71 million of the NIH budget was designated for Parkinson’s disease research, but this is only year 1 of the funding of the NIH’s 5-year plan for Parkinson’s disease research.

Leading scientists describe Parkinson’s as the most curable neurological disorder. Why I urge my colleagues to support the second year funding of the 5-year NIH plan. Recent advances in Parkinson’s disease research have given us hope that a cure is very near. The science regarding this disease depends on stem cell research and allowing that research to go forward.

WELCOMING OUTSTANDING WOMEN FROM AROUND THE GLOBE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Millender-McDonald) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to welcome 24 outstanding women who represent eight countries on the continent of Africa who have come at the request of the League of Women Voters, who have come to talk to us about what we, the women of the House, do in order to empower ourselves and empower the women throughout this country.

I am so pleased to welcome my friends from Ethiopia, Ghana, Nigeria, Tanzania, Uganda, Zambia, and Zimbabwe. These women represent non-governmental organizations, but they are interested in the political process and how they can better serve the people of their respective countries upon their return.

As we all recognize, the League of Women Voters encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

They have come in that role as advocates to take back with them how we, the 62 women who make up the House of Representatives, function: the types of policies that we pass out of this House.

I happen to serve as the co-chair of the Congressional Caucus on Women’s Issues, and simply told them that to empower themselves is to become part of the democratic process, and that is to vote, to encourage all of the folks within their countries to vote, to be participatory in the election process, and then to seek the needs of women and families so that they can address those through an advocacy program to follow the needs of those respective constituents, and certainly it will help them to build the base that is necessary to run for office.

Those of us who are women here in the House have not sought to get these seats initially. We were teachers and nurses and social workers and other types of fields of endeavor. But when the need came and when folks in our communities told us that the education systems were broken, that there were so many children who were not insured with health insurance, then we took up the gauntlet, and we began to build those things up.

We encourage not only the women who are here who see this floor, who see this House, the House that receives people from around the globe. Earlier today we welcomed the President of Mexico, Mr. Vicente Fox, welcoming them today. We welcome all who come to seek out what we do in the House, the people’s House, a House where we pass laws to make the quality of life better for all people.

It has been my pleasure to host them today with the members of the Congressional Conference of Women’s Issues, and with women and men Congresspersons who came to welcome them to the House.

Mr. Speaker, I welcome them to this House.

UNITED STATES DECISION TO PULL OUT OF THE UNITED NATIONS WORLD CONFERENCE AGAINST RACISM

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from California (Ms. Lee) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise today to express my strong opposition and disappointment with the Bush administration’s decision to end the United States participation in the World Conference Against Racism. It was not to even send initially Secretary of State Colin Powell to represent our interests.

Once again, the United States is on the wrong side of history. I traveled to South Africa to participate in the World Conference Against Racism as a congressional adviser, along with several of my colleagues with the Congressional Black Caucus.

Prior to attending the conference, I joined my colleagues in urging the Bush administration to send a high-level delegation led by Secretary of State Colin Powell.

As we all know, the decision of the United States to not participate in the conference was based on language in the draft document that would have resurrected the controversial debate of Zionism equals racism. Why then, on such an important issue, was the Secretary of State prevented from making every effort, and I mean every effort, to get rid of this destructive language? He should have been there doing that.

I am totally convinced that the United States should have been represented by Secretary Powell because he is well respected, very bright, and probably would have been able to help our conference move forward by insisting that it stay focused on its purpose, the elimination of racism, rather than the Middle East crisis, which warrants
our full attention in trying to get the peace process back on track.

America should have asserted its leadership by fully engaging in the world conference against racism, not by detaching from it.

It is an outrage to millions of Americans that our first African American Secretary of State, Colin Powell, was not allowed to join in this important discussion. Many Americans are equally and rightfully outraged by the Bush administration’s decision.

We know, I know, this House knows, that this country has a long history embedded in racism. Full participation in the conference would have sent a message that the United States was joining the world in efforts to discuss strategies to eliminate racism, xenophobia, sexism, hate crimes, religious intolerance, and other forms of intolerance. No other country has this tragic history as we do. Who else should be leading the world community in addressing this? We should.

However, the manner in which the United States has addressed the World Conference Against Racism is really a disgrace. It is a slap in the face to millions of Americans who have been affected by past United States policies rooted in racist ideology and are dealing with the consequences each and every day in their daily lives.

The United States is sending a message that it is indifferent to the issues of circumstances facing Native Americans, Latino and Hispanic Americans, Asian Pacific Americans, as well as African Americans. I firmly believe that this is a grave mistake and a missed opportunity of the greatest magnitude.

The World Conference Against Racism provided an important and credible platform to address racism in all its forms. This platform is also critical to the discussion of the 10 priority action points. It was represented by the Africans and African descendants at the conference, and should have been embraced by the conference and by the United States Government.

Mr. Speaker. I include for the Record this statement on the Ten Priority Action Points.

The document referred to is as follows:

**TEN PRIORITY ACTION POINTS OF CONSSENSUS AFRICAN AND AFRICAN DESCENDANTS CAUCUS**

1. The Slave Trade, Slavery and colonialism are crimes against humanity.
2. Reparations for Africans and African Descendants.
3. Recognition of the economic basis of racism.
4. Adoption of corrective national (domestic) public policies with emphasis on environmental racism and health care.
5. Adoption of culture-specific development policies.
6. The adoption of mechanisms to combat the interconnection of race and poverty, and the role that globalization (caused by government and the private sector) has in this interconnection.
7. Adoption of mechanisms to combat racism in the criminal punishment (penal) system.
8. Reform of the legal system including national constitutional reforms and development of international and regional mechanisms for dismantling racism.
9. Adoption of policies specific to African and African Descendant Women that recognize and address the intersection of race and gender.
10. Support for the adoption of policies that recognize and address the intersection of race and sexual orientation.

Mr. Speaker, the United States Government sanctioned slavery for hundreds of years, completely devastating the lives of generations and generations of Africans in America. It is long past time that our Government formally deal with its participation in the institution of slavery and to begin the healing process for millions of Americans who are descendants of slaves.

The United States should be leading the charge to address the lasting impact of the transatlantic slave trade, what to do about it, and specifically to discuss reparations. We cannot forget that America’s racism is rooted in the institution of slavery. That must be dealt with in order to move forward as a healed and healthy society.

As an African American woman and a Member of Congress, it is embarrassing that this miscalculated and callous decision to abandon the conference will once again leave the United States out of serious international dialogue.

Racism is a fundamental question of human rights, and in the House Committee on International Relations and here on the floor we regularly question human rights practices in other countries. It is equally important that we apply the same scrutiny to our own society and examine the easily recognizable vestiges of slavery manifested in the current racial and economic divides that we experience today.

The World Conference Against Racism provided our government with a credible platform to do this. Yet once again, as with the previous two conferences, we are absent.

I want to urge my colleagues to support legislation offered by the gentleman from Michigan (Mr. CONyers), H.R. 40, which would commission a study to examine the effects of slavery and to begin a substantive discussion which I believe will move us forward toward healing our Nation. This legislation must move forward.

Again, let me reiterate my deep disappointment at the decision of the administration to pull out of this conference. The next time this opportunity presents itself, the United States not only needs to attend this conference, but to host it.

**U.N. CONFERENCE AGAINST RACISM**

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Mr. Speaker, I attended the conference in Durbin on racism with the gentlewoman from California (Ms. LEE). The Congressional Black Caucus had seven members there, and I think we were the ones that gave credibility to the United States, because I really feel that we missed an opportunity.

So I would like to read to this body my statement that was delivered while we were there in Durbin, South Africa, at the United Nations Conference on Racism, Xenophobia, and Other Intolerance, because I think it states the point.

"It is a distinct honor to participate with representatives from around the world who are joined in one common concern, and that is the elimination of the scourge of racism. No nobler intent can there be to express our support for eradicating this menace that has permeated our halls of justice, our halls and places of power, our board rooms, our schoolrooms, and our main streets.

I use as a frame of reference my own place of birth, the United States of America, which has failed to send a high-level delegation. So I have to say, shame, shame on America. You have demonstrated your reluctance to sit at the table of nations to discuss past policies that have contaminated our relations between the majority and the minority in our own country. So deep are the wounds that healing appears to be unattainable and the political will evasive.

The legacy of slavery not only has broken the spirit of many African Americans in the Diaspora, but also left generations to come without the hope to look ahead with clarity. We seek a future without the pain of suffering from the inequities of past mistakes and own up to them. Our past is the past. This refrain, "the past is the past," cannot be washed away with only an apology, but could with a series of meaningful discussions held in the United States that acknowledge the past and develop plans for the future to eradicate racism.

I therefore call on the United States to host its own conference on racism in the near future and to support the legislation of the gentleman from Michigan (Mr. CONyers), H.R. 40, which will act as a discussion and momentum.

Reparations can consist of a variety of approaches that indeed further the advancement of those oppressed and provide benefits for their offspring. We need to look at better educational opportunities for our young people from kindergarten to college; health insurance coverage, maybe; the unjust justice system; racial profiling; affordable
housing; environmental racism; job opportunities; creation of entrepreneurs. There are many, many ways in which 40 acres and a mule can translate into productive activities without the need for budget-busting expenditures.

Let us start the debate here, and then go to our respective homes and continue these dialogues until the culture of racism and intolerance is eliminated from the face of the Earth, and especially, from the soil that we tilled and sowed.

PROGRESS ON CURING PARKINSON’S DISEASE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Colorado (Mr. UDALL) is recognized for 60 minutes as the designee of the minority leader.

Mr. UDALL of Colorado. Mr. Speaker, I come to the floor today to commemorate the anniversary of the Morris K. Udall Parkinson’s Disease Research Act. This act, which was passed 4 years ago this month, has strengthened our national research effort to develop more effective treatments and hopefully a cure for Parkinson’s disease.

Before I say what I have to say, I want to salute the millions of people who are in the daily battle against this disease.

□ 1700

I also want to thank Joan Samuelson and the Parkinson’s Action Network for their hard work on behalf of all of us.

Additionally, I want to take this opportunity to thank all of my colleagues on the Congressional Parkinson’s Working Group. To name a few, the gentlewoman from New York (Mrs. MALONEY), the gentleman from Michigan (Mr. URFTON), the gentleman from Illinois (Mr. EVANS), and the gentleman from New Mexico (Mr. SKEEN); they have been on the front lines in fighting for research dollars and holding various projects accountable for the wise use of these funds.

Parkinson’s is a devastating disease that affects more than 1 million Americans and their families. Fifty thousand people are newly diagnosed with Parkinson’s each year, and of those with Parkinson’s today, roughly 40 percent are under the age of 60. Most of us know someone with Parkinson’s, or we know someone whose life has been touched by Parkinson’s. For some of us, this issue hits close to home.

Many people knew my dad, Mo Udall, and his story. He enjoyed great health until 1976, when he broke both his arms in a fall off a ladder, caught viral pneumonia, his appendix burst, he got pneumonia, and he contracted Parkinson’s Disease, all within 8 months. He had a long battle with Parkinson’s before he passed away in December of 1998.

One way my father chose to deal with Parkinson’s was to make light of it. Shortly after he was diagnosed, there was a scandal involving a woman by the name of Paula Parkinson, a blond lobbyist who kissed and told about her affairs with several Congressmen. He used to tell a joke that there were two kinds of Parkinson’s disease, the kind discovered by an English doctor during the 1800s and the kind you get when you go to Florida with a blond lobbyist. There were no similarities between the two afflictions, he said, except they both cause you to lose sleep and they both give you Parkinson’s.

In all seriousness, though, I think Mo would be humbled and honored by the fact that this important act and the centers of excellence it creates are named after him. He dedicated his life to making a difference in the lives of people, and by having his name associated with this act, he continues to have an impact on the world even after his death.

The act authorizes $100 million at the National Institutes of Health for Parkinson’s research. It also establishes 10 centers for research throughout the nation and creates a national Parkinson’s information clearinghouse for support of research and education.

Mr. Speaker, I believe this act has helped us make tremendous progress in the fight against Parkinson’s and in understanding other neurodegenerative diseases. That is why we need to act soon and reauthorize the act. We need to give researchers the necessary funding and support to combat this debilitating and ruthless disease.

We will be introducing legislation in the next month to reauthorize the act, and I fervently hope that my colleagues will work with us to make the dream of finding a cure for Parkinson’s come true.

Mr. Speaker, at this time I would like to yield to my colleague and good friend, the gentleman from the great State of North Carolina, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding to me and want to commend him for calling this Special Order and indirectly is, of course, in the millions, and that includes my own family. My late father had a brother who was afflicted with Parkinson’s. He had an uncle who was afflicted with Parkinson’s.

My dad, incidentally, was a great fan of the gentleman’s father. I remember one time we were both about to go to Florida, and I was the speaker at our annual party banquet. It was over in the western part of the State, so my dad, who resided in east Tennessee, was able to come over for this function. He could not stop laughing. He said Mo Udall was the funniest man he had ever heard or seen anywhere, almost enough to make a Democrat out of him! Mo Udall was a wonderful man who brought great humor to politics, great warmth, and a wonderful spirit. He later autographed his book “Too Funny to Be President,” and we gave it...
to my dad to his great delight. So Mo Udall was a huge personal favorite in our family.

One cannot imagine a more fitting monument, a more fitting tribute to Mo Udall, than to pass this research act aimed at the scourge of Parkinson's disease. It affects people across our country and across or Libertarian Party disease. It affects a Democrat or a Green Party or a Republican or Libertarian Party disease. It affects people across our country and across the world. And the work that has been done, as the gentleman points out, is far-reaching. And we are so close to understanding how to not only, as I mentioned earlier, make sure that the disease is mitigated but literally cured.

The area of the brain where this takes place has not been identified and mapped. And as the gentleman points out, there are indications that the disease is, in some cases, genetic or hereditary; but in other cases, is environmentally induced. There is excellent work going on in the Department of Defense, in the VA, veterans, and they are looking through their own program on how to combat Parkinson's disease or contributing to the efforts at NIH that has undertaken.

I want to again thank the gentleman for taking his time to come to the floor and to point out to our colleagues the great opportunity we have to make a difference in a lot of lives. If we think about a million Americans who have the disease, think about the extended families that are affected by the disease and the costs that are incurred, not just financially, but emotionally, in these communities, this is a terrible disease; and it is one that we can cure and we ought to get about the business of it now.

So I thank the gentleman.

Mr. PRICE of North Carolina. I thank the gentleman from Colorado for his comments here today and for carrying on this great work. We must use this occasion to resolve to press forward.

Mr. UDALL of Colorado. I thank the gentleman for joining us today.

It is my pleasure at this point to yield time to my colleague, the gentleman from the great State of Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN asked and was given permission to revise and extend his remarks.

Mr. LANGEVIN. Mr. Speaker, I wish to thank my colleague, the gentleman from Colorado, for yielding time for me to speak on this issue. Before I begin, I want to mention that, of course, I never had the opportunity to meet his father, Mo Udall, but I have nothing but respect for the reputation that he has established in public service, and I know that he would be proud of his son, the gentleman from Colorado, in continuing that proud family tradition of strong commitment to public service.

I rise today and on behalf of the entire Congress, to honor the gentleman from Colorado for his exemplary service. And with the gentleman's permission, I would like to express the opportunity to meet with my constituents from my district is an opportunity to meet with my constituents from my district and all over the Nation. Some of the most eloquent and articulate persons...
are those who are physically suffering from Parkinson’s and others who come to collaborate on the importance of finding a cure and the ability to research this debilitating disease.

In the name of Morris K. Udall, this legislation passed an important milestone in striking down the door that he was searching for finding out the reason that this disease has gotten such a grip on people around the world. This research or this research act has been funded and the legislation, of course, was passed through the leadership of Senator Wellstone and I hope to have an amendment and adding additional dollars. We now come to a time when it is necessary to reauthorize it.

Even more so during this stem cell research debate that I find the importance of this particular legislation which continually persists in attempting to find a cure by added research. It never allows to rest the continued theorizing and study of the importance of discovering new ways to attack this disease.

I am certainly disappointed that we are at a certain standstill in stem cell research. I would have wanted and do want the President to go further. I believe that he was well-intentioned but may be misadvised by those who would think that we had enough of the research elements that could do the vast massive research that needs to be done.

This research act has shown that the broader, the better, the fuller, the better.

Let me congratulate the gentleman on the number of centers that already exist. We look forward to helping the funding expand, not frivolously, but so that centers could be expanded across the country, I would certainly welcome one in Houston, Texas.

Mr. Speaker, let me thank the gentleman for one, having the insight to be at the forefront of the reauthorization of this legislation. Let me also say that I would willingly join as an original co-sponsor of this legislation and offer to say to those who have been suffering from Parkinson’s for time before and today and tomorrow that we will continue to fight until we can find a cure.

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague for her remarks and for her vision as well.

Mr. Speaker, in conclusion, I would like to urge all of the Members of this body to join us in a bipartisan fashion when we introduce this legislation in the next couple of weeks to reauthorize the Udall Act.

I want to thank, in particular, the gentleman from Michigan (Mr. Upton), the gentleman from New Mexico (Mr. Skelton), the gentleman from New York (Mrs. Maloney) for their support and hard work on behalf of all the people and all the families who are affected by Parkinson’s disease. I know we will do the right thing in this body and reauthorize this very, very important act and we can all be proud when we find the cure for Parkinson’s sooner rather than later.

Mr. WAXMAN. Mr. Speaker, I rise today in recognition of the fourth anniversary of the passage of the Morris K. Udall Parkinson’s Research Act. I cannot think of a more fitting tribute to my friend and colleague than this legislation.

Mo Udall was a member of the House Representatives for thirty years from 1961–1990. He earned the respect of all who served with him through his humor and civility as well as his ability to work with members from both sides of the aisle. Mo’s courage and determination to continue to serve even after being diagnosed with Parkinson’s disease in 1978 was an inspiration for all who had the privilege to be around him during that time. He was determined to continue to lead a full and vigorous life even in the face of this debilitating disease. Although his death in 1998 was a blow to all of us, his legacy lives on in the great and important work started through this legislation.

Mr. Speaker, Parkinson’s disease afflicts 1 million Americans, 40 percent of whom are under the age of 60. This landmark legislation dramatically expanded and coordinated clinical research into Parkinson’s disease as well as established the Morris K. Udall Centers across the country. These centers have been an invaluable resource in the fight against Parkinson’s disease. They have provided state-of-the-art training facilities for new researchers and the resulting work has greatly increased our knowledge and understanding of the disease.

We have an opportunity and an obligation today to re dedicate ourselves to the goal of finding a cure for Parkinson’s disease. Our initial investment into research four years ago has yielded impressive returns. Still, however, much more needs to be done. Mr. Speaker, I call on Congress to continue the valuable work we started four years ago and fully fund federal research into Parkinson’s disease done by the National Institutes of Health and the Morris K. Udall Centers.

Mr. SKELTON. Mr. Speaker, I commemorate today the fiftieth anniversary of the Morris K. Udall Parkinson’s Research Act, and I am pleased to be here among other champions of the cause from the Parkinson’s Working Group here in the House.

Mo Udall was more than a colleague. He was a friend. We didn’t always agree on politics, but we could always share a laugh. I remember flying him around on my plane in NM. And, I remember helping to pick up his papers when they fell to the ground in the Interior Committee.

But, this anniversary honors more than Mo Udall. It honors our commitment to helping science keep it’s promise. It has been more than fifteen years since America began to hear that a cure for Parkinson’s was just around the corner, . . . perhaps just five years away. Yet, it is not here yet. The Udall Act of 1997 was the first time we put the money where science’s mouth was. Thanks to NIH, the U.S. Army, Udall Centers of Excellence, and private research carried on largely thanks to an outstanding advocacy community, we are still on target.

As this ceremony was the day before the anniversary, it also marks the sunset of the bill. Perhaps it is time we reauthorize it. Let us continue to help science keep its promise. Thank you.

Mr. EVANS. Mr. Speaker, we are here today to honor the memory of one of our great former colleagues, the late Mo Udall, who served in this House for nearly three decades. Four years ago this week, Congress passed the Morris K. Udall Parkinson’s Disease Research Act as a tribute to his service and the great and important work started through this legislation.

Mr. Udall was a member of the House Representatives for thirty years from 1961–1990. He earned the respect of all who served with him through his humor and civility as well as his ability to work with members from both sides of the aisle. Mo’s courage and determination to continue to serve even after being diagnosed with Parkinson’s disease in 1978 was an inspiration for all who had the privilege to be around him during that time. He was determined to continue to lead a full and vigorous life even in the face of this debilitating disease. Although his death in 1998 was a blow to all of us, his legacy lives on in the great and important work started through this legislation.

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I served with Mo Udall from 1983 to his re retirement in 1992. During that time, I came to know and admire him as an effective legislator, a consummate humorist, and a dear friend. Mo always had a kind word and a joke for everyone. He brought a levity to this body that you wouldn’t expect from someone fighting for his life. Ask anyone here who had the pleasure to serve with Mo and they will have a side splitting tale of the time that Mo brought the house down. Coupled with his good humor, was a commitment to serve this nation well. Despite his Parkinson’s Disease, he served as chairman of the Interior Committee for two years. He was a champion for preserving America’s wilderness areas. I admired Mo then, but my esteem for him grew even greater when I was diagnosed with Parkinson’s Disease in 1995.

Our purpose here is to commemorate the passage of the Udall Act, which brings much needed resources to the study of Parkinson’s Disease. The time has come to reauthorize the bill. And today, we have the honor of being joined by Mo’s son, Congressman Mark Udall, who will lead the charge to see this program continued. We will be introducing the reauthorization bill in the coming months. I hope that all of our colleagues will join us in supporting that bill.

The 11 Morris K. Udall Centers are busy conducting research on every aspect of Parkinson’s Disease. The scientists there are some of the best and the brightest in their field. They believe that a cure for Parkinson’s Disease is on the horizon—that it could be discovered in as little as five years. These researchers give me hope. They are out there everyday working to make my life and the lives of the one million Americans living with Parkinson’s Disease better. And let me tell you—It’s nice having these bright men and women on your side. I know they will find a cure, but they can’t do it without our continued support.

These Udall Centers are just one component of a larger effort on the part of NIH to develop more effective treatments, enhance prevention efforts, and eventually find a cure of Parkinson’s Disease. At the request of Congress, NIH developed a five year Parkinson’s Disease Research Agenda to bring the nation closer to a cure. Last year, we funded the first year of that agenda. This year, we must fund the second year by increasing funding for Parkinson’s Disease research by $143 million. I am hopeful that the Appropriations Committee will follow through with what it started and honor Congress’ commitment to the NIH Research Agenda.

The Udall Centers are the lifeblood of the Parkinson’s community. The Udall Centers and the NIH funded research are leading the world in the path to a cure. I encourage my colleagues support these programs.
RACISM IN SOUTH AFRICA

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting as I had the opportunity to share with the gentleman from Colorado (Mr. UDALL) on a very important legislative initiative, this comes to mind that a key word everything we do in this country and this Congress is engage, engagement, to be engaged.

I would be remiss if I did not take this time to join my colleagues, the gentlewoman from California (Ms. LEE) and the gentlewoman from California (Ms. WATSON), to speak to a situation, a conference, a series of events that are going on in South Africa that I think have been sorely misrepresented and misinterpreted, that is, the Mideast World Conference on Racism, the first conference like this in the past 18 years.

Of course, the first conference was in 1979. The second conference was in 1983 where I was on an apology tour in South Africa. Gratefully, that conference was successful. Those who have not yet visited South Africa can see a country, with the opportunity to visit it, that seeks reconciliation, a country that is different and has struggled every day to ensure that no matter what one’s color is, there is a seat at the table of empowerment.

I was very proud to be a member of the United States delegation comprised of Members of Congress, particularly and, in addition, members of the Congressional Black Caucus, the gentleman from California (Mr. LANTOS), as well as members from the State Department.

What I was most disappointed in is that the country that is the greatest democracy that the world knows, the United States of America, founded in the Declaration of Independence, that declares all men are created equal, had the misguided interpretation that the best role for them would be to disengage and not to be engaged. That meant that they did not send, did not allow Secretary Colin Powell to be a part of this world conference.

Mr. Speaker, I truly believe, having been intimately involved in the processes of this conference for a good number of days at the heart of the conference, that the leadership of the United States, the leadership of Secretary Powell, would have been immensely important in steering this conference to its rightful place in history. What is that place? The place of reconciliation.

After I returned to the United States, it pained me to see Catholic school girls running the gauntlet of attempting to get to their schools as Protestants stood by and chanted and jeered and cast aspersions, but more importantly, perpetrated violent acts.

This world is riveted by ethnic, religious, and racial divide. The conference that we were at was not one to cast doubt, to cast accusations, but frankly it was to bring about resolution.

The bulk of the people there, unfortunately, not brought to the attention of the American people, but the bulk of the people were black and white and good intentions. Clearly they wanted to seek to clear the air. Gypsies were there asking for the ability not to be discriminated against. The untouchables of India were there to ask not to be discriminated against. The countries of Africa that suffered so brutally in the trans-Atlantic slavery as well as colonization were there asking, not to accuse, but simply asking to create a better world.

Those of us from the United States who were descendants of slaves were there asking that we provide a sense of healing, how can we move our Nation away from the divisiveness of race. Yet there was another theme, the tragedy of the Mideast process to bring about peace. An issue separate and apart from the racism conference, truly an issue for the United Nations and the United States, be engaged in peace, but do not bring the conference of reconciliation, a conference that should be healing, a conference that should bring us together around the question of race.

Mr. Speaker, I am sorry that the media has not told the story, the stories of meeting with heads of states, diverse heads of states, the President of Latvia, an Eastern European country, who wanted to be part of solving the question of race.

Those stories, the Mexican delegation, the delegation from Israel, the Arabs who were interested in ensuring that the conference was successful. I am here to tell the story and say apologetically that the United States missed its opportunity of leadership, missed its opportunity to use the bully pulpit to stand before the world, 169 countries, denounce Zionism as being racist, and talk about peace and reconciliation, talk about bringing us together and healing the racial divide and making a difference.

Mr. Speaker, this conference will be successful if the right people take charge, and I will continue to work for reconciliation and ending the racial divide.

D.C. APPROPRIATION PASSES UNANIMOUSLY FROM COMMITTEE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor not to take the whole hour, but for a few minutes because the D.C. appropriation today passed in full committee under the chair of the gentleman from Michigan (Mr. KNOLLENBERG) and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH). This was a noteworthy subcommittee markup.

Mr. Speaker, the controversy often associated with the D.C. legislation was not there today. The bill passed unanimously. One important reason for this, indeed the most important reason for the smooth way in which the bill transacted its way through the committee today was its chairman, the gentleman from Michigan (Mr. KNOLLENBERG). Like a laser beam, the gentlewoman from Michigan (Mr. KNOLLENBERG) has been focused on the clear obligation of the chair of an appropriation subcommittee, and that is to get his bill to the floor as clean as he can get it so that it can get the necessary votes on the floor from both sides of the aisle.

I appreciate the way this bill was handled in subcommittee today, especially in contrast to when the District of Columbia appropriation finally got out of the House last year. It was in December, remember. The appropriation year ends September 30. My colleagues can imagine the hardship on our local jurisdiction that does not get its budget until almost Christmas. It was so late even when we got the bill out, that was on a Thursday. On November 1, it was held over in order to be the vehicle to carry other appropriations that had had difficulty getting out of committee.

So here we had the spectacle of a local jurisdiction not being able to spend its own money while the bill was held hostage for Federal appropriations. It seems to me there is something in reverse order about that, that the smaller appropriation being held to carry gigantic appropriations like HHS over.

I am deeply grateful that the gentleman from Illinois (Mr. HASTERT) made sure we got this bill out. I went to his office and described the hardship. I asked Mayor Tony Williams to help me describe it. With the help of the Speaker, we finally got our bill out in December.

What the gentleman from Michigan (Mr. KNOLLENBERG) has done is to take a first step toward avoiding any kind of train wreck of that kind for the District of Columbia.

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What the gentleman from Michigan (Mr. KNOLLENBERG) has done is to take a first step toward avoiding any kind of train wreck of that kind for the District of Columbia.

Perhaps it will not happen because, if there are riders on our appropriation, get yourself ready for a fight. But if there are, they are not going to have a seat there because the chairman has been an enabler of such extraneous, irrelevant, undemocratic riders.

True to his word, the chairman himself respected, local decision-making, and the way he did so was by announcing in advance shortly after he assumed the chairmanship that he did...
not want any riders in his appropriation. I do not think I have heard that for a very long time; but when a chairman says that, I think you will get a lot of respect from Members of the House because he is announcing how he wants his own appropriation to be handled.

He went further. In the Subcommittee on the District of Columbia, the gentleman from Michigan (Mr. KNOLENBERG) looked at a project we were considering in that subcommittee. I think he would not be in a position to do, and the chairman of the Subcommittee on the District of Columbia, the gentleman from Michigan (Mr. KNOLENBERG), could not do anything about those; and we do not hold him accountable to those.

Those, of course, are riders of the most controversial kind in this House.

Riders, for example, under domestic partners that allow domestic partners in the District no matter what their sexual orientation. I guess most of them in the District would not be gay, but would allow a domestic partner to pay for the health benefits of his partner if the District government with no cost to the District government.

Hundreds of jurisdictions allow that all across the United States. Many more private corporations allow it. It may make sense to consider the cost of health care, seems to me that anybody would want to help somebody get health insurance who wanted to pay for it and get on a group plan, particularly at a time when there are very serious consequences to not doing so.

There is one that this House rebels against that, again, all across the United States can be found. Members, I am sure, will vote against it. Live in places where this is done and, that is, to add riders to states that have nothing to do with today. They are ancient. It is as if they were written in the last century.

We thought that such riders could do real harm. Because they are there and until they are gone, you are supposed to do what they say.

The fact that they are redundant or out of date does not mean that you are not absolutely doing what they say and they really cause great confusion in the local community that tries to abide by what indeed the Congress has said.

We worked hard last year while Mr. Clinton was in office and this year as well to see whether we could get the White House to agree with us that certain riders were operational and financial riders were no longer applicable and then to work with the District to see they were no longer applicable.

We did, and to his credit a great many of these riders, 35 of them, have been removed by Chairman KNOLENBERG.

I regret to say that there are controversial riders that, of course, remain on our appropriation. They have been there for eternity, through Democratic and Republican Houses and Presidents. They are the kind of riders that keep the local jurisdictions in the United States of America do not regard as riders at all because they have decided that those are the kinds of things they do not want to do.

Then there are hundreds of jurisdictions that have decided they want to do precisely what the Congress has forbidden us to do, and the chairman of the Subcommittee on the District of Columbia, the gentleman from Michigan (Mr. KNOLENBERG), could not do anything about those; and we do not hold him accountable to those.

Those, of course, are riders of the most controversial kind in this House.
have approved in their budget and sometimes in their laws.

And so, Mr. Speaker, thanks to the chairman and the ranking member and the cooperation of the full committee, I might add, the D.C. bill is on its way to full committee. I come to the floor this evening to ask that the full committee show this kind of respect for the independent jurisdiction that is your Nation’s capital, the District of Columbia, that the chairman has shown; that we follow his lead and that out of committee come a bill that is at least as clean as the bill was when it was passed off today to the full committee.

Mr. Speaker, we have many miles to go before this session is over. I hope and pray we are not here as long as we were last year. But if we spend a lot of time ruminating about the District of Columbia, we may well be here. You have got yourself a Republican President now. I think he wants to sign bills and not veto them, although I must say unless you get this surplus matter figured out, you are likely to have a Republican President vetoing bills that came from a Republican House. In any case, I want us all to focus on getting out of here and getting these bills, which are already very late, done.

I think that the last thing that should make us tarry is a local jurisdiction unrelated to your own business and your own district. I ask that you respect the work of our chairman, the gentleman from Michigan (Mr. KOLLENNBERG), allow a clean bill to come out of the full committee and then out of this House. And, of course, I ask you to respect the 600,000 people who live in the Nation’s capital, who are second per capita in Federal income taxes and ask of you only that you let them spend their own money as they see fit.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. OLVER (at the request of Mr. ARMERY) for today on account of traveling with the President.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. EVANS) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

The following Members (at the request of Mr. ISAKSON) to revise and extend their remarks and include extraneous material:

Mr. WOLF, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. BOSWELL, for 5 minutes, today.

Ms. MILLER-McDONALD, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Ms. NORTON, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o’clock and 42 minutes), under the previous order, the House adjourned until Monday, September 10, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

3487. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission’s final rule—Foreign Futures and Options Transactions—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3488. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Board’s final rule—Treatment of Customer Funds—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3489. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission’s final rule—Delegation of Authority to Disclose and Request Information—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3490. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission’s final rule—Fee Reviews for the Rule Enforcement Programs of Contract Markets and Registered Futures Association—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3491. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Plastic Bag Recycling Performance Standards Program and any special orders heretofore entered, was granted to:

The following Members to revise and extend their remarks and include extraneous material:

Ms. MILLER-McDONALD, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JENNIFER DUNN, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following communication from Shannon Flaherty, staff assistant to the Honorable JENNIFER DUNN, Member of Congress:


Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

SHANNON FLAHERTY, Staff Assistant.
Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Black Gurnard, and Summer Flounder, Black Gurnard; Recreational Measures for the 2001 Summer Flounder (Docket No. 01651122-1179-02; I.D. 031901C) (RIN: 0648-AN70) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3501. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaskaa, southeast of Narrow Cape, Kodiak Island, AK [COTP Western Alaska-01-002] (RIN: 2115-AA73) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3502. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Maumee River, Rossford, Ohio [CGD09-01-1111 (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3503. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Vineyard Haven Harbor, Massachusetts (CGD09-01-110) (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3504. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Victoria of the Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea [CGD07-01-033] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3505. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea [CGD07-01-033] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3506. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E airspace, Poplar, MT [Airspace Docket No. 02-ANM-22] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3507. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD06-01-005] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3508. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Missouri River, North Dakota, South Dakota, Iowa, Illinois, and New Orleans, LA [CGD08-01-006] (RIN: 2115-AA47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3509. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Ouachita River, LA [CGD06-01-007] (RIN: 2115-AA47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3510. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Ouachita River, LA [CGD06-01-007] (RIN: 2115-AA47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3511. A letter from the Paradeal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30265; Amdt. No. 2066] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3512. A letter from the Paradeal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30265; Amdt. No. 2066] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3513. A letter from the Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration, transmitting the Administration's final rule—Patents and Other Intellectual Property Rights (RIN: 2700-AC38) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3514. A letter from the Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration, transmitting the Administration's final rule—Boards and Committees (RIN: 2700-AC36) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3515. A letter from the Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration, transmitting the Administration's final rule—Inventions and Contributions (RIN: 2700-AC47) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3516. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Change in Flat Rate of Duty on Articles Imported for Personal or Household Use or as Bona Fide Gifts (T.D. 01-61) (RIN: 1515-AC96) received August 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3517. A letter from the Acting Director, Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule—Changes In the Insular Possessions Watch, Watch Movement and Jewelry Wristwatches Program [Docket No. 991228850-1119-02] (RIN: 0625-AA57) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS: H.R. 2844. A bill to amend the Public Health Service Act with respect to the publication of the final rule, encoding the final rule, publishing the final rule, and transmitting the final rule, to the Committee on Energy and Commerce.

By Mr. ANDREWS: H.R. 2845. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies; to the Committee on Ways and Means.

By Mr. BAIRED (for himself and Mr. RYAN of Wisconsin): H.R. 2846. A bill to amend the Internal Revenue Code of 1986 to provide comparable unrelated business taxable income treatment to tax exempt organizations which hold interests in timberland that is provided to such organizations for interest held in partnerships; to the Committee on Ways and Means.

By Mr. BONUELLI, for himself and Mr. OSBORNE: H.R. 2847. A bill to encourage the deployment of broadband telecommunications in rural areas; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, Energy and Commerce, and Education and the Workforce, for a period of 30 days; to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWN of Florida: H.R. 2848. A bill to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the “Eddie Mae Stewart Post Office”; to the Committee on Government Reform.

By Mr. BRIGHT of Georgia (for himself and Mr. HASTINGS of Florida): H.R. 2849. A bill to designate the facility of the United States Post Office located at 440 South Orange Blossom Trail in Orlando, Florida, as the “Arthur Pappy Kennedy Post Office”; to the Committee on Government Reform.

By Mr. DEAL of Georgia: H.R. 2850. A bill to amend the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBBON: H.R. 2851. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 2, 1, 326 and 1, 326, for the benefit of the Western Shoshone; to the Committee on Government Reform.

By Mr. HULSFORD: H.R. 2852. A bill to suspend temporarily the duty on 5-(1-methylthyl)-1H-2,1,3-benzothiadiazin-4(3H)-one 2.2 dioxide; to the Committee on Ways and Means.

By Mr. HULSFORD: H.R. 2853. A bill to suspend temporarily the duty on 5-methylpyridine-2,3-dicarboxylic acid; to the Committee on Ways and Means.

By Mr. HULSFORD: H.R. 2854. A bill to reduce temporarily the duty on 5-methylpyridine-2,3-dicarboxylic acid; to the Committee on Ways and Means.
H.R. 1767: Mr. Forbes.
H.R. 1779: Mr. Wynt, Mr. Markry, Mr. Rotham, and Mr. Davis of Illinois.
H.R. 1781: Mr. Blagofyich, Mr. Cummings, Mr. Rangel, Ms. Roybal-Allard, Mr. Price of North Carolina, Mr. George Miller of California, and Mr. Oliver.
H.R. 1786: Mr. Rotham, Mr. Matsui, and Mr. Chellie.
H.R. 1788: Mrs. Mink of Hawaii, Mr. Abercrombie, Mr. Boucher, and Mr. McIntyre.
H.R. 1789: Mr. Smith of New Jersey.
H.R. 1810: Mr. Hall of Ohio, Mr. Watt of North Carolina, and Mr. Weiner.
H.R. 1897: Ms. Baldwin, Mr. McDermott, and Mr. Klove.
H.R. 1950: Mr. Peterson of Pennsylvania.
H.R. 1961: Mr. Bryant, Mr. DeFazio, Mr. Boyd, and Mr. Holden.
H.R. 1968: Ms. Clayton and Mr. McIntyre.
H.R. 1979: Mrs. Mink of Hawaii and Mr. Abercrombie.
H.R. 1988: Mr. Frost.
H.R. 1997: Mr. Walsh.
H.R. 2022: Mr. George Miller of California and Mrs. Davis of California.
H.R. 2071: Ms. Baldwin and Mr. Green of Wisconsin.
H.R. 2096: Mr. Rogers of Michigan.
H.R. 2098: Mr. Smith of New Jersey.
H.R. 2125: Mr. Farr of California, Mr. Abercrombie, Mr. Callahan, Mr. Burr of North Carolina, Mr. Ross, Mr. Ehlich, Mr. Brown of Ohio, Ms. Baldwin, Mr. Goodlatte, Ms. Doyle, Mr. Weldon of Florida, Mr. Lucas of Kentucky, Mr. Lee, Ms. Rivers, Mr. Engle, Mr. Carson of Oklahoma, Mr. Bahr of Georgia, Mr. Peterson of Minnesota, Mr. McGovern, Mr. Scott, Ms. Coyne, Ms. DeLauro, Mr. McNulty, Ms. McCollum, Mr. Lantos, and Mr. Pascrell.
H.R. 2138: Mr. Udall of New Mexico, Mrs. Christensen, and Mrs. Morella.
H.R. 2157: Mr. Hastings of Washington.
H.R. 2160: Ms. Millender-McDonald.
H.R. 2173: Mr. Kennedy of Rhode Island, Mr. Berman, Ms. Rivers, Mr. Stupak, Mr. Owens, and Mr. Baldacci.
H.R. 2200: Mr. Leach, Mr. Moran of Kansas, and Mr. Davis of Illinois.
H.R. 2211: Mr. Tierney.
H.R. 2220: Ms. Roybal-Allard, Mrs. Morella, Mr. Weller, Mr. Waxman, Mr. Berman, Mr. Moran of Virginia, Mr. Udall of Colorado, Mrs. Napolitano, Mr. LoBiondo, Mr. McIntyre, Mr. Costello, Mr. Diaz-Balart, Mr. Nadler, Mr. Hinchey, Mr. Gordon, Mr. Doyle, Mr. Gillmor, Mr. Isakson, and Ms. McCollum.
H.R. 2227: Mr. Everett.
H.R. 2239: Ms. Dunn, Mr. Greenwood, Ms. Pywell of Ohio, Mr. Clement, and Mr. Matheson.
H.R. 2308: Mr. Meeks of New York, Mr. Diaz-Balart, Mr. Gordon, Mr. Brown of Florida, Ms. Woolsey, Mr. Mascara, Mrs. Meek of Florida, Mr. Owens, and Mr. Nethercutt.
H.R. 2316: Mr. Otter, Mr. Watts of Oklahoma, Mr. Bonilla, Mr. Barton of Texas, Mr. Pompeo, Mr. Hall of Texas, Mr. Radanovich, Mr. Linder, Mr. Jo Ann Davis of Virginia, Mr. Tiberi, Mr. Graves, and Mr. Kennedy of Minnesota.
H.R. 2322: Mr. Carson of Oklahoma, Mr. Moran of Kansas, and Mrs. Mink of Hawaii.
H.R. 2335: Mr. Carson of Oklahoma and Mr. Kluczka.
H.R. 2348: Mr. Merks of New York, Mr. Tom Davis of Virginia, Mr. Brady of Pennsylvania, Mr. Terry, and Mr. Weiner.
H.R. 2351: Mr. Oberstar.
H.R. 2375: Ms. Sanchez, Mr. Jefferson, Mr. Ferguson, Mr. Clement, Mrs. Maloney of New York, Mr. Mendendez, Mr. Honda, Mr. Payne, Mr. Meek, Mr. Bicerella, Mr. Kaptur, Mrs. Christensen, Mr. Matheson, Mr. Castle, and Mr. Engel.
H.R. 2383: Mr. Dooley of California.
H.R. 2405: Mr. Ackerman, Ms. Schakowsky, Mr. McDermott, Mr. Capuano, Mr. Berman, Ms. Eddie Benning Johnson of Texas, Mr. Cummings, and Mr. Roybal-Allard.
H.R. 2466: Mr. Riley and Mr. Mrrell.
H.R. 2484: Mr. LaFalce, Mrs. Thurman, Mrs. Maloney of New York, Mrs. Christensen, Mr. Israel, Mr. McGovern, Mr. Waxman, Mr. Moore, Ms. Schakowsky, Mrs. Morella, Mr. Meek, Mr. Roybal-Allard, Mr. Sweeney, Mr. Serrano, Mr. Brady of Pennsylvania, Mr. Filner.
H.R. 2485: Ms. Lofgren.
H.R. 2507: Mr. Forbes.
H.R. 2549: Mrs. Capps.
H.R. 2558: Mr. Pallone, Ms. Ros-Lehtinen, and Mr. Crowley.
H.R. 2555: Mr. Scott, Mr. Rush, Ms. McCollum, and Mr. Owens.
H.R. 2578: Mr. Berman, Mrs. Bono, Mr. Harman, Mr. Honda, Mr. Lee, Mr. Matsui, Ms. Pelosi, Mr. Radanovich, Ms. Sanchez, Mrs. Tsai, Ms. Watson, Ms. Woolsey, and Mrs. Capps.
H.R. 2614: Mr. Weinr.
H.R. 2615: Mr. Kerns, Mr. Hefley, Mr. Bahr of Georgia, and Ms. Rivers.
H.R. 2623: Mr. Walsh, Mr. Rangel, Mr. Fossella, and Mr. Coyne.
H.R. 2629: Ms. Eshoo and Mr. Owens.
H.R. 2630: Mrs. Morella and Mr. Andrews.
H.R. 2631: Mr. Schaffer and Mr. Jones of North Carolina.
H.R. 2635: Mr. Menendez, Mr. Serrano, Mr. Baca, Mr. Waxman, Mr. Gonzalez, Mr. Reyes, Mr. Owens, Mr. Stark, and Mr. Crowley.
H.R. 2668: Mr. Frost, Mr. McNulty, Mrs. Meek of Florida, Ms. McKinney, and Mr. Owens.
H.R. 2661: Mr. McGovern.
H.R. 2662: Mr. Johnson of Illinois.
H.R. 2663: Mr. Hains.
H.R. 2667: Mr. Kennedy of Minnesota.
H.R. 2675: Mr. Chabot.
H.R. 2709: Mr. Weller.
H.R. 2716: Mr. Simpson.
H.R. 2725: Mr. Holden, Mr. Filner, Mr. Wolf, Mrs. Davis of California, Mr. Kildee, Mr. Falkomavaga, Mr. Phelps, and Mr. Tauscher.
H.R. 2730: Mr. Hyde.
H.R. 2747: Mr. Nethercutt, Mr. McGovern, Mr. Kloczyka, Mr. Langevin, Mr. Boucher, Mr. Sandlin, Mr. Greenwood, Mr. Evans, Mr. Filner, Mrs. Thurman, and Mr. Brady of Pennsylvania.
H.R. 2750: Ms. McKinney and Mr. Hilliard.
H.R. 2794: Mr. Herberger and Mr. Manzullo.
H.R. 2795: Mr. Goode and Mr. Gutenkunst.
H.R. 2801: Mr. Tanschino and Mr. Doolittle.
H.R. 2802: Mr. Sessions.
H.R. 2805: Ms. Hart, Mr. Doolittle, Mr. Pence, Mr. Shows, and Mr. Steakness.
H.R. 2806: Mr. Frost.
H.R. 2810: Mr. Rangel, Mr. Frank, Mr. Owens, Mr. Norton, and Mr. Falkomavaga.
H.R. 2833: Mr. Tom Davis of Virginia, Ms. Lofgren, Mr. Delay, Ms. Sanchez, Mr. Borrabacher, Mr. Ros-Lehtinen, Mr. Wolf, Mr. Royce, Mr. Souder, Mr. Lantos, Mr. Ballenger, Mr. Clay, and Mr. Hyde.
H.R. 2836: Mr. King.
H.R. 2837: Mr. Vislosky.
H. Con. Res. 20: Mr. Osborne.
H. Con. Res. 23: Mr. Weldon of Florida and Mr. Kerner.
H. Con. Res. 38: Mr. Wals.
H. Con. Res. 48: Mr. Weldon of Florida.
H. Con. Res. 97: Mr. Clay.
H. Con. Res. 102: Mr. Simmons, Mr. Doyle, Mr. Boswell, Ms. McCarthy of Missouri, Mr. McDermott, Mr. Pascrell, and Mr. Smith of Washington.
H. Con. Res. 124: Mr. Raca and Mr. LoBiondo.
H. Con. Res. 134: Mr. Hefley, Mr. Pence, Mr. Forbes, Mr. Jones of North Carolina, Mr. Norwood, Mr. Schrock, Mr. Brady of Texas, and Mr. Whitfield.
H. Con. Res. 197: Mr. Graves, Mr. Smith of New Jersey, Mr. Terry, Ms. Baldwin, and Mr. Isakson.
H. Con. Res. 206: Mr. Toomey and Mr. Gary Miller of California.
H. Con. Res. 214: Mr. LoBiondo, Mr. Tanschino, Mrs. Jo Ann Davis of Virginia, Mr. Schrock, and Mr. Calvert.
H. Res. 230: Mr. Shaw and Mr. Udall of New Mexico.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H. Con. Res. 144: Mr. Pickering.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:
H. 2586
OFFERED BY: Mr. Scott
AMENDMENT No. 1: At the end of title XXXV, add the following:
SEC. USE OF CONVEYED NDRE VESSELS.
Section 360(a) of the Storm Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2273) is amended by inserting “or as a bulk grain carrier” after “for use as an oiler”.

The Senate met at 10:30 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

**PRAYER**

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

Almighty God, we commit ourselves to You, the work of this day, and the challenges we face. You have made commitment the condition for receiving Your grace and guidance. We accept the admonition of Proverbs: “Commit your works to the Lord, and your thoughts will be established” (Proverbs 16:3). We long to be divinely inspired thinkers. When we commit our problems, plans, and projects to You, You instigate thoughts we would not have conceived without Your help. Show us how the sublime secret of intellectual leadership works. The Psalmist knew that secret: “Commit your way to the Lord, and trust also in Him, and He shall bring it to pass . . . rest in the Lord, and wait patiently for Him” (Psalm 37:5, 7).

We claim Your presence; You are here in this Chamber and with every Senator and staff member in the offices and committees and hearing rooms of the Capitol. We praise You for Your superabundant adequacy to supply our needs spiritually and intellectually. You establish our thinking and energize our work. Bless the Joint Session of Congress this morning as we welcome Mexican President Vicente Fox and continue to strengthen the ties between Mexico and the United States.

We commit the day; You will show the way, and we will receive Your strength without delay. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable E. BENJAMIN NELSON 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.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

**RESERVATION OF LEADER TIME**

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

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:40 a.m. with Senators permitted to speak therein for up to 5 minutes each.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I thank the Chair.

**MEASURE PLACED ON CALENDAR—S. 2563**

Mr. REID. I understand there is a bill at the desk for its second reading. The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2563), an act to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986, to protect consumers in managed care plans and other health coverage.

Mr. REID. Mr. President, I would now object to any further proceeding on this legislation at this time.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

**SCHEDULE**

Mr. REID. Mr. President, as has been announced, in 5 minutes the Senate will recess for purposes of the joint meeting with President Fox of Mexico. Senators have been notified to be here in 5 minutes to proceed to the House Chamber for the meeting.

When the Senate reconvenes at 12 noon, we will continue on the export administration bill. It is my understanding, having spoken with the managers of the bill, Senators SARBANES and ENZI, that progress has been made over the evening, and I have been told—and we will hear more from the managers shortly—that that bill can be wrapped up this afternoon. I hope that is the case because we want to alert Senator HOLLINGS and Senator GREGG that we should move and will move to the Commerce-State-Justice Appropriations Act today as soon as this other legislation is finished.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

**EXPORT ADMINISTRATION ACT**

Mr. SARBANES. Mr. President, with respect to S. 149, which is before the
Senate, it is our anticipation that upon returning from the joint meeting and going back into session at noon, we would be able then to move expeditiously. There are a couple of amendments that I presume Senator Thompson and Senator Kyl will offer. We have had an opportunity to review those amendments. We think they strengthen the bill. We are prepared to accept those amendments.

There is a question of the blue ribbon commission on which an agreement has not been reached. I do not know whether Senator Shelby, who authored that commission on which an agreement has not been reached. I do not know whether Senator Shelby, who authored that commission, will proceed to offer it or not. If he does, we will have to take it up and, of course, be open to amendment. We hope to be able to resolve that issue rather quickly. We have a managers' amendment to be adopted. And then we anticipate going to final passage.

So that is the sequence that we envision. We think that could be done in short order. I don't think that it will really take a lot of time to do all of this, maybe an hour at most, and we could get this bill completed and off the floor. I say to the majority whip, we would like to move on to other legislation in the early afternoon. But that is my expectation of how we will proceed.

I want to acknowledge and thank Senator Thompson, Senator Kyl, and Senator Enzi—Senator Gramm was involved in the discussion that Senator Enzi had with the other two Senators— for moving this matter along.

Mr. THOMPSON. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. THOMPSON. Mr. President, I think the Senator very well states the status of the situation and what has occurred. We have been discussing these matters as late as 30 minutes ago. I do anticipate that we will have two short amendments that have been discussed and we will be able to agree upon which will improve the bill. As a part of that discussion, there will be two letters from both advocates and opponents of this legislation to the White House on a couple matters that we believe are very important but that should first be addressed by the White House, such as the deemed export rule, which is a very complex matter that we believe should properly be handled by Executive order. So with those two amendments and those two letters, I think we are in a state of agreement with regard thereto.

The only other matter, as Senator SARBANES indicated, is the question of the commission. I anticipate that we will certainly know by 12 o'clock what the situation on that will be. We will either have a vote on that or not. But if we do, I would anticipate that would be the only rollcall vote that we would have, and we would be able to proceed forthwith to final passage.

Mr. ENZI. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. ENZI. If I could add my thanks and appreciation for all the hard work, particularly of Senator Thompson and Senator Kyl and their staffs and Senator Gramm and his staff. The meetings and the work on this did go late into the evening last night and began this morning so we could have as little interruption and expedition of the business of the Senate. Their cooperation, their attention to detail, and their willingness to discuss throughout the whole process the last 3 years we have been working on it is very much appreciated, particularly the hours they all their staff put in last evening and early this morning.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF MEXICO

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:40 a.m. having arrived, the Senate will now stand in recess until the hour of 12 noon.

Thereupon, the Senate at 10:40 a.m., preceded by the Secretary of the Senate, Jeri Thomson, and the Vice President, Richard B. Cheney, proceeded to the Hall of the House of Representatives to hear the address by the President of Mexico, Vincente Fox.

(The address is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 12 noon, the Senate, having returned to its Chamber, reassembled when called to order by the Presiding Officer (Mr. Reid).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Nevada, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mrs. Clinton). Without objection, it is so ordered.

EXPORT ADMINISTRATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 149, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 149) to provide authority to control exports, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, as we debate our system of export controls in this new era, we hear an array of arguments that reflect America's preeminent role in the world, our military and economic power, and the absence of the threat of major war that has prevailed since the demise of the Soviet Union a decade ago. We hear arguments that claim that the new currency of international politics; that the strength of our economy, now more than ever, underpins our national power and global influence; and that in the brave new world of the Information Age, most technological flows are uncontrolable, or controls are meaningless due to the availability of the same technology from foreign competitors.

The business of America is business, we are told, and those of us who believe national security controls exist to protect national security, rather than simply expedite American exports, are accused of old thinking, of living in a dangerous past, rather than having a prosperous and peaceful present. For many, the new definition of national security—in a haunting echo of the thinking that inaugurated the last century— predicates the safety and well-being of American people and our free flow of trade and finance that make our economy the envy of the world, and our business leaders a dominant force in our time.

I am an ardent free trader, and I believe economic dynamism is indeed a central pillar of national strength. But I do not believe our prosperity requires us to impose very limited and appropriate controls on goods and technologies that, in the wrong hands, could be used to attack our civilian population here at home, or against American troops serving overseas. Experts agree that both rogue regimes and hostile terrorist organizations are actively seeking components for weapons of mass destruction, many of which are included in the list of goods we control under our current export licensing system.

Unlike in the Cold War era, when we created our export control regime to keep sensitive technologies out of the hands of the Soviet Union, this era is characterized by an array of diverse threats emanating from both hostile nations and non-state actors. Hostile nations like Iran and North Korea are disturbingly close to developing multiple-stage ballistic missiles with the capability to target the United States. These and other nations, including Syria and Iraq, receive significant and continuing technical assistance and material support for their weapons development efforts from China and Russia, with whom much of our trade in dual-use items is conducted. The intelligence community has made startlingly clear the proliferation record of China and Russia, as well as North Korea, and the adverse consequences of their weapons development and technology transfers to American security interests.
I do not believe that S. 149 adequately addresses these threats. Unfortunately, the Senate yesterday rejected a reasonable amendment offered by Senator Thompson allowing the relevant national security agencies to receive extensions on particularly complex license applications. This reform, proposed by the Cox Commission, and a number of amendments adopted by the House International Relations Committee in its markup of the Export Administration Act, properly addressed some of the deficiencies in the current version of S. 149.

S. 149 has the strong support of the business community and the Bush Administration. In the short term, proponents of this legislation are correct: loosening our export controls will assist American businesses in selling advanced products overseas. In another age, proponents of free trade in sensitive goods with potentially hostile nations also were correct in asserting the commercial value of such enterprise: Britain’s pre-World War I steel trade with Germany earned British plants substantial profits even as it allowed the German economy a superior fighting force. Western sales of oil to Imperial Japan in the years preceding World War II similarly earned peaceful nations commercial revenues. In both cases, friendly powers caught on to the destructive potential of such sales and embraced the need for controls. Yet it was too late. Such trade inflicted an immeasurable cost on friendly nations blinded by pure faith in the market, and in the power of commerce to overcome the ambitions of hostile powers that did not share their values.

I resolutely support free trade. But I cannot with a clear conscience support passage of legislation that weakens our national security controls on sensitive exports to a point that we may one day be forced to face attack from weapons derived from the very technologies we have willingly contributed to the world. Our peaceable intentions, our love of prosperity and stability, are not shared by those who would do America harm, and whose hostile ambitions today may well be matched tomorrow by the ability to deliver on that threat. We should make it harder, not easier, for them to do so.

Our export control regime should undergo reform to address the challenges and opportunities of our time. Proponents of S. 149 focus on the opportunities this legislation affords American business. I have worked with Senators Thompson, Kyl, Shelby, Helms, and Warner to highlight the reality that this bill does not adequately address the national security challenges we face today. National security controls cover only a tiny fraction of total American exports; the overwhelming majority of export applications are approved by our government; limited controls properly exist to help prevent highly sensitive technologies from falling into the wrong hands; and such safeguards are more relevant than ever in the face of the multifaceted and unconventional threats to our country unleashed by the information revolution.

A number of proponents of S. 149 argue that American companies should not be straitjacketed by U.S. national security controls even as their foreign competitors remain free to peddle similar technologies to proliferators and rogue regimes. This argument overlooks the fact that America continues to lead the world in technological innovation: our products are often unique when compared with those produced by businesses in France, Germany, or Japan. More fundamentally, such an approach only emboldens potential enemies who seek access to our markets in sensitive goods. In concert with friends and allies, we should endeavor to shame foreign companies who sell dangerous items to rogue buyers by making it far too difficult for them to scramble for market access in dangerous technologies at their expense, as if nothing more than corporate profits were at stake. We should also make it a diplomatic priority to construct a new system of export control regime, in concert with like-minded nations, to fill the vacuum created by the collapse of COCOM, which regulated Allied exports during the Cold War to keep critical technologies out of Soviet hands.

As a proud free-trader, I maintain that we should continue to carefully review our most sensitive exports; we can, in fact, exercise some control over their end use. I fear we shall one day reap the bitter harvest we sow in our neglect of the consequences to America’s security of an overly complacent export licensing regime. As a nation, we may have to learn the hard way that our unthinking proliferation threats we face today, in light of clear evidence that nations to which we export sensitive technologies continue to apply and share them with our enemies, diminishes our national security to a point for which no amount of corporate profits will compensate.

I thank Senator Thompson for his efforts on this legislation. I do not believe that his amendment yesterday should have been defeated. I thought it was a reasonable amendment. I think it is also another example of a compelling requirement for campaign finance reform.

yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from South Dakota.

MR. JOHNSON. Madam President, S. 149 is, in fact, a balance that modernizes our export control laws to account for the geopolitical, commercial, and technological changes of this past decade.

This bill recognizes that on occasion exports must be controlled for national security and for foreign policy reasons. S. 149 substantially increases the President’s authority to impose controls when in fact they are necessary.

I have great respect for the few opponents of this legislation. However, I believe it is a misstatement to suggest that this bill somehow diminishes our Nation’s ability to control technology which needs to be controlled when in fact this legislation imposes greater controls where necessary and significantly increases penalties and decreases the likelihood of sales that are inappropriate.

At the same time this legislation acknowledges that a vibrant American economy is a critical component of our national security. Senator Bennett, our friend from Utah, spoke eloquently to this point yesterday.

Advancements in high technology allow us to “run faster” than our enemies. To foster continued advancements, we must take great care not to punish American businesses by limiting unnecessarily their marketplace, where it is truly unique and where those sales would, in fact, pose some jeopardy to our Nation’s security.

S. 149 balances our national security interests and our commercial interests with a first and foremost concern for national security—appropriately so. But it does recognize that our prosperity and our security are, in fact, interrelated.

This has been a thoroughly bipartisan process—a process, frankly, that I would like to see more often the case on the floor of this body.

I have great gratitude for the work of Chairman Sarbanes, ranking member Gramm, Senator Enzi, and some others who have contributed in a constructive way to this legislation. And Senators Thompson and Kyl have made valuable suggestions to enhance the bill. I thank them for their role and their sincere concern for our Nation’s security.

I urge Senators Enzi and others for their constructive input on this legislation as well.

I urge the House to move expeditiously to pass the EAA so the White House can sign this bill into law. This is a high priority for the White House.

For those who may have some concern about the expertise of the vast bipartisan majority of this Senate in support of this legislation out of national security concerns, I again remind the body that this legislation not only had the overwhelming bipartisan support of thoughtful Senators on both sides of the aisle but is urgently supported by President Bush, by Secretary of State Powell, Commerce Secretary Evans, and National Security Adviser Condoleezza Rice. Certainly those in the White House have taken national security as a first and foremost concern. Any suggestion that somehow that issue has been taken lightly by the advocates of this bill is simply incorrect.
This has been, frankly, a model for how the Senate can work together for the good of our Nation. It is not a Republican bill. It is not a Democrat bill. But it is a bill put together across the aisle with the cooperation of the White House. It was an extremely gratifying, frankly, to have been so closely involved in the creation of this reauthorization.

To reject this legislation, to fall back on the Executive order, which is under legal challenge, and which extends far less control than the White House to control the sales of high-tech items around the world, would be a tragic mistake. This Nation needs a modern dual-use technology trade regime. This legislation provides that.

Those in our Government who are given the great responsibility of national security have applauded this bill. It is the kind of balance our country needs. I believe the Senate has performed its work very ably to bring this bill to this point.

It is my hope we can conclude this debate very soon, work with our colleagues in the other body, and deliver this bill onto the desk of the President, who has urged us over and over again to pass this bill and has again laid in place a strong, powerful, dual-use technology trade regime for our Nation.

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

Mr. THOMPSON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will call the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON] proposes an amendment numbered 1527: On page 197, line 15, strike "substantially inferior" and insert "not of comparable quality".

Mr. THOMPSON. Madam President, this amendment addresses the issue of foreign availability. As all who have listened to my opening up until now realize, one of the more important pieces of S. 149 has to do with foreign availability. Essentially, what this bill does is say if the Department of Commerce makes a determination that some item has foreign availability status, then that item is essentially decontrolled. It does not go through the licensing process anymore, the idea being that it is out there and anybody can get it, and why control it.

Frankly, I think it is not a good idea. I think that foreign availability should be taken into consideration, as we always have in our export policy taken foreign availability into consideration.

We do not want to try to stop the export of items that are clearly out there in the domain, but it should not be an overriding consideration. We should not be deregulating whole categories of items, and not even being able to keep up with how much is being shipped to some countries, what kind of item we are sending to some country.

This foreign availability concept takes these large categories totally outside the regulatory process that we are fearful might contain something that is harmful to our national security. We ought to have a way for the appropriate representatives in our Government to judge these matters, item by item, and case by case, to make a determination. It may take a few days, a few weeks in some cases perhaps, to make this determination, but it is well worth it because the reason for export control laws is not primarily commerce; it is primarily national security.

If you look at this bill, you will see that the purpose of the export control law is to prevent the proliferation of weapons of mass destruction and things that are detrimental to our national security or things that potentially are. But anyway, I am in the minority on that.

The administration supports this concept of foreign availability. The majority leadership supports this concept. So that being the case, we have attempted to have discussions with the administration, with the White House, and with our colleagues on the other side of this issue that there is some validity to our concern and, hopefully, the idea being that they would make some accommodation to us on this concept.

I am happy to say that we have been able to reach some accommodation on this issue that addresses some of our concerns.

This amendment that I have just offered makes an important change to the definition of "foreign availability." Under S. 149, items could be decontrolled and bypass any kind of review so long as similar items that were available from foreign countries were not substantially inferior to U.S. items. In other words, foreign availability would kick in and the decontrol would kick in under the bill as long as countries could get things that were not substantially inferior.

Our belief has been that we ought to make sure, before we decontrol our items, they can really get items that are comparable to what we have. If they can get items that are inferior to what we have, then we should still maintain controls because we have something they cannot otherwise get. And they are sensitive matters or they would not have been on the control list. So we ought to be careful about that.

So this amendment changes that standard of "not substantially inferior" to say that the items are of "comparable quality" to U.S. items. It is a small but significant change that ensures that we will not decontrol superlor American technology just because inferior items are available overseas.

So I think this strengthens this provision in an important way. It certainly does not address all of our concerns, but it does strengthen this provision in an important way to make sure if we are going to enter into this, what I consider to be a very large decontrol process, in a very dangerous time, to very dangerous countries, that we ought to at least make sure that if they attempt to get these items, we as a nation cannot also get these items anyway, it is really the same kind of items we have, the same quality we have. I think this amendment would go a long way toward ensuring that.

I thank my colleagues on the other side of this issue for entering into real discussions with us on it. Hopefully, we have come to an agreement on this issue.

I yield the floor.

Mr. SARBANES. Madam President, I thank the Senator from Tennessee for his cooperation throughout this debate. As he said, we have listened and considered carefully. I am perfectly prepared to accept this amendment. And I think introducing this quality concept about which he spoke yesterday is an important improvement and addition to this bill. I am happy to be supportive of it.

Mr. ENZI. I too, thank the Senator from Tennessee for his cooperation and diligence in the months of working on this bill with us, and with the 59 other changes in the bill as well, and for his willingness to work with us on this change. We are happy to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SARBANES. I urge adoption of the amendment.

The PRESIDING OFFICER. If not the question is on agreeing to amendment No. 1527.

The amendment (No. 1527) was agreed to.

Mr. SARBANES. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

Mr. THOMPSON addressed the Chair. Mr. SARBANES. I withhold the request.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I suggest that while we are waiting on another Senator, who I believe has one more amendment to consider, we discuss the matters of deemed exports and commodity classification. We have had some discussions about those subjects also. If I may, I will simply relate what my understanding is with regard to those issues.

Mr. President, on the deemed export issue, we have had concerns on this side that the legislation did not adequately address the problem of deemed
exports. As most who follow this issue know, a deemed export comes about when, in a typical situation, sensitive information is passed to a foreign national who perhaps is working at one of our National Laboratories or working in one of our businesses on sensitive information. Of course, or maybe not, a government contract, the idea being that with regard to the physical exporting of an item, that information should then be controlled when giving it to a foreign national. That should be reasonably clear. We go through a reasonable process to make sure no damage is being done.

We learned from hearings with regard to our National Laboratories, for example, that we were woefully behind as a government from even private industry: that we were not paying attention to our National Laboratories to the deemed export requirements. There were hardly any deemed export notifications or licenses issued by our laboratories or universities. This probably the most sensitive matters that we have in this Nation, including the maintenance of our nuclear stockpile, our Stockpile Stewardship Program, including information concerning sensitive weapons.

We believed we should deal with the deemed export issue. The administration has said it would like to address this complex issue—and it is complex—through regulation rather than include it in legislation. We have agreed that a letter will be sent to the administration from both supporters and opponents of this bill asking the administration to review existing regulations and address this issue.

Continued control of deemed exports is an essential component of our export control process. Right now there is substantial noncompliance, as I said. This letter is designed to urge the administration to develop new regulations that will establish the responsibility to control deemed exports.

I understand there are some in the business community who do not like the concept of deemed exports at all. My understanding and intention, as far as this letter is concerned, is not to give the administration the option of continuing a deemed export policy or not; it is to tighten up the policy and make sure it is updated and clear in terms of what responsibilities are under that policy.

It is a reasonable request that they be given the opportunity to address it. It is a very complex issue. We don’t want to create onerous requirements. These foreign students and scientists who come to America make valuable contributions in many different ways. But we simply have to exercise common sense and protect ourselves and go through an appropriate process when it comes to deemed exports.

I am happy to report, we have reached some agreement that we write the administration and express generally those thoughts.

Could I get an amen on that?

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, again, I appreciate the care, concern, and detail in which the Senator from Tennessee and the Senator from Arizona, and others who have participated on this, have expressed their concerns about the deemed export controls. We do recognize that the problem is not primarily in the private sector; that it is primarily in the government and educational institutions. The private sector has some proprietary rights they try to preserve, but it would be a problem there, too, and we wanted it addressed in all those sectors.

Mr. THOMPSON. I thank the Senator.

THE PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1529

Mr. KYL. Madam President, I have an amendment I would like to ask for its immediate consideration.

THE PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

"Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 296, strike line 1 through line 7 and insert the following:

"(3) REFUSAL BY COUNTRY.—If the country in which the end-user is located refuses to allow post-shipment verification of a controlled item, the Secretary may deny a license for the export of that item, any substantially identical or directly competitive item or class of items, any item that the Secretary determines to be of equal or greater sensitivity than the controlled item, or any item that the Secretary, in his discretion, determines has not been made pursuant to section 211 to all end-users in that country until such post-shipment verification is allowed."

Mr. KYL. Madam President, let me explain what this amendment does and indicate to my colleagues that I believe I have the concurrence of the chairman of the committee and the ranking member of the subcommittee and have met this morning with the ranking member of the Banking Committee to iron out the language with us. In fact, much of this is his language.

This is the amendment I spoke to yesterday regarding the post-shipment verification that sometimes has to occur when we say, in the granting of an export, we will grant the license to send the item overseas but for a peaceful purpose, for a commercial purpose, or research, or university, a business purpose; we don’t want you to take this item and put it in your defense facility or a medical institution, something of that kind. We are going to verify, after we ship it, that it went to the right place.

Remember these are dual-use items. They have two different uses. They may be very useful in a private way, business way. They may also be useful in a military way. Let me give an example.

Not too long ago, some folks in Germany developed a very important medical device called the lithotripter which, with a high-energy beam, literally zaps kidney stones so they break up into a million little pieces and surgery is not necessary to remove them. It is a very important medical treatment now for people. It is noninvasive, no surgery, and has a great success rate.

These are very sophisticated pieces of equipment. They have some special switching components in them. It turns out that Iraq has found that those switches are useful in their nuclear weapons program. This is a good example of a dual-use item. It was not invented for defense purposes. It has an application that can be used for weapons. We know that. We don’t want that item to be used for that purpose.

Saddam Hussein has ordered 50 of these. I don’t think there is a need for 50 lithotriptors in Iraq, frankly. We should be careful of dual-use items that are available on the market. Any hospital can buy a lithotripter if they have enough money. They are available. By now I am sure there are more companies than just the one German company that make them. These are items that can be acquired. They have dual-use capabilities.

In the granting of an export license on this kind of product, you have to be careful that it is not used for military purposes. It may be that the example I used isn’t technically correct in the way the bill would work, but I think I make my point.

The bill has a provision in it which states that if a company to which you sell, let’s say a company in China, uses this product improperly, or they don’t let you inspect to see where they have used it to verify that the shipment went to where it was supposed to go, then the Secretary shall cut that company off from further exports; they can’t buy anything else from the United States.

But since countries such as China have established a rather gray relationship between the Government and businesses, there also needs to be a way of making the same point with the Government of China or any other government.

I am not trying to pick on China. There happen to be some very egregious examples of the Government of China right now not living up to agreements or post-shipment verification. We need to have some kind of enforcement mechanism in a country such as China as well. I proposed that we have some kind of way if the Chinese Government won’t permit a post-shipment verification, then the Secretary shall stop such exports until"
they begin to comply. Well, supporters of the bill said, “That is too drastic; why don’t you say ‘may’ so that the Secretary has total discretion?” I was willing to do that. That would have been the simplest way to solve the problem. That is something I would like to offer in the spirit of cooperation with my friend Phil Gramm, who said, “Let’s try to work a few of these things out; since we know the bill will pass, you may as well marginalize benefits. So we sat down with him. Frankly, the language we are offering is not what I would have personally offered, but it is acceptable to him and it marginally makes the bill better. I will read it and offer it. It is simple. Says: If the country in which the end user is located refuses to allow post-shipment verification of a controlled item, the Secretary may deny a license for the export of that item, any substantially identical or directly competitive item or any item that would raise any concern the Secretary determines to be of equal or greater sensitivity than the controlled item, or any controlled item for which a determination has not been made pursuant to section 211 to all end users in the U.S. until such post-shipment verification is allowed.

That latter reference to section 211 has to do with the item subject to foreign availability. It would have been simpler to say the Secretary may deny a license for any item on the list until post-shipment verification is allowed by the country in question. Total discretion of the Secretary would have been easier. We have created jobs for lawyers now; I am not necessarily against that, but when we have terms such as this in the statute, we are going to have litigation on what it means. It would have been easier to do it the other way. But this is the language I will offer. The Secretary, at least initially, has discretion to deny a license for any item that is controlled, can say to a country such as China, for example: Until you are willing to allow post-shipment verification of items A and B, which you already have, then we are not going to grant a license on items X, Y, and Z. They can pick what those items are if they so choose.

In closing, I will give examples of what would happen to illustrate the need for this particular provision. In 1999, China agreed not to allow post-shipment verification for all exports. They signed an agreement. But the Cox Commission issued its report and deemed the terms of the agreement wholly inadequate, from the U.S. point of view, to ensure that those verification requirements are in place.

The amendment I proposed is designed to try to fill a void the Cox Commission identified in the U.S.-China agreement. For example, the Commission identified a number of weaknesses in the agreement as it relates to the export of high-performance computers. According to the Bureau of Export Administration, out of 857 high performance computers that have been shipped to China, only 132 post-shipment verifications have been performed. Some of these have been outstanding for a long time. First you get foot-dragging, and then you get a “no.” On other occasions they say: If you have a system of post-shipment verification, that ought to suffice. But, of course, it does not. These items would not necessarily be subject to the terms of this section, although they might. I think it illustrates the nature of the problem exists if you don’t have an enforcement mechanism. You have to have the will to enforce.

I think there will be great questions as to whether or not the Secretary, in the exercise of his discretion, is going to be willing to deny a license to an American company which, after all, hasn’t done anything wrong and is simply trying to make a buck, in order to get China to enforce the limitation. Let me respond to that point. Any American company which understands that the item it is wanting to export to a third-tier country, countries of concern here, has dual-use capability has to exercise some responsibility. I think it has to take some of the burden of proof to demonstrate to whom it is exporting not being willing to guarantee that the item is going to be used for appropriate purposes.

So I don’t think you can make the case that all we are doing here is potentially punishing American businesses that are totally innocent and therefore we should not really be very forward-leaning in the enforcement of this section.

The fact is that any American business worth its salt should want to ensure that the terms of the export license are being complied with. It doesn’t want to sell dual-use technology to a country that could use it against us militarily. It ought to be responsible to its shareholder. We consider the will of the end user in fact has been established and enforced.

So it seems to me there is no argument that all we are doing here is hurting American businesses. Any American business would have the same interest as the U.S. Government in ensuring that the end user is in fact who it is supposed to be, both from a national security standpoint and being able to make future exports.

There has even been an idea advanced, that I think has some merit, which would put all of the burden on American business. It would basically privatize this enforcement and say the Government is going to get out of this business; it cost a lot of money, and we have trouble getting in the door to verify these things. Private industry, in effect, has to certify that the item it sold abroad went to the user that filled out the form the certificate. And if the company isn’t willing to verify that, or isn’t able to certify it under penalty of some financial detriment here in the United States, then it is going to become much more careful about to whom those items are sold and how the post-shipment verification is actually implemented.

So my suggestion to American businesses is, if you really want to continue to be able to export, then help us work out a system that ensures that these items you are exporting, which have a dangerous potential use, get to the proper people and are not misused. If you are not willing to help us do this and if you are going to argue against enforcement of a system such as this, then something worse could happen. You could have the enforcement responsibility put on your shoulders. And if you are not able to certify that it went to the right place, you are not going to be able to make exports in the future. Everybody should have an interest in making this work.

Let me close with a note about some testimony that verified the need for this. David Tarbell, Deputy Under Secretary of Defense for Technology Security Policy, testified in July at a hearing before the House International Relations Committee regarding the right to perform post-shipment verifications. He very diplomatically said:

“The Chinese government has been unwilling to establish a verification regime and an end-use monitoring regime that would get all of the security interests that we are interested in to ensure that items that are shipped are not diverted.”

Impressed further by Chairman Hyde about whether the post-shipment verification regime is a failure, Secretary Tarbell delicately said:

“I am not sure I would characterize it as a complete failure, but it is close to it. It is not something I have a great deal of confidence in.”

The point here is to create something that we do have confidence in, that we know would work, that we can enforce and ensure the safety and security of the United States in the future, knowing we have not allowed the wrong people to get the wrong things into their hands in a way that comes back against the United States in a military way.

Therefore, I urge my colleagues to support the amendment I have offered and which has the concurrence of Senators Gramm and Enzi and, I believe, the Senator from Maryland, Mr. Sarbanes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Again, I move to lay that motion on the table. The PRESIDING OFFICER. Thank you, Mr. Gramm.
The motion to lay on the table was agreed to.

Mr. THOMPSON. Madam President, I ask the Senator from Maryland if we may make a brief statement as to our understanding on the second letter we have discussed. That will complete our business.

Mr. SARBANES. Certainly.

Mr. THOMPSON. Madam President, this has to do with commodity classification. We have had some concern that there be a different classification for a commodity that when people in the business of exportation come in, they are not sure what that classification is. That will complete our discussion in this Chamber concerning the second letter we have realized just how outdated the legislation will send a letter to the Departments of Defense and State.

The executive branch has tradition-ally dealt with this issue through interagency agreements. We think they should create a so-called blue ribbon commission to work on that, but for right now I believe we can take that off the table.

That concludes our comments on the bill in terms of these amendments.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I thank the distinguished Senator from Tennessee for his very positive and constructive contributions throughout.

AMENDMENT NO. 1350

Mr. SARBANES. Madam President, I send a managers’ amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk reads as follows:

The Senator from Maryland (Mr. SARBANES), for himself, Mr. GRAMM, Mr. ENZI, and Mr. JOHNSON, proposes an amendment numbered 1350.

Mr. SARBANES. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 193, line 10, strike “party” and insert “person”.

On page 193, line 16, strike “party” and insert “person”.

On page 265, line 7, after “competition” insert “; including imports of manufactured goods”.

On page 222, line 6, strike “Crime” and insert “In order for fact”.

On page 223, line 3, strike “The” and insert “Except as herein provided, the”.

On page 223, line 9, after the period, insert the following: “The provisions of subsection (a) shall apply with respect to exports of any of the items identified in subsection (c).”.

On page 223, between lines 9 and 16, insert the following:

(c) REPORT.—Notwithstanding the provisions of section 802 or any other confiden-tiality provision, the Secretary shall include in the annual report submitted to Congress pursuant to section 701 a report describing the aggregate number of licenses approved during that preceding calendar year for the export of any items listed in the following paragraphs identified by country and control list number: (1) Stun guns, shock guns, shock batons, electric cattle prods, immobilization guns and projectiles, other than equipment used exclusively to deliver a lethal or incapacitating effect on humans or animals designed solely for signal, flare, or slating use.

(4) Technology exclusively for the development or production of electro-shock devices.

(5) Pepper gas weapons and saps.

(6) Any other item or technology the Sec-reter of Commerce determines is a military in-strument of torture or is especially suscepti-ble to abuse as an instrument of torture.

On page 226, line 8, insert “and” after “title”.

On page 226, strike lines 9 through 22 and insert the following: (i) upon receipt of completed application—(I) ensure that the classification stated on the application for the export items is correct;

(ii) refer the application, through the use of a common data-base or other means, and all information submitted by the applicant, and all necessary recommendations and analyses by the Secretary to the Secretary of Defense, the Secretary of State, and the heads of any other departments and agencies the Secretary considers appropriate; or

(III) return the application if a license is not required.

On page 296, line 13, strike “parties” and insert “persons.”

On page 296, line 11, after “necessary” insert “; to be available until expended.”

On page 296, line 20, after “$5,000,000” insert “; to be available until expended.”

On page 298, line 12, after “$2,000,000” insert “; to be available until expended.”

On page 300, line 12, after “$2,000,000” insert “; to be available until expended.”

On page 311, strike lines 2 through 4 and insert the following: “other export authorization (or record-keeping or reporting requirement), enforce-ment activity, or other operations under the Export Administration Act of 1979, under this Act, or under the Export”.

On page 311, line 14, insert “by an em-ployee or officer of the Department of Com-merce” after “investigation”.

On page 315, strike lines 6 through 10 and insert the following: (1) except that no civil penalty may be imposed on an officer or em-ployee of the United States, or any depart-ment or agency thereof, without the concurrence of the department or agency employ-ing an officer or employee found to have vio-lated paragraph (1) shall deny that officer or employee access to information exempt from disclosure under this section. Any officer or employee who commits a violation of para-graph (1) may also be removed from office or employment by the employing agency.

On page 316, line 11, insert the following: SEC. 603. AGRICULTURAL COMMODITIES, MEDI-CINE, MEDICAL DEVICES.

(a) APPLICABILITY OF TRADE SANCTIONS RE-FORM AND EXPORT ENHANCEMENT ACT OF 2000.—Nothing in this Act authorizes the exercise of authority contrary to the provisions of the Trade Sanctions Reform and Ex-poor Enhancement Act of 2000, which title III does not authorize export controls on agricultural commodities, medicine, or medical devices under the conditions set forth in section 903 of such Act are compiled.
(d) Definition.—In this section, the term “food” has the same meaning as that term has under section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)).

On page 318, line 3, insert after “(15)’’ the following: “a description of the assessment made pursuant to section 214, including any recommendations to ensure that the defense industrial base (including manufacturing) is sufficient to protect national security;” and redesignate paragraph 15 accordingly.

On page 324, strike lines 1 through 4 and re-designate paragraphs (14) and (15) accordingly.

Beginning on page 324, line 21, strike all through page 325, line 5, and insert the following:

(1) Civil Aircraft Equipment.—Notwithstanding any other provision of law, any product that is standard equipment, certified by the Federal Aviation Administration, in civil aircraft, and is an integral part of such aircraft, shall be subject to export control only under this Act. Any such product shall not be subject to controls under section 39(b) of the Arms Export Control Act (22 U.S.C. 2778(b)).

On page 325, between lines 5 and 6, insert the following:

(k) Civil Aircraft Safety.—Notwithstanding any other provision of law, the Secretary may authorize, on a case-by-case basis, exports and reexports of civil aircraft equipment and technology that are necessary for compliance with flight safety requirements for commercial passenger aircraft. Flight safety requirements are defined as airworthiness to ensure that is issued by the Federal Aviation Administration (FAA) or equipment manufacturers’ maintenance instructions or bulletins approved or accepted by the FAA. The managers’ amendment provides that exports of civil aircraft products remain subject to the Export Administration. The managers’ amendment preserves authorizations contained in existing law (Section 506 (enforcement) to ensure its consistency with terms used in the rest of the bill. Sections 205, 302, and 307 all refer to “interested person(s)”. The managers’ amendment corrects the references in Section 506 by replacing “interested parties” with “interested person(s)”.

Section 506: This provision makes technical amendments to Section 506. Sections 506(h), (i), (l), and (o) all contain funding authorizations for personnel or activities of the Bureau of Export Administration. The managers’ amendment clarifies that the funding is to remain available until expended.

Section 602: This provision clarifies a drafting error in Section 602 (technical and conforming amendments). As drafted, the reference would have affected the Forest Resources Conservation and Shortage Relief Act of 1990. The managers’ amendment removes the reference and thus any inadvertent impact on the Forest Resources Act.

Section 702: This provision corrects a drafting error in Section 702 (technical and conforming amendments). Section 702(j) preserves authority contained in existing law (Section 17(c) of the Export Administration Act of 1979) to ensure that standard civil aircraft products remain subject to the EAA. As drafted, Section 702(j) inadvertently departed from current law by breaking the original paragraph into subparagraphs. Because this structure could cause confusion in interpretation, the managers’ amendment returns the text to its original structure.

Section 702: This provision addresses a humanitarian issue. U.S. aircraft manufacturers cannot export critical aircraft safety parts to countries subject to U.S. embargo. Without those parts, the planes may crash, with terrible humanitarian implications. A presidential waiver to export such parts is available, but is rarely invoked and takes years. The managers’ amendment provides that the provision that allows for presidential waiver is available for this purpose only if the foreign parts are not available in the United States. The managers’ amendment makes it clear that the provision can be used for this purpose.

Mr. ENZI. Madam President, the managers’ amendment to S. 149 adds a new provision to address a pressing humanitarian issue: flight safety.
U.S. aircraft manufacturers have sold commercial passenger aircraft internationally since the 1950s. Moreover, some European-made commercial aircraft are made with U.S. components. As a result, U.S. aircraft are used widely around the world.

The safe operation of these aircraft depends on the replacement of worn parts, repair of unsafe components, and receipt of technical bulletins and airworthiness directives. These parts, services, and information are highly specialized and often are available only from the original manufacturer.

Over the years, several nations that operate U.S.-made aircraft, or European-made aircraft that incorporate U.S. parts, have become subject to U.S. embargo. As a result, U.S.-made aircraft items cannot be exported to those countries. This poses a significant threat to the safe operation of those airplanes. Without replacement parts, repair, and technical information, the planes may fall out of service, with terrible humanitarian implications for passengers and those on the ground. We all remember with horror the terrible 1992 crash, resulting from a failed part, of an Al-Al plane into an Amstel apartment complex. All crew and an estimated 70 Amsterdam residents were killed. The risks are real for U.S. citizens traveling to embargoed countries, or making up part of United Nations delegations. Citizens of U.S. allies are at risk. And not least of all, innocent citizens of embargoed countries are particularly vulnerable.

Under current law, the administration has some flexibility to allow flight safety parts or information for commercial passengers aircraft may be authorized on a case-by-case basis. It is tightly circumscribed: it applies only to parts for civil aircraft used for commercial passengers, and it requires a case-by-case analysis. Senators Dodd, Bond, Murray, and Roberts are keenly interested in this provision and should be commended for addressing this critical humanitarian problem.

Mr. SARBANES. Madam President, this managers' amendment has been carefully worked over. I do not think there is any matter of controversy in it. I am prepared to go to adoption of the managers' amendment.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to amendment No. 1530.

The amendment (No. 1530) was agreed to.

Mr. SARBANES. I move to reconsider the vote.

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

Mr. SARBANES. Madam President, we are prepared to go to third reading of the bill, and then there are going to be some comments. If we can go to third reading of the bill.

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

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

Mr. GRAMM. Madam President, I simply want to make a closing statement on this important bill. I begin by thanking the chairman of the committee, Senator SARBANES, for his leadership, and Senator Enzi, for the work, they have done on the bill. I especially want to thank Senator Enzi for his indispensable leadership on this bill; it is no understatement to say that we could not have gotten here today were it not for Senator Enzi's leadership on this bill for the past two years.

I have had the privilege of serving in the Senate now going into my 18th year, and I have never seen a Senator do the things that Senator Enzi has done on this bill—in terms of being willing to meet the various agencies involved in export administration, sitting for endless hours and watching how the process works, and doing something we seldom do in this line of work: learn how the process works practically. We are often not willing to spend the time or get our hands dirty. The quality of the bill before us is due in very large part to Senator Enzi, and I want to publicly and personally thank him for his leadership.

I am here today to do the things Senator Enzi has done in terms of hard work behind the scenes, getting the facts, understanding the mechanism. We like to deal with theory and leave the practical matters up to somebody else. That is not the way Senator Enzi does business.

I thank our two colleagues, Senator THOMPSON and Senator KYL. Maybe people listening to this debate wonder why I would thank them, given that we have some fundamental disagreements, but good law is made by basically trying to accommodate people who do not agree with you while maintaining your principles. I think, quite frankly, they have improved the bill.

Counting the two changes that Senator SARBANES, Senator ENZI and I agreed to this morning, we have made 61 changes in this bill in trying to build a consensus. I believe the product we have produced is a quality product, it will stand the test of time, and it will work.

The points I want to make are: In listening to some of the critics, one may have gotten the idea that somehow this bill lessens our commitment to national security. We have an apparent conflict in America between our desire to produce and sell items that embody high technology, and we want to prevent would-be adversaries and dangerous people from getting technology that can be used to harm us or to harm our interests. That is what this bill is about.

Today, 99.4 percent of the applications for a license are granted. When a process is saying “yes” 99.4 percent of the time, it is a nonsense process.

We have about 10 times as many items on the 90-Member list as we should have. We need to build a higher fence around a smaller number of items, and when people knowingly violate the law and transfer this technology we ought to come down on them like a ton of bricks.

Under this bill, the penalties can run into the tens of millions of dollars and people can end up going to prison for life. Those are pretty stiff sentences.

We have put together an excellent bill. It represents a compromise between two competing national goals. It is legislation at its best. Many times we claim bipartisanship on bills when they really are not totally bipartisan. This bill is about as bipartisan as anything we have ever done on the Banking Committee since I have been in the Senate, and I think it represents good law.

It is supported by the President. We have about 80 Members of the Senate who have voted basically to maintain the position. I am very proud of it, and I commend it to my colleagues. This is a good bill we can be proud of.

I am ready to vote, and I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Nevada.

Mr. REID. Mr. President, we are now in agreement on the unanimous consent request I will now propound.

I ask unanimous consent that a vote on final passage of S. 149 occur at 4:00 p.m. today, with rule 12, paragraph 4 being waived; that no substitute amendments be in order; that the committee substitute amendment be agreed to; the motion to reconsider be laid upon the table, and that the time until 4:00 be divided between the majority and minority for morning business, with the exception of 8 minutes prior to the 4:00 p.m. vote, which would allow Senators Enzi, GRAMM, SARBANES, and THOMPSON each to have 2 minutes prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. Reserving the right to object.

Mr. REID. If the Senator would withhold, our able staff indicated I missed
this. It is right before my eyes, so if I could just repeat this.

The vote will occur at 4:00 p.m. today, with rule 12, paragraph 4 being waived; that no other amendments be in order in Committee of the Whole, and the amendment be agreed to; the motion to reconsider be laid upon the table; the time until 4:00 p.m. be divided between the majority and minority for morning business, with the final 8 minutes prior to 4:00 p.m. being allotted to Senators ENZI, GRAMM, SARBANES, and THOMPSON each allowed to speak 2 minutes prior to the vote on the bill.

Mr. THOMPSON. Mr. President, re- serving the right to object, I do believe it would be appropriate to divide the final few minutes equally between the proponents and the opponents.

Mr. REID. That would be very fine. So what we say is 4 minutes for the opposition and 4 minutes for those pro- poundeding passage of the legislation be divided equally.

Mr. THOMPSON. Further, I want to take a few minutes right now in morn- ing business or as a part of this UC, ei- ther.

Mr. REID. I say to my friend that will be certainly appropriate. We will get the right to object and I object, agreed to and the Senator can have lots of time. Senator TORRICELLI wants 15 minutes, but we will be glad to wait until the Senator from Tennessee has completed his statement.

Mr. THOMPSON. That is satisfactory to me.

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

The PRESIDING OFFICER. The com- mittee substitute, as amended, is agreed to and the motion to reconsider is laid upon the table.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Export Ad- ministration Act of 2001 and urge its passage.

Congress has not reauthorized the Export Administration Act on a perma- nent basis since 1986, and for close to a decade the export of dual-use goods—items with both civilian and possible military applications—have been gov- erned in an ad hoc way by the Presi- dent using Executive orders under the International Emergency Economic Powers Act and without a comprehen- sive regime in place to monitor ex- ports.

Such an approach creates obvious problems in trying to assure that the proper balance is struck between the need of U.S. businesses to be competi- tive in the international economy and the need to prevent sensitive tech- nologies that have military applica- tions from falling into the wrong hands.

The Export Administration Act will allow the U.S. government to effec- tively focus attention and exert control over new technologies that have military implications, improve the export control process, and en- hance national security.

The major provisions of the Export Administration Act of 2001 will:

Give the President the power to es- tablish and conduct export control pol- icy, and direct the Secretary of Com- merce to establish and maintain the Commerce Control List of items that could jeopardize U.S. national security and to oversee the licensing process for items on the Control list.

Authorize the President to impose national security controls to restrict items that would contribute to the military potential of countries in a manner detrimental to U.S. national security, directing the Secretary of Com- merce to take into account the national security agency needs and depart- ments, to identify items to be included on a National Security Control List. This strengthens the hand of the na- tional security agencies in the export licensing process by giving them for the first time a formal procedure by which to be involved in this process.

Provide specific control authority based on the end-use or end-user for any item that could contribute to the proliferation of weapons of mass de- struction.

Authorize the President to set aside “formal scrutiny” or “mass-mar- ket” determinations in the interests of national security, and establish an Office of Technology Evaluation to gather, coordinate and analyze information necessary to make to these determina-

Establish procedures for the referral and processing of export license appli- cations, and establish an interagency dispute resolution process to review all export licensing applications that are the subject of disagreement.

Declare it U.S. policy to seek and participate in existing multilateral ex- port control regimes that support U.S. national security interests, and to seek to negotiate and enter into additional multilateral agreements. Given the wide availability of some of these dual- use items, multilateral agreements are critical to assure that they do not fall into the wrong hands.

Establish new criminal and civil pen- alities for knowing and willful viola- tions of the export procedures.

By streamlining and bringing trans- parency to the licensing process this legislation, then, strikes a good bal- ance between assuring that the export licensing process is good for trade, the U.S. economy, our jobs, and national security concerns.

This legislation is supported by the President and has been endorsed by the Secretary of Defense, by the Secretary of State, and by the President’s Na- tional Security Adviser. It also has the support, I believe, of the majority of my colleagues.

Mr. President, I urge the Senate to move forward with passage of the Export Ad- ministration Act.

Mr. BINGAMAN. Mr. President, I rise today in strong support of S. 149, the Export Administration Act of 2001. From the first consideration of this legislation is long overdue. Congress has extended the Export Adminis- tration Act on a temporary basis since
Mr. LEAHY. Mr. President, I want to express my support for S. 149, the Export Administration Act of 2001. I want to commend Senators SARBANES, GRAMM, JOHNSON, and ENZI for crafting a balanced, bipartisan bill that brings the Export Administration Act into the 21st century by modernizing dual-use exports. This bill removes several unnecessary restrictions on exports that only hinder international trade, puts in place a system to track and license those technologies that have a potential national security, and establishes realistic penalties and sanctions for violations of these regulations.

I am pleased that the managers of this bill have accepted the amendment that Senator BIDEN and I proposed that will place controls on the export of items that are used to commit acts of torture. The “torture trade” is a critical problem that has received too little attention, but certainly other countries could be involved in the trade, puts in place a system to track and license those technologies that have a potential national security, and establishes realistic penalties and sanctions for violations of these regulations.

The Leahy-Biden amendment is a modest step to improve the transparency, oversight, and accountability associated with the trade in these items. It builds on existing regulations and requires a license, subject to the approval of the Secretary of Commerce and the concurrence of the Secretary of State, before such items can be exported. It also contains an annual reporting requirement to disclose the aggregate number of licenses to export these items that were granted during the previous year.

This amendment is designed to make sure that certain goods and technologies are not used to commit acts of torture and other human rights abuses. While our amendment moves us in the right direction, I recognize that more can and should be done. Representative HYDE and LANTOS have included an amendment in their version of the bill which contains additional protections that could be very helpful in curtailing the torture trade. I strongly urge the Congress to take a serious look at the Hyde-Lantos amendment when determining the final outcome of the Export Administration Act.

Finally, I believe that the Administration should work with our nations to develop strict standards of export controls for these items. I understand that the European Union is in the process of doing this, and our government should encourage and support that effort.

Mr. FEINGOLD. Mr. President, I will oppose the pending legislation to reauthorize the Export Administration Act.
I agree with the bill’s proponents and with the Administration that we should have a statutory export control process. I am concerned, however, that the process provided for in this legislation is far too relaxed and could be harmful to national security—this very security that the EAA is supposed to protect.

I commend the Senator from Tennesssee, Mr. THOMPSON, and the Senator from AZ, Mr. KYL, for their leadership on this important issue.

It is troubling that the debate on this important piece of national security legislation has revolved around what is good for American business rather than on what is necessary to protect the national security interests of this country.

As a number of our colleagues have said during this debate, the purpose of the EAA is not to promote U.S. exports. The purpose of the EAA is to protect the national security of the United States, which may mean barring certain types of sensitive technology from being exported. I fear that this bill is far too relaxed and could be dangerous in favor of expanded commerce at the expense of our national security.

I disagree with the argument put forth by some during this debate that the foreign availability and mass-market provisions included in this bill are key to ensuring that American companies can compete in the foreign market. Just because other countries choose to make a dual-use product available to international buyers does not mean the United States should follow as well. We should do everything we can to stem the flow of potentially dangerous dual-use technology around the world. We should not use the questionable export decisions of other countries to justify selling products that could be used to harm our country.

There is nothing wrong with having a deliberative process for considering applications to export dual-use technology to countries with the intention that so many in the affected industries have advanced—that the licensing process puts them at a disadvantage because they have to wait for the licensing process to be completed before they can export the technology. This is not a race. And the object of the EAA is not to unduly delay the approval of export licenses. We should consider carefully each license application. I fear that this bill, and in particular provisions regarding mass market and foreign availability determinations and the export of high performance computers, will have the practical effect of rendering our export control process meaningless.

Supporters of this bill argue that American businesses need the relaxed export controls approved in this bill in order to compete in the international marketplace. That is not the case. The vast majority of export license applications submitted to the Department of Commerce are approved. The purpose is to ensure that sensitive technology does not fall into the wrong hands.

Other countries look to the United States for guidance on such issues as export controls and non-proliferation efforts. If we relax controls on dual-use items because other countries are selling them, we are following, not leading. Just as the United States imposed sanctions on a Chinese company that transferred missile technology to Pakistan, the Administration reportedly has told the Chinese Government that one of the conditions to have the lifted is for the Chinese to develop a system of export controls to regulate the transfer of sensitive technology. It is curious that the Senate is debating relaxing U.S. control of dual-use technology—a make in the passage of EAA’s—at the same time the administration is calling on the Chinese Government to implement export controls.

I think we have to examine closely all sides of this issue, and again I want to thank Senator THOMPSON for the outstanding work they have done to bring concerns about this legislation to the fore.

The fact is that there is a great deal of debate over the issue of computer technology to pass this legislation. I don’t say that to impugn the motives of any Member who supports this bill, because we are having an honest debate here about different points of view. But I do think it’s important for the American people to understand who some of the strong supporters of this legislation are, so I would like to take a moment to call the Bankroll on this issue.

The computer industry has a huge stake in the passage of EAA. They want a relaxation of the export controls on supercomputers, and they are lobbying hard for their cause. And, as is usually the case, lobbying means donating big money, and that means donating soft money to both parties’ committees. In this case, the computer industry gave $20.5 million in soft money during the 2000 election cycle. The industry ranked seventh in overall donations in the last cycle, a meteoric rise for an industry that ranked 55th in donations a decade earlier. This is clearly an industry that has learned how to play the soft money game, and play it well.

I’ll just name three soft money donors in the industry who are pushing for passage of EAA: Unisys Corporation and its executives gave more than $142,000 in soft money in the 2000 election cycle; Sun Microsystems gave more than $24,000 in soft money during the last cycle; and United Technologies and its subsidiaries gave a whopping $358,300 in soft money in the 2000 election cycle.

As I said, this is in no way a comprehensive list, since the industry gave more than $20 million in soft money during the last cycle. But I point out these donations because they are relevant to this debate—and relevant to the way many Americans view this debate, and so many others like it here on the Senate floor.

When wealthy interests are allowed to give an unlimited amount of money to a political party, it makes the American people question us and the work we do. And I can think of few issues where the public might be more disturbed by the potential influence of money than the one where national and international security are at stake. Whether or not soft money clouds our own judgment, it clouds the public’s judgement of each and every one of us.

I want to reiterate my opposition to this legislation. We can and should do more to protect the national security interests of the United States.

I will vote against this bill, and I urge my colleagues to do the same.

Mr. BIDEN. Mr. President, it has been 16 years since the United States Congress last enacted re-authorizing legislation governing our controls on the export of dual-use technology, those items suited for both civilian and military uses. For all but 7 years, the President has been forced to exercise emergency powers to maintain dual-use export controls following the expiration of the 1979 Export Administration Act. This temporary exercise of authority has limited the Federal Government can enforce on export control violators and has opened up existing export controls to the enforcement of a series of legal challenges.

It is high time, therefore, that the Senate act on S. 149, a bill to re-authorize the Export Administration Act. I look forward to the passage of this bill and the creation of a modern system of export controls.

We owe this to U.S. companies, which deserve a rational and predictable framework of export controls. We owe this to our friends and allies, who look to the U.S. export control system as a model in devising their own systems. And, most importantly, we owe this to our international security. We cannot forever rely on an ad hoc system that metes out insufficient penalties and is based on shaky legal ground.

Export controls exist, first and foremost, for reasons of national security. The United States must not export items when the item or the end-user may contribute to the proliferation of weapons of mass destruction, strengthen the military capabilities of those who would oppose us, or otherwise endanger U.S. national security. A comprehensive export control system is just as important to preserving America’s freedom and security as a strong military.

But export controls also exist to facilitate the free trade of goods and services, an essential building block of our international economy. The future growth of our economy and a leading global role for U.S. industry require a vital export market.

I think all Americans agree that national security considerations must always come first in devising export controls. We can all agree that such controls should not be so arbitrary as to
stifle legitimate trade. We may differ, however, on where we draw the line in balancing these two opposing considerations.

Export controls can also serve another purpose. They can help reaffirm American leadership on human rights. Let me take this opportunity to commend Senators SARBANES and ENZI for accepting an amendment proposed by Senator LEAHY and me in this regard. The managers’ amendment to S. 149 will tighten the controls on the export of items expressly designed for torture or especially susceptible to use in torture.

We are talking about items such as stun guns and shock batons, leg cuffs and restraint chairs. Yes, some of these items can have legitimate law enforcement uses and are in fact employed in a manner that does not abuse human rights. That is why this amendment would continue to allow their export, but make them subject to the licensing procedure and require the specific concurrence of the State Department as well as the approval of the Commerce Department.

The items covered by this amendment are devices that governments around the world use to suppress political dissidents and ethnic opposition. This amendment requires the U.S. government to license each and every export of such items. It will help ensure that the United States does not indirectly contribute to the torment of individuals by engaging in the unlicensed trade of items used for torture. It is my hope that the Commerce and State Departments, working together, will see to it that licensed exports of these items are permitted only to those countries whose governments carry unblemished human rights records.

I once again thank Senators SARBANES and ENZI for accepting this amendment, and especially Senator LEAHY, who is once again a champion of human rights and with whom I am always delighted to work.

During this debate, a group of Senators, led by my good friends Senator THOMPSON and Senator KYL, has led an intense effort against S. 149. They argue that this bill fundamentally favors commercial equities over our national security interests. They are skeptical that the Commerce Department, which is responsible for cultivating business interests around the world, can play an impartial role in weighing national security considerations.

Truth be told, I have shared some of their concerns. That’s why I am pleased that the floor managers have reached a compromise with Senators THOMPSON and KYL. This compromise includes amendments to S. 149 to: 1. enhance the discretionary authority of the Commerce Department to deny export licenses to another country when it is in the interest of national security to do so; 2. tighten the definition of foreign availability determinations which can exempt items from export controls. These changes to S. 149 approved today offer real improvements to this bill.

I plan to vote for S. 149. On the whole, this bill takes the right steps to bring our export controls for dual-use technologies into the 21st century. Is it a perfect bill? No. The House International Relations Committee, in marking up this bill last month, approved dozens of amendments, on a bipartisan basis. I would hope, therefore, to see further improvement of this bill in conference.

But now is not the time for delay on S. 149. The Senate has a duty to pass this legislation and to restore stability and predictability to our export control system for sensitive dual-use technologies.

Mr. WARNER. Mr. President, I rise today to address an issue that is critical to the national security of our Nation: the adequate control of the export of sensitive technologies. I have been active in this area for the past 2 years, together with Senators HELMS, SHELEY, MCCAIN, THOMPSON, and KYL. We have worked with our colleagues on the Banking Committee, particularly Senators GRAMM, SARBANES, and ENZI, to combat the theft of our Nation’s security, while at the same time allowing for appropriate commercial activity.

In April, I reluctantly objected to the motion to proceed to S.149, the Export Administration Act. At that time, I thought it was premature for the Senate to consider this bill until we had received detailed information from the Administration on this issue. I believe the Senate is now in a position to act on this important legislation.

I have tried for the past 2 years to work in a conscientious way with all parties to resolve the differences over this legislation. These differences have cut to the very essence of how the United States plans to protect its national security in an era of rapid globalization and proliferation of technology.

My goal in this debate has been to strike the proper balance between national security and commercial interests. As we all know, the high tech industry in the United States is currently second to none. We must ensure our domestic industry remains competitive without limiting access to new technologies. It is also crucial that technology becomes obsolete, being the first to deliver a product to a market is crucial. And while we cannot completely abandon national security concerns in favor of industry, we must not unnecessarily hinder the ability of our high tech companies to compete on the world stage. That is what I believe we have accomplished with this bill.

This is a complicated issue that cuts across the jurisdiction of six Senate Committees. The Commerce Committee, with authority for national security matters in the U.S. Senate have continuously worked to improve this bill—myself as chairman of the Armed Services Committee, Senator SHELEY of the Intelligence Committee, Senator THOMPSON of the Governmental Affairs Committee, Senator HELMS of the Foreign Relations Committee, and Senator MCCAIN of the Commerce Committee. In addition, Senator KYL was a participant in our discussions with the Banking Committee, the committee of primary jurisdiction.

The higher penalties and increased enforcement authority the authority to require controls on items that need to be controlled for national security reasons, the requirement for the Department of Commerce to notify the Department of Defense of all commodity classifications are examples of progress made on the national security front.

I have great respect for the tireless efforts and dedication of my distinguished Banking committee colleagues, Senator GRAMM and Senator 2 EAST. As a result of a constructive and productive debate, we have achieved a significant improvement in the bill. I would like to thank them for meeting with me and others several times throughout the past two years to listen to our concerns with balancing national security matters with economic interests. I hope these concerns will remain a priority for all of us.

In this year’s version of the EAA, the Banking Committee has included additional national security protections at the urging of the administration. As I have said previously, there were concerns about the last administration’s record in protecting our vital technology. A new administration is able to look at old problems with a fresh approach. It is in that context that the administration reviewed this bill at the request of myself, Senators MCCAIN, SHELEY, THOMPSON, HELMS and KYL. The National Security Advisor and three cabinet Secretaries were intimately involved in this review. As a result, the administration proposed a series of legislative changes that the Banking Committee has included in the bill that is before us.

Once these changes were made and the administration was actively engaged on the issue, the question then became a technical matter of how the administration would implement the statute. When the Senators expressing concerns regarding this bill were briefed on the results of the administration’s review, we were informed that an interagency agreement had been reached on how the administration would enhance national security controls during the course of implementing the EAA. Under the administration’s proposal, we were informed that some national security protection that we had sought in the past would be included in the executive order that implements S. 149. Thus began a dialogue with the administration to come up with a better understanding of how this bill would be implemented.

My past concerns with earlier versions of EAA were based on concerns expressed by the Department of
Defense. Last year, DOD provided the Senate Armed Services Committee with specific legislative changes that were necessary in their judgement to fix last year’s EAA bill. This included addressing issues related to a national security or enhanced controls, commodity classifications, the enhanced proliferation control initiative, and deemed exports.

The Bush administration shares the concerns that the committee raised but has chosen to pursue some needed changes administratively. In this regard, I ask unanimous consent that a copy of a letter I received from Secretary of Commerce Evans be made a part of the legislative record. This letter provides some insight into the administration’s interpretation of the bill language and commits the administration to implementing, for example, a “disciplined and transparent process for escalating and deciding disputes” on commodity classifications.

I am satisfied with the response that the administration has given me that they can work within the confines of this bill to protect national security. I trust that this administration will be able to do so. The Congress will, however, need to provide diligent oversight to ensure that this administration will conform to the high national security standards that they have set for themselves. When the EAA comes up for renewal in three years time, we may have to be more stringent in putting explicit national security protections rather than leave it to the discretion of the administration.

I want to thank my colleagues on the Intelligence, Foreign Relations, Commerce and Governmental Affairs Committees. These Members have worked over the last two years to improve this bill and ensure that our national security interests are protected. I know the job isn’t finished yet. It has just begun and I will stand with my colleagues to ensure that the control programs are designed and operated to ensure that weapons of mass destruction do not get into the wrong hands.

It is time for the Congress to act on this bill. It is time to reauthorize the EAA. The national security protections such as the national security carve out, increased penalties for export control violations, and greater visibility for the DOD over commodity classification standards rather than leaving it to the discretion of the administration.

The bill does give exporters the right to ask the government to determine whether items are foreign or mass market available. However, the bill also gives the President several ways to continue controls on such items, if necessary, for national security reasons. In addition, S. 149 provides more authority than the existing law to require enhanced controls on such parts and components as needed to protect national security.

The bill also provides a significant role for the Department of Defense in the licensing process, including:

- giving the Secretary of Defense concurrence authority in identifying items to be controlled for national security reasons.
- a role of the Secretary of Defense to object to license applications.
- an analysis that addresses in detail the issues raised by your staff.

I also understand that your staff asked about the Department’s response to a recent report by the General Accounting Office (GAO) regarding controls on exports to Canada of items that could contribute to missile proliferation. The Department will shortly issue a proposed rule amending the licensing requirements applicable to exports to Canada. This new rule will address the issue raised by the Department.

I appreciate your continued interest in the Export Administration Act of 2001. I look forward to working on the passage of this bill to ensure that the protection of national security is given priority in the dual-use export control system process.

If you have any further questions, please call me or Brenda Becker, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Warm regards,

Donald L. Evans.

Enclosure.
However, with all due respect to the administration and to my colleagues on the Banking Committee, I have and will continue to oppose S. 149.

Neither I nor Senators THOMPSON, KYL, HELMS or MCCAIN desire to impede the American people or their companies in their pursuit of new markets. I for one tend to agree with President Calvin Coolidge, who said that, “The chief business of the American people is business.” Every Senator here today is an advocate for enhanced trade and for helping U.S. industry to sell its goods and services. Exports bring prosperity to this Nation’s companies and work to its citizens. If my advocacy for the U.S. technology industry were the sole basis upon which my decision on this legislation was to be based, I could easily change my past position and support passage of the Export Administration Act, or EAA as it is known. However, the other basis upon which the EAA should be measured is its effect on our national security of the United States.

Earlier this summer, I was inspired when I listened as one of my colleagues, who had not previously supported my position on the EAA, publicly embraced the principle that I had espoused for years. I paraphrase, that when it comes to the difficult question of promoting trade or preserving national security, we must err on the side of national security.

That balance is the crux of this week’s debate. We should not support a measure that could, as written, result in harm to Americans by technology developed and sold by Americans.

The pending bill addresses the control of “dual use” technology, that is, technology that has both commercial and military applications. Most commonly, our current export controls entail a licensing process for the export of most dual use technologies. Rather than prohibit exports outright, we generally require that the recipient country be receiving the technology and keep track of anomalies in exporting so that we can measure whether technology is being put to military use. The EAA also regulates which countries will be permitted to import U.S. dual-use technologies. Generally, U.S. companies are not permitted to export dual use products to countries like Iran and Iraq.

This bill is an attempt to rewrite our export laws to make them more rational. I too believe that this nation needs new export laws to meet today’s trade realities. However, this effort must not open the floodgates for our dual use technology to be exported, without the ability for the U.S. Government to determine where that technology goes and its ultimate application.

For an export control regime to function properly, it must provide for a balancing of the commercial benefits involved—which are generally obvious, easily-quantified, concentrated, and immediate—with the national security concerns, which are typically shrouded in secrecy, difficult to quantify, diffuse, and long-term in nature. In this equation, national security can easily get the short end of the stick.

Not everything is shrouded in secrecy. In accordance with Section 721 of the 1997 Intelligence Authorization Act, the Director of Central Intelligence submits a report on trends in the proliferation of weapons technologies. Part of the report is classified. The report identifies key suppliers of dual use missiles, nuclear, and chemical, as well as dual-use biotechnology and chemical technology. Nations such as China and Russia are identified as key suppliers. They export their technology to the likes of Iraq, Iran, Libya, Syria, Sudan, Pakistan and India.

The pending bill addresses the continuation and significant problem. The report from the Senate Select Committee on Intelligence states that, “Increasingly rigorous and effective export controls and cooperation among supplier countries are needed to counter the proliferation of WMD programs to look elsewhere for many controlled dual-use goods.” The point is, that while we cannot stop all proliferation, a rigorous export control regime can be effective in diffusing the spread of potentially threatening dual-use technology.

Mr. President, the problem is real. I believe it is a significant statement when the Chairmen and now Ranking Members of the Senate Armed Services Committee, the Foreign Relations Committee, the Intelligence Committee, the Committee on Governmental Affairs and the Subcommittee on Technology, Terrorism and Government Information, have serious issues with the protection and proliferation of dual-use export controls that provide our national security. I am deeply disappointed that the new administration was not able to support reasonable amendments which would address the national security equities which we have highlighted. I am concerned that the interests of the high tech business community have replaced reasonable consideration of our dual use export control regime.

Technologies which are exported today can and will have to be used to promote business and preserving the national security. This bill does not strike that balance. As a conference, I am hopeful that in conference, I can work with the members of the House, especially Chairman Hyde and continue these efforts to tilt the balance in favor of national security.

Mr. President, I ask unanimous consent to print in the RECORD entitled "Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 January through 30 June 2000."

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

"UNCLASSIFIED REPORT TO CONGRESS ON THE ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS, 1 JANUARY THROUGH 30 JUNE 2000"

The Director of Central Intelligence (DCI) hereby submits this report in response to a Congressionally directed action in Section
721 of the FY 97 Intelligence Authorization Act, which requires:

"(a) Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Director of Central Intelligence shall submit to Congress a report on

(1) the acquisition by foreign countries during the preceding 6 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions; and

(2) trends in the acquisition of such technology."
We believe that Iraq has probably continued low-level theoretical R&D associated with its nuclear program. A sufficient source of fissile material remains Iraq’s most significant obstacle to being able to produce a nuclear weapon.

Iraq continues to pursue development of SRBMs that are not prohibited by the United Nations and may be expanding to longer range systems. Authorized pursuit of UN-permitted missiles continues to allow Baghdad to develop technological improvements and infrastructure that could be applied to a longer-range missile program. We believe that development of the liquid propellant Al-Samoud SRBM probably is continuing and that a low-level operational capability could be achieved in the near term. The solid-propellant missile development programs also appear to be receiving a higher priority, and development of the Ababil-100 SRBM and possibly longer range systems may be moving ahead rapidly. If economic sanctions against Iraq were lifted, Baghdad probably would increase its attempts to acquire missile-related items from foreign sources, regardless of any future UN monitoring and continuing restrictions on long-range ballistic missile programs. Iraq probably retains a small, covert force of Scud-type missiles.

North Korea

Pyongyang continues to acquire raw materials from out-of-country entities needed for its WMD and ballistic missile programs. During the reporting period, North Korea continued improved procurement of raw materials and components for its ballistic missile programs from various foreign sources, especially through firms in China. We assess the North Korea is capable of producing and delivering via munitions a wide variety of chemical and biological weapons.

During the first half of 2000, Pyongyang sought to procure technology worldwide that could have applications in its nuclear program, but we do not know of any procurement directly linked to the nuclear weapons program. We assess that North Korea has produced enough plutonium for at least one, and possibly two, nuclear weapons. The United States and North Korea are nearing completion on the joint project of canning spent fuel from the Yongbyon complex for long-term storage. In 1994, North Korea and the United States signed Agreed Framework, that reached fuel contains enough plutonium for several more weapons.

North Korea continues to seek conventional arms. It signed a contract with Russia during this reporting period.

Libya

Libya continues to develop its nascent nuclear research and development program but still requires significant foreign assistance to advance to a nuclear weapons option. The pace of procurement efforts in Libya’s drive to rejuvenate its ostensibly civilian nuclear program. In early 2000, for example, Tripoli reestablished contacts with sources in the Tajura Nuclear Research Center and discussed a potential power reactor deal. Should such civil-sector work come to fruition, Libya could be nearing completion on the joint project of canning the spent fuel from its, for key elements of its CW program, includ- ing precursor chemicals and key production equipment. It is highly probable that Syria also is developing an offensive BW capability.

We will continue to monitor the potential for Syria’s embryonic nuclear research and development program to expand.

Syria

Syria sought CW-related precursors and expertise from foreign sources during the reporting period. Damascus already has a stockpile of the nerve agent sarin, and it would appear that Syria is trying to develop more toxic and persistent nerve agents. Syria remains dependent on foreign sources for key elements of its CW program, includ- ing precursor chemicals and key production equipment. It is highly probable that Syria also is developing an offensive BW capability.

We will continue to monitor the potential for Syria’s embryonic nuclear research and development program to expand.

During the first half of 2000, Damascus continued work on establishing a solid-propellant rocket motor development and production capability with help from outside countries. Damascus received key equipment and assistance to its liquid-propellant missile program, pri- marily from North Korean entities, but also from firms in Russia, have been and will continue to be essential for Syria’s effort. Dam- ascus also continued its efforts to assem- ble—probably with considerable North Ko- rean assistance—liquid-fueled Scud C mis- siles.

Syria continues to acquire ACW—mainly from Russia and other FSU suppliers—although at a reduced level from the early 1990’s. Russia has provided Syria with K-1, K-3, and K-5 Midget submarines, K-19, and K-22 missiles. Syria also purchased several modern Russian SAM systems, including the Buk-1, Buk-2, and S300, and has reportedly upgraded the Buk-2 system. Damascus has expressed interest in acquiring Russian SS-19 and SS-20 missiles and air defense systems, but its outstanding debt to Moscow and inability to fund large purchases have hampered negotiations, according to press reports.

Sudan

During the reporting period, Sudan sought to acquire a variety of military equipment from various sources. Khartoum is seeking to procure a wide variety of military equipment, including anti-tank guided missiles, US-made AT-14, AT-13, and AT-20, Bastion-M (AT-10B) antitank guided missiles, R-3000 rocket launching systems, and small arms. According to the Sudanese government, it has acquired Creative, a Chinese arms manufacturer, and is seeking to purchase more advanced arms systems.

In the WMD arena, Sudan has been developing the capability to produce chemical weapons for many years. In this pursuit, it has obtained help from entities in other countries, principally Iraq. Given its history in developing biological weapons, Sudan’s potential use of biological weapons has been of great concern.

India

India continues its nuclear weapons development program, which could benefit New Delhi in its efforts to develop and produce more sophisticated nuclear weapons. India obtained some foreign assistance for its civil nuclear power plants, suspended during the first half of 2000, primarily from Russia.

India continues to rely on foreign assist- ance for key missile and dual-use technol- ogies, where it still lacks engineering or production expertise in ballistic missile de- velopment. Entities in Russia and Western Europe remain the primary conduits of dual-use related technology transfers. During the first half of 2000. New Delhi Flight-tested three short-range ballistic missiles between January and June 2000—the Prithvi-II in February and June, and the Dhanush in April.

India continues across-the-board modernization of its armed forces through ACW, missile-related SRBMs. Pakistan’s development of its key programs have been plagued by delays. During the reporting period, New Delhi con- trolled negotiations for Moscow for 30 T-90S main battle tanks Su-30 fighter aircraft production, A-50 Airborne Early Warning and Control (AWACS) aircraft, Tu-22M Back- fire maritime strike bombers, and an air- craft carrier, according to media reports. India also contemplates exploring options for leasing or purchasing several AWACS systems from other countries. It also received its first delivery of Russian Kranopol laser-guided artillery rounds to be used in its Swedish-build FH-77 155-mm howitzers, nego- tiates with China for provides in developing and producing fighter aircraft. Renault also continues negotiations for the Pfizer nuclear reactors.

Pakistan

China’s entities continue to provide signif- icant assistance to Pakistan’s ballistic missile program during the first half of 2000. With Chinese assistance, Pakistan is rapidly moving toward serial production of solid-propellant SRBMs. Pakistan’s development of the two-state Shaheen-II SRBM also re- quires continued Chinese assistance. The im- portance of North Korea’s assistance throughout the reporting period is less clear.

Pakistan continued to acquire nuclear-re- lated and dual-use and equipment and materials from various sources—principally in Western Europe. Islamabad has a well-developed nuclear weapons program, as evidenced by its first nuclear weapons tests in late May 1998. Acquisition of nuclear-related and dual-use goods from foreign sources will remain important if Pakistan chooses to develop more advanced nuclear weapons. China, which has provided extensive assistance to the Indian nuclear weapons and ballistic missile programs, in May 1996 pledged that it would not provide assistance to unsafeguarded nuclear facilities in any state, including Pakistan. We cannot rule out, however, some contin- ued contacts between Chinese entities and entities involved in Pakistan’s nuclear weap- ons development.

Pakistan continues to rely on China and France for its ACW requirements. Pakistan received eight upgraded Mirage III/F fighters from France and continued negotiations to purchase an additional 50 F-7 fighters from China.

Egypt

Egypt continues its efforts to develop and procure ballistic missile technologies. North Korea. This activity is part of a long-running program of ballistic missile co- operation between these two countries.

KEY SUPPLIERS

Russia

Despite overall improvements in Russia’s economy, the state-run defense and nuclear industries remain strapped for funds, even as

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Moscow looks to them for badly needed foreign exchange through exports. We remain very concerned about the nonproliferation implications of such sales in several areas. Most proliferation concerns remain, therefore, will remain a very high priority.

Russian entities during the reporting period engaged in a variety of ballistic-missile-related goods and technical know-how to countries such as Iran, India, China, and Libya. Iran’s earlier success in gaining access to ballistic-missile materials from Russian entities accelerated Iranian development of the Shahab-3 MRBM, which was first flight-tested in July 1998. Russian entities during the first six months of 2000 have provided substantial missile-related technology, training, and expertise to Iran that almost certainly will continue to accelerate Iranian efforts to develop new ballistic missile systems.

Russia also remained a key supplier for civilian nuclear programs in Iran, primarily focused on the Bushehr Nuclear Power Plant project. With respect to Iran’s nuclear infrastructure, Russian assistance enhances Iran’s ability to support a nuclear weapons development effort. Even normally when the transfer of civilian technology may be of use in Iran’s nuclear weapons program. We remain concerned that Tehran is seeking more not only of its civilian infrastructure, and the Intelligence Community will be closely monitoring the relationship with Moscow for any direct assistance in support of its advanced nuclear capabilities.

In January, Russia’s cabinet approved a draft cooperative program with Syria that included civil use of nuclear power. Broader access to Russian scientists could provide opportunities to solicit fissile material production expertise if Syria decided to pursue a nuclear weapon. In addition, Russia supplied India with material for its civilian nuclear program during this reporting period. President Putin in May amended the presidential decree on nuclear exports to allow the exception in exceptional cases of nuclear materials, technology, and equipment to countries that do not have full-scope IAEA safeguards, according to press reports. The move could clear the way for expanding nuclear exports to certain countries that do not have full-scope safeguards, such as India.

During the first half of 2000, Russian entities remained a significant source of dual-use biotechnology, chemicals, production technology, and equipment for Iran. Russia’s biological weapons expertise makes Iran an attractive target for Iranians seeking technical information and training on BW- and CW-agent production processes. Russia continues to be a major supplier of conventional arms. It is the primary source of ACW for China and India, it continues to supply ACW to Iran and Syria, and it has negotiated new contracts with Libya and North Korea, according to press reports.

The Russian Government’s commitment, willingness, and ability to curb proliferation-related transfers remain uncertain. The export control bureaucracy was reorganized again as part of President Putin’s broader government reorganization in May. The Federal Service for Currency and Export Controls (VEK) was abolished and its functions assumed by a new department in the Ministry of Foreign Affairs by its very name. The VEK had been tasked with drafting the implementing decrees for Russia’s July 1999 export control law; the status of these decrees is not known and enforcement continues to need improvement. In February 2000, Sergey Ivanov, Secretary of Russia’s Security Council, said that during 1998–99 the government convicted 170 entities and authorized technology transfers in only three cases. The Russian press has reported on cases where advanced equipment is simply described as something else in the export documentation and is exported. Enterprises sometimes falsely declare goods just to avoid paying government taxes.

North Korea

Throughout the first half of 2000, North Korea continued to export significant ballistic-missile—related equipment and missile components, such as technical expertise to countries in the Middle East, South Asia, and North Africa. P’yongyang attaches a high priority to the development and sale of ballistic missiles related to the advanced technology. Exports of ballistic missiles and related technology are one of the North’s major sources of hard currency, which fuel the continued missile development and production.

China

During this reporting period, the Chinese have continued to take a very narrow interpretation of their bilateral nonproliferation commitments with the United States. In the case of missile-related transfers, Beijing has repeatedly pledged not to sell Missile Technology Control Regime (MTCR) Category I systems but has continued to export its key technology annex. China is not a member of the MTCR.

China’s missile-related technical assistance to Pakistan continued to be substantial during this reporting period. With Chinese assistance, Pakistan is rapidly moving toward the serial production of solid-propellant SRBMs. Pakistan’s development of the two-stage Shaheen-II MRBM also requires continued Chinese assistance. In addition, firms in China provided missile-related items, raw materials, and/or assistance to several other countries of proliferation concern—such as Iran, North Korea, and Libya.

Chinese entities provided extensive support in the past to Pakistan’s safeguarded and unsafeguarded nuclear programs. In May 1996, Beijing pledged that it would not provide assistance to safeguarded nuclear facilities. We cannot rule out some continued contacts between Chinese entities and entities associated with Pakistan’s nuclear weapons program. China’s involvement with Pakistan will continue to be monitored closely.

With regard to Iran, China confirmed that work associated with remaining nuclear projects—a small research reactor and a zirconium production facility—would continue until the projects were completed. The Intelligence Community continues to monitor carefully Chinese nuclear cooperation with Iran.

Prior to the reporting period, Chinese firms had supplied CW-related production equipment and technology to Iran. The US sanctioned imposed in May 1997 on seven Chinese entities, including China’s main nuclear weapon supplier for many years, remains in effect. Evidence during the current reporting period shows Iran continues to seek such assistance from Chinese entities, but it is unclear to what extent these efforts have succeeded. In June 1998, China announced that it had expanded its CWC-based chemical export controls to include 10 of the 26 Australia Group chemicals not listed on the CWC schedules.

Western Countries

As was the case in 1998 and 1999, entities in Western countries in 2000 were not as important as sources for WMD-related goods and materials as in past years. However, Iran and Libya continue to recruit entities in Western Europe to provide needed acquisitions for their WMD-related programs. These include important and effective export controls and cooperation among supplier countries have led the other foreign WMD programs to look elsewhere for many controlled dual-use goods.

Machine tools, spare parts for dual-use equipment, and widely available materials, scientific government equipment, and specialty metals were the most common items sought. In addition, several Western countries announced their willingness to negotiate ACW sales to Libya.

TRENDS

As in previous reports, countries determined to maintain WMD and missile programs over the long term have been placing significant emphasis on insulating their programs against interdiction and disruption, as well as trying to reduce their dependence on imports by developing indigenous production capabilities. Although some countries may not always be a good substitute for foreign imports—particularly for more advanced technologies—in many cases they may prove to be adequate. In addition, as their domestic capabilities grow, traditional recipients of WMD and missile technology could emerge as new suppliers of technology and expertise. Many of these countries—such as India, Iran, and Pakistan—do not adhere to the export restraints embodied in such supplier groups as the Nuclear Suppliers Group and the Missile Technology Control Regime.

Some countries of proliferation concern are continuing efforts to develop indigenous designs for advanced conventional weapons and expand production capabilities, although most of these programs usually rely heavily on foreign technical assistance. Many of these countries—unable to obtain new or more advanced arms—are pursuing upgrade programs for existing inventories.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period for morning business.

The Senator from Tennessee.

NATIONAL SECURITY

Mr. THOMPSON. Mr. President, before my colleague from Texas leaves the Chamber, I want to congratulate him on what I consider to be another major achievement of his career. He can add this legislation to the long list of legislation he has either been primarily responsible for or substantially responsible for. While we have discussed the merits of this bill, it is something I have seen him work tirelessly on for at least a couple of years now, and certainly Senator Enzi carried a large share of the work, as Senator Gramm said.

This is another one of those instances where Senator Gramm took an issue like a dog taking to a bone and did not turn it loose until he got it done. I must say it is another impressive performance, and I want to congratulate my good friend for adding another important legislative victory to his long legacy.

I want to discuss the legislation for a minute in response to my good friend.
We talked of two goals. This bill has been put to bed now, as it were. We are going to be voting on it shortly. We have made some modest improvement to it. The Senators opposite are correct in saying we have been talking about this for a long time. I do not know whether we can take credit for 59 changes or not. They say 59 changes have been made, but I guess we can take credit for some changes that have been made along the way to improve that bill.

We still have problems with the basic concept, and right before we go off into this good night, we need to lodge at least one summary statement with regard to the nature of our concern and where we hopefully will go from here.

The nature of our concern simply is this: It is a more dangerous world out there than ever before, and we have to be more careful than ever we do not export dangerous items to dangerous people that will turn around and hurt this country. The risk of that is greater than ever before.

We do not have two equal goals of trade and commerce on the one hand and national security on the other. The interest of national security dwarfs the interest of commerce and commerce, although they are discussed in this Chamber somehow in equipoise. That is not the case. It should not be the case. It is not even set out that way in the legislation.

It is not even set out that way in the trade agreements. It is not the case. It should not be the case. It is a more dangerous world out there than ever before, and we have to be forward looking and to come up with a bill that is consistent with the environment in which we are moving.

The Secretary of Commerce, who I have the greatest confidence in—and I think he is a great man doing a great job—should not have the responsibility for national security. That is not supposed to be his job.

We are once again giving the Commerce Department, which we greatly criticized during the Clinton administration for some of their laxness, the life or death decision making power in terms of these regulations or policies, in many important instances—not all instances, not always unilaterally, but many of them in some very important areas. We are deregulating entire categories of exports.

Foreign availability has always been something we considered in terms of whether or not we would export something that is very dangerous, and I think properly so. We do not want to foolishly try to control things not controllable. So foreign availability ought to be a consideration. We are moving light-years away from that, and I think that is a major move. It is not a good move.

With regard to the enhanced penalties, what sanction is there to be imposed upon an exporter when he is not properly licensed? It is saying: We will raise the penalty for your conduct, but we will make your conduct legal. That is not very effective in terms of export control, to say the least.

Finally, when I hear the proponents of this legislation say 99.6 percent of these exports are approved anyway, they are arguing against themselves. They use it to make the point this is kind of a foolishness anyway. So if the great majority of them are going to be approved, why even have the process? I assume that is the logical conclusion of their position.

My question is: What about the .4 percent that don’t make it? Do we not have to look at the body of exports taking place in order to determine what that .4 is? Or if we didn’t have a process, would that .4 be more like 3.4 percent? And there is no question. The .4 is the important thing to look at. Besides, if all the exports are being approved anyway, why is it so onerous to go through a process that will take a few days and get a clean bill of health for the transaction? Therein lies the basis of our concern. It is a fundamental disagreement as to how far we should be going in this dangerous time. As the world is becoming more dangerous, as technology proliferates, as we see those we are sending technology to using that technology for their military purposes, then passing it on to rogue nations, and we see our agencies and our commerce department, like those committees—saying our lax export laws are causing some of this, and we are in the process of loosening export laws, I think that is unwise. I hope I am wrong.

As I said yesterday, I can afford to be wrong. If the companies have been held up a few days. If the proponents of this legislation are wrong, it could cause problems for the country. I hope I am proven to be wrong and that I am strong enough to be able to stand up and say it when and if that time comes. I hope it does come to that. But we will not know for a while.

In the meantime, hopefully, through changes as we go along, through continuing to work with the administration in heightening their awareness of some of the problems and details we have seen in our committee work over the years, if we see we are going down the wrong track, we will be able to respond and adjust in midstream. I know my colleagues on the other side will join in that hope and desire, and I am sure we will be able to work together toward that end.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

U.N. WORLD CONFERENCE AGAINST RACISM

Mr. TORRICEGLI. Mr. President, the U.N. World Conference Against Racism recently proceeding in Durban, South Africa, has made it possible to make a contribution in the historic fight against race and intolerance. Indeed, holding the conference itself in South Africa was a tribute to the people of that country and their long struggle against racism and apartheid. It could have been a seminal moment in the evolution, in our long fight for individual liberty.

While much progress has been made, we can all attest that racism and discrimination continue to affect hundreds of millions of people around the globe.

This conference had such potential. It could have addressed issues such as the rise of intolerance toward komen, intolerance towards asylum seekers, the unjustified denial of citizenship because of race, religion, or origin. The conference had the potential for the United States to demonstrate the great progress we have made in this country on issues of tolerance, of the fight against racism.

In showcasing the American experience, nothing could have more vividly demonstrated the changes in the United States and in the presence of Colin Powell, an American Secretary of State, not only of African ancestry but of ancestry beyond our own shores.

Instead of realizing this potential, the conference has collapsed in a storm of recrimination and venomous rhetoric. The United States and Israel have walked out of the conference. It appears that others will soon follow.

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conference, to attack its agenda, and to make clear we will have no part of it.

For many years, Arab regimes have used the United States to advance their anti-Israel agenda. What is happening in Durban today is not new. The tragedy was not new and the lesson has not been learned. In 1975, with the support of the so-called nonaligned nations, these regimes succeeded in passing the infamous “Zionism equals racism” resolution. After much work, the United States, to our considerable credit, had that odious resolution rescinded in 1991.

The U.N. Secretary General, Kofi Annan, has referred to that resolution as the “low point in the history of the United Nations.” To his credit, Annan has acknowledged the historical U.N. bias against Israel and called for the normalization of Israel’s status within the U.N. Indeed, normalization has been acquired.

For invasions, Arab and Muslim nations prevented Israel from becoming a member of any regional group. By that denial of regional status, Israel and Israel alone is prohibited from becoming an eligible member of the Security Council. That undemocratic injustice was finally rectified only last year when Israel was able to join the Western European and Other Group.

Despite the Secretary General’s leadership in trying to improve U.N. resolution, the U.S. resolution dedicated to peace and resolving these disputes prevented Israel from becoming a member of any regional group. By that denial of regional status, Israel and Israel alone is prohibited from becoming an eligible member of the Security Council. That undemocratic injustice was finally rectified only last year when Israel was able to join the Western European and Other Group.

The declaration being produced by the conference and the program of action which flows from it are intended to help countries strengthen national mechanisms to promote the human rights of the very victims of racism. But including anti-Semitic language in these documents cannot possibly have a positive effect for the conference agenda. If the anti-Israel language is allowed to stand in the conference declaration, it will have real and lasting effects. The language proposed in this conference will only serve to encourage the brutal acts of terrorism now being perpetrated against Israel’s civilians.

So an organization created and dedicated to promoting a new world language, in an official conference, during a time of violence in the Middle East, that can only result in the loss of life and further hatred. American withdrawal from this conference sends an emphatic message to the Arab world that the United States commitment to Israel has not wavered and our concept of the United Nations as an organization dedicated to peace and resolving these disputes has not changed.

The administration’s decision to abandon the racism conference once it was clear that Israel would continue to be singled out was not a partisan action; it was a principled action. I fully endorse it. I hope the United States will defend any nation, not just Israel, which is unfairly singled out for criticism.

While I support this decision, I believe there are larger problems involved that deserve our attention. The forces that compelled us to withdraw from the conference—anti-Westernism, anti-Americanism—have come together in the U.N. before and may represent a growing challenge to our country. So the decision to withdraw because of anti-Semitism was proper. But it may not be the only justifiable reason. There are others.

Only a few months ago, in May of this year, we debated involving the United Nations when the United States was voted out of the U.N. Human Rights Commission. What an unbelievable outrage. I do not stand in the well of the Senate believing that the United States has committed Kistler any worthy of criticism clearly we have. I do not argue that the United States is beyond criticism for actions in our generation: clearly such acts have occurred. I am willing to have our Nation measured against the highest standards. But for the United States of America to be removed from the Human Rights Commission upon the votes of an organization which includes Iraq, Libya, and Cuba is an outrage.

So while I take the floor today in light of the current acts designed against Israel, I do so in the context of the actions of the United Nations on a continuing basis with regard to many countries, including our own. The United States has had a seat on the Human Rights Commission continuously since 1947. We have been a clear leader on the Commission, enforcing investigations of human rights abuses around the world. Indeed, U.N. High Commissioner for Human Rights has said that the United States has made a “historical contribution” to the Commission. Indeed, I see no need to justify the actions of the United Nations with regard to human rights. Indeed, it is because we defend human rights that we were removed from the Commission. Had we not taken actions against Cuba, had we not spoken up against atrocities in North Korea, in Rwanda or in Darfur, and had we been silent about actions in Africa and Latin America, there is no doubt the United States would have remained on the Commission. We are victims because of what we have done right, not because of what we have done wrong.

I have no doubt that our standing up against anti-Semitism and in defense of Israel will now strengthen the case against the United States as an advocate of the weak and the vulnerable, with a principled stand for human rights? I will accept that judgment of history, and there is no need to wait for the result; it is clear. The U.S. Government has had no peer in defending the rights of peoples around the globe.

I take the floor as a partisan Democrat involved throughout my career in the fight for human rights and an active involvement in foreign policy to salute this administration. Secretary Powell did not go to Durban. He made the right decision. When the administration withdrew from the Durban conference, President Bush made the right decision. Durban is not our place. If we must fight the fight against racism, the fight against anti-Semitism, alone, without the United Nations, from the perch of Washington rather than the perch of the U.N. or the U.S. Government or the United Nations itself, has been the more consistent and dependable defender of the weak and the vulnerable, with a principled stand for human rights? I will accept that judgment of history, and there is no need to wait for the result; it is clear. The U.S. Government has had no peer in defending the rights of peoples around the globe.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CANADIAN SOFTWOOD LUMBER

Mr. BAUCUS. Mr. President, I rise today to discuss the U.S.-Canadian dispute on softwood lumber.

Although it might have escaped the attention of many in Washington, the Bush administration announced a critical trade policy decision over the August recess.

After considering truck loads of evidence provided by a legion of lawyers, the Department of Commerce once again decided that Canadian provinces giving away timber at a fraction of its value was a subsidy to Canadian lumber production.

Specifically, the Commerce Department, based on a preliminary finding that these subsidies amounted to 19.3 percent of the value of Canadian lumber. Further, the Commerce Department
took the unusual step of declaring critical circumstances, which back dates the duties by 90 days. It did this because it determined Canadian producers were flooding the U.S. market—\(^{23}\) in an attempt to take advantage of the expiration of the previous U.S.-Canada agreement in October 1999.

The Commerce Department is due to issue another preliminary finding under another U.S. fair trade law, anti-dumping law, in the middle of October. I agree with most observers that this will likely result in a substantial increase in the current duty.

But I do not rise today to discuss the intricacies of U.S. trade laws.

Nor, Mr. President, do I plan to discuss the details of Canadian lumber programs.

I have never understood how giving away timber at a fraction of its market value and allowing government-set prices instead of market prices could be anything but a market distortion. But that is a debate that we have had for 20 years and I myself have discussed on the Senate floor at least a dozen times.

I see little point in repeating facts that the Commerce Department and independent experts on both sides of the border have long acknowledged. I ask unanimous consent that the appendix to this paper be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection it is so ordered.

MRS. BAUCUS. Instead I want to look to the future. I rise today to offer a true and lasting solution to what has become the world’s largest bilateral trade dispute and, by far, the largest fly in the ointment in the U.S.-Canada relationship.

Given some political changes on both sides of the border, I believe it is now possible to negotiate a lasting and real agreement on the U.S.-Canada softwood lumber dispute.

In 1986, at a similar juncture in a trade case, the U.S. and Canada agreed to resolve the dispute by allowing Canada to collect an export duty—a duty the United States would have otherwise collected. At the same time, Canadian officials agreed to a set of forestry program reforms to eliminate the underlying subsidies.

This arrangement broke down when Canada unilaterally—and without explanation—withdrew from the agreement. But with some adjustments, a similar approach could be pursued to a real solution.

The basic concept is simple. Once the final preliminary duty is known, Canada would agree to collect this on its exports and thus gain the revenue that would otherwise go to the U.S. treasury.

The antidumping element complicates this understanding, but it could be addressed through a minimum export price or a duty adjustment to account for the dumping.

Once the basic export duty rate was set, both sides would agree that the duty would be lowered as Canadian provinces eliminated subsidies. For example, if Canada’s western provinces stopped artificially lowering the price of stumpage, the portion of the export duty aimed at offsetting stumpage subsidies would be dropped.

Unfortunately evaluating the impact of proposed reforms in Canada’s forestry subsidies is a complex task and, sadly, these complexities have been used to hide subsidies and replace old subsidies with new ones.

In order to assist the trade negotiators from both countries in evaluating proposals for reform, I propose an ad hoc commission—made up of representatives of the forest industry from both countries, representatives of organized labor from both countries, and representatives of environmental community from both countries. This panel would evaluate proposals for forestry reform in Canada and provide a non-binding evaluation of the proposed changes to relevant U.S. and Canadian forestry programs.

I feel particularly strong that representatives from the environmental community be included in this group because they are the closest thing to truly independent observers of Canadian forestry practices.

In addition to providing a fair and thorough evaluation of proposals for change, this group could be a watchdog against backsliding. And it could provide a forum to discuss cross-border cooperation on sustainable forestry practices, joint positions for international negotiations on trade and forestry issues, and joint approaches to problems, such as protection of endangered species.

I believe such non-binding oversight could encourage real progress toward a final and lasting solution to this difficult trade problem.

I have read in the Canadian press some statements that Canadian officials—or perhaps the U.S. lawyers that represent them—that Canada should pursue no such deal until after the issue is fully litigated before the World Trade Organization and perhaps the NAFTA.

But the central fallacy of this position is that the U.S. would negotiate after it has turned back challenges. And there is no reason to believe that Canada would succeed in such litigation. Despite the rhetoric of some, Canada’s record in past complaints is mixed, and U.S. law and practice has been refined to avoid past problems. If challenged, I believe the U.S. actions on softwood lumber will survive international scrutiny.

Obviously, Canadian officials will choose which strategy they see fit, but such a litigate-at-all-costs strategy would result in the duty being in place for most of a year—at minimum.

The bottom line is this: Out-of-court settlements are struck when neither party is certain of the outcome of litigation; no one settles after they have won the final appeal.

If the U.S. duties survive Canadian challenges, I would then oppose any effort to settle along the lines I have laid out. If the U.S. is forced to litigate and succeed, there will be no domestic support for a settlement, no export duty, and no compromise. A compromise is possible now, not later.

Again, I congratulate the Commerce Department—and particularly the hard work of Secretary Don Evans, Undersecretary Grant Aldonas, and Assistant Secretary Faryar Shirzad—for decisive action in this case.

Lumber mills and their workers in Montana and across the country have suffered because of Canadian lumber subsidies. I plan to work with the Commerce Department to ensure that these subsidies dominate for daily news with seemingly endless rounds of bilateral and multilateral trade talks. But despite the hype, and the rhetoric, the topic is rarely treated in the thought process that goes on.

There are, of course, many good reasons for government subsidies. In today’s increasingly homogenized mass-market world, it may make sense to protect a nation’s ballet and local newspapers. So too it is important to keep the rural base vital by maintaining support for family farms, and even encouraging new, organic producers. Indeed, subsidies are most useful in helping fledging industries make inroads against the predatory behavior of much larger, and often inefficient, older industries.

But subsidies are all too frequently destructive and unsustainable. Such subsidies can be the most difficult to undo because they are deeply embedded, hidden from view, and reward the most powerful interests in society.

As Tom Green and Lisa Matthaus demonstrate in this paper, such is the case with the BC forest industry. Here is an industry that from its inception to the present day is supported by a raft of subsidies. Once designed as a way to develop the province, many of these subsidies are today almost completely invisible, propping up an industry against all economic and social logic, and determining the potential for good public policy. This paper only addresses this situation in British Columbia, but many of their arguments apply to the industry worldwide.

The phrase “ perverse subsidies” captures the situation admirably, perverse because
government is spending money, or not collecting rents in a fashion that undermines economic as well as social (and environmental) interests. Take, for example, the humiliation of dollars of public money underwritten by a government to prop up outdated mills in northern BC. These subsidies seemingly respond to the social need of keeping remote communities afloat, yet indirectly subsidize more efficient communities by artificially depressing their markets, while it robs even the host communities of the opportunity to direct that money, and the local industry, into creating new value-added industries that would foster more stable, longer-term, employment.

Many subsidies are not so high profile, however. Undoubtedly, the most pernicious subsidy exists in the lax environmental standards that have been allowed to exist in BC. This situation permits the industry as a whole to shift a vast array of costs out of its own production processes, and impose them instead on logged out salmon streams, disrupted caribou habitat, and clearcut coastal watersheds. In such cases, the fishing industry, First Nations, and tourism operators pay the costs this industry brings.

The authors are self-described “ecological economists.” To many readers, this will be an unfamiliar phrase. But it signifies a new type of analysis, a critical important analysis if society is to weed out our landscape of perverse subsidies. As our common sense tells us, the human economic system is not a natural one, and it requires a system. Creating a sustainable future means re-embedding our over-extended economy in the natural world.

That challenge is, as the authors make clear, structural. The forest industry is underpinned by a land tenure system that blankets the landscape. These long-term leases artificially depress prices (through lack of market competition) while they discriminate against innovative new entrants (through exclusion from access to timber). Indeed, this is the very sort of state-chartered, state-protected, and bloated industry that, 200 years ago, Adam Smith railed against in his classic text, The Wealth of Nations. Only by taking away their privileged position, Smith argued, could the natural abilities of the citizenry to innovate, and prosper, be set loose.

Smith’s radical argument applies equally in British Columbia today. Indeed, in a thoughtful addition to the discussion of structure, the authors articulate with great attention to the failure to pay due regard to aboriginal entitlements to the resource base. As any economist will explain, market values reflect the existing distribution of wealth between sellers and buyers. In British Columbia today, a whole group of buyers (the forest industry) secures its products well below the cost of production. In this case the seller (the provincial government) excludes another legitimate interest (First Nations) from the bargain. This situation dramatically skews the whole forest products market, drastically reducing the obligations of the corporate sector.

The authors have bravely raised the flag on a critical topic for the new Liberal government in British Columbia. This paper is only a beginning, however. Much work remains to be done to ferret out the true costs of an industry that has for too long been gotten by without public scrutiny. Despite its avowed commitment to the “magic of the market”, the new government will quickly find that it is easier to continue with the status quo than to challenge it fully and transparently.

Forestry is a powerful industry in BC, its power coming from exactly those subsidies that must now be uncovered, re-examined and withdrawn. Remove the subsidies, and you transform the industry.

This is no small task. But the future health of the BC economy, and the sustainability of its biodiversity and ecosystems, depends upon our doing it.

1. EXECUTIVE SUMMARY

Following his recent election victory, Premier Campbell asked British Colombians to hold him accountable to the Liberal Party election promises. For a party generally perceived as pro-business, one of the boldest promises was to eliminate corporate subsidies. The Liberals also committed to developing a “leading edge forest industry that is globally recognized for its productivity and stewardship.” Together, these two commitments provide an opportunity for structural reform of the forest industry that could have far-reaching consequences for the future of British Columbia’s environment and economy.

However, to fulfill its commitments, the new government must phase out the subsidies that have inhibited the logging industry from developing into an innovative, diverse and sustainable industry. The elimination of subsidies is necessary to create “leading edge” industry because existing subsidies encourage economic inefficiency and the depletion of resources. Existing subsidies inhibit change, innovation and investment. Therefore, they undermine the development of value-added industry.

This report focuses on subsidies to the BC forest industry. Subsidies occur when public resources are available to private interests at less than their true cost. Resource industries are frequently heavily subsidized, often receiving “perverse subsidies” subsides that hurt both the economy and the environment. As a result, subsidies to the logging industry deserve special attention in the BC government’s drive to eliminate business subsidies.

The report examines five main categories of subsidies:

Stumpage. The fee charged by government to companies for harvesting trees from public land is called stumpage. This report concludes that if the calculation methodology is changed from profit-oriented charging companies stumpage rates below market stumpage. The failure to ensure that the rules for calculating stumpage are equitably implemented results in a potential subsidy of about $350 million over a two year period. Comparing BC’s stumpage to competitively driven stumpage rates in the US, demonstrated total subsidies to the BC forest industry resulting from undervaluing of public timber at $2.4 billion for one year.

Bailouts and Handouts. Direct payment of cash to forest companies is the most readily understandable form of subsidy. The Liberals also made other specific elements of the corporate subsidy to the forest industry, including:

- Apply 1% of all direct forest revenues, not including “super stumpage” to global market LCSC’s for forest products.
- Increase the Allowable Annual Cut over time through incentives to promote enhanced silviculture.

A high level of vigilance will therefore be required to ensure that subsidies to the BC forest industry do not persist or even increase under the Liberal watch.

In the absence of subsidies, any sector causes economic change and human displacement. As one researcher commented, “If obstacles to removing subsidies tend to be highly political. Opposition of vested interests, local businesses and segments of the workforce can be very powerful. Once payments cease, in place of addiction follows, and there may be uncertainty and fear over the consequences of subsidy removal.

This report therefore recommends that subsidies to the BC logging industry be phased out gradually and carefully.

Taken as a whole, the federal and provincial governments will continue to fund in tenures traditional subsidies to the BC forest industry are considerable and counter-productive. The amount of subsidies coming from the provincial government alone (in 1999) is between $3 billion and $4.16 billion. These subsidies represent a significant cost
to the taxpayers of British Columbia, while encouraging over-exploitation of forest and hindering the development of a modern, competitive forest industry. British Columbians deserve better.

U.S.-JORDAN FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise in support of S. 643, which implements the agreement between the United States and Jordan establishing a Free Trade Area. The legislation passed the Finance Committee and is now on the Senate calendar.

Jordan has been one of the few Arab states to actively work with the United States to establish a real and lasting peace in the Middle East. The U.S.-Jordan FTA represents a solid trade agreement as well as a strong signal of support to a valued ally. Although Jordan is not currently a major trading partner of the United States, this agreement should open the door for increased trade and commerce between the U.S. and Jordan. More importantly, it is my sincere hope it will help to bring peace to the region through economic stability.

The principal feature of the U.S.-Jordan FTA is the gradual elimination of tariffs within 10 years. Modeled after the U.S.-Israel FTA, it also limits other non-tariff trade barriers and establishes a mechanism for the settlement of disputes. The agreement is also reciprocal. Most notably, it specifically states that each country shall strive to maintain and enforce its respective labor and environmental laws.

I recognize that these particular provisions have sparked some debate. However, I see them as historic progress on a vexing issue. Not only have they established a reasonable standard that we should expect from any of our trading partners, they also have catapulted this Congress and this administration into a real dialogue toward defining a new international trade consensus. The Jordan agreement aside, I find it completely reasonable that we should expect our trading partners to maintain their labor and environmental standards. That’s simply good business. To weaken such standards solely to gain a trade advantage would undermine a country’s credibility—not to mention destabilize the very trade relationship the FTA was intended to benefit.

The U.S.-Jordan FTA has been negotiated and signed. The Bush Administration supports it and has no intention or renegotiating a new agreement. The Jordanian Parliament ratified the Agreement last May. Our colleagues in the House have already approved the implementing legislation for the agreement. Jordan’s King Abdullah II visits the U.S. next week to urge passage of the agreement.

I hope his visit will encourage potential detractors to recognize the importance for swift action and agree not to stand in the way of immediate consideration of this vital legislation.

Simply put, this is a good trade agreement. The time is right for the Senate to take up and pass it without amendment.

MONTANA WILDFIRES

Mr. BAUCUS. Mr. President, the loss of life battling catastrophic wildlife is a tremendous tragedy that lends us perspective. With the loss of four firefighters in one week in my home State, the fire season in Montana again reminds us that we must be deeply grateful for the hard and dangerous work these firefighters do, work that takes them away from their homes and their families to protect the people of Montana and the West.

Let me honor the four firefighters who lost their lives battling fires in Montana.

On August 31, 2001, three men died in a helicopter crash near the Fridley Fire just south of Livingston, MT. The pilot was Rich Hernandez, 37, originally from Florida. His copilot, Santi Arvotix, only 28, was originally from Spain and had been living in Hillsboro, OR. Their crew chief was Kip Krigbaum, 45, of Emmett, ID.

On September 3, David Ray Rendek, just 24 years old, was killed when struck by a felling snag while working on a small fire in Bitterroot National Forest, near Hamilton, MT. David graduated from high school in Victor, MT, and attended classes at the University of Montana, in Missoula with his sister. I have been told he was passionate about the outdoors and was a dedicated firefighter. I am very sorry his family and Montana have lost such a promising young man.

My deepest sympathies and condolences go out to the family and friends of these four men. We in Congress honor their memory and the ultimate sacrifice they made for the people of Montana. We are very sorry for their loss.

Unfortunately, the fires in Montana continue. Dedicated fire crews continue to battle hostile weather conditions and high winds.

Montana fires have consumed over 90,000 acres. The largest fires are the Fridley Fire near Livingston and the Moose Fire burning in and around Glacier National Park.

The Fridley Fire has burned over 28,800 acres, and it is approaching the Gallatin Divide, increasing the threat to the Bozeman water supply. Over 1,000 people are fighting this fire.

As of September 5, the Moose fire has burned more than 58,000 acres. There are 35 20-person crews currently battling the Moose Fire.

Fourteen are Montana crews and several crews come from Montana’s Indian Country—the Rosebud Sioux, Ronan, Blackfeet Nation and Northern Cheyenne. Air Support includes 9 helicopters and 3 air tankers. Other Montana fire agencies include the Bighorn Plateau, Bitterroot Hot Shot Crew, Trapper Creek Job Corps, Kootenai National Forest and Flathead National Forest.

The force of the Moose Fire is tremendous, as it burns on Forest Service, private, and Glacier National Park lands. People have reported to me they can smell the smoke as far away as Chester, another even suggested as far away as Minot.

For those listening who may not know those distances, Minot is in North Dakota, 700, 80 miles away.

All of our fire crews are working long days and long hours battling these blazes, and I just can’t praise them enough. They have contained several fires and they are winning the struggle with the dangerous Fridley and Moose fires.

Also, our Indian country firefighters are again great heroes on our fire lines in northwest Montana. Although wildfires are devastating, our tribal neighbors continually step up to the plate and meet this challenge full on. I intend to work closely with the tribes to better incorporate them in the National Fire Policy planning process.

I also intend to continue to work hard to fund our fire rehabilitation efforts. Many people tend to forget that the devastating effects of wildfire remain long after the last flame has been put out.

The terrible mudslides that occurred after heavy rains in the Bitterroot National Forest in Montana in June are a sober reminder of that fact. These mudslides destroy property, soil cover, and can devastate watersheds. We must make sure that the appropriate Federal agencies have the resources they need to restore burned areas and to deal with the long-term effects of fire on the ground.

Again, I express my deepest gratitude to all of the men and women who put themselves in harm’s way on the fire lines in Montana, and my deepest sorrow and regret that they lost four of their comrades in the line of duty.

I will continue to be concerned that I can make sure our crews have the manpower and equipment they need on the ground. The quicker our firefighters can contain these fires, the sooner we can take their lives out of danger.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MEXICAN PROGRESS IN THE DRUG WAR

Mrs. FEINSTEIN. Mr. President, I have come to this Chamber because I want to make a few comments of welcome to President Vicente Fox. I had the pleasure of speaking with him at President Bush’s lunch yesterday and listening to him in the House of Representatives in the joint session this morning.
Because I have been critical of Mexico’s efforts to stop drug trafficking, their unwillingness to arrest cartel leaders, to vigorously prevent the laundering of drug money, their refusal to extradite a single Mexican national on drugs charges, and because of the widespread infiltration of the ranks of Mexican law enforcement, I thought I should come to the Chamber today while President Fox is in our country to say recent reports I have had indicate there has been truly a dramatic change in Mexico.

I believe he is to be commended for that. It looks as if he is responsible for an entirely new attitude on the part of his country in the fight against drugs. I wish to take a few moments to commend him and to say how important this is to the United States and to the people of this country.

We all recognize that we have a demand problem in this country. In fact, there is even a growing demand problem here as well. Nevertheless, the flood of narcotics across the border represents a major problem for both our nations. It brings with it also collateral problems in the United States and in Mexico: violence, corruption, and even, as we have seen, the brutal torture and murder of literally hundreds of public officials, judges, prosecutors, journalists, and anyone who dares to cross the cartels or stand in their way.

It is too soon to say that these major consequences of the drug trade require that we solve the problem together. Simply put, the Fox administration has made more progress in the war against drugs over the last 6 months than the Government of Mexico made over the previous 9 years.

I would like to share some examples, some specifics, if you will, of the progress made by Mexico through the leadership of this brave new President. Prior to today’s administration, not one major Mexican national drug cartel member had ever been extradited to the United States on drug charges—not one, ever—despite a whole list of pending requests.

Since President Fox took office, however, this has changed dramatically. In fact, I had the privilege, at the Davos World Economic Summit, in January, to meet briefly with President Fox. At that time I handed to him directly a list of requested extraditions, prepared by our Department of Justice. He said he would take action. I did not really believe him at the time, but he has.

After years of court battles, earlier this year the Mexican Supreme Court ruled that Mexican nationals could, in fact, be extradited to our country from Mexico. This past May the Mexican Supreme Court ruled that Mexican nationals could, in fact, be extradited to our country from Mexico. That may not sound like much, but I can assure you it is a big deal, because many of us who have worked in this area for years believe extradition is a major deterrent to the cartel leadership.

The defendant in the Supreme Court case, Evarado Arturo Paez Martinez, is a key member of the Arellano Felix cartel. The United States has been requesting his extradition for years. He was extradited to the United States to stand trial. He is here today.

Miguel Angel Martinez-Martinez, an accused drug trafficker, was extradited and is awaiting trial in San Diego. Martinez is a principal figure in the Joaquin ‘Chapo’ Guzman Organization. This Sinaloa-based cartel is believed responsible for smuggling tons of cocaine and other illicit narcotics into the United States over many years, and for trying to build a 1,400-foot tunnel from Tijuana to Otay Mesa in California.

Rafael Camarena has also been extradited to the United States. He was found murdered. That is the reward for not succeeding with a cartel. I am told that others may well be in personal jeopardy as well.

President Fox’s leadership has given the entire country new courage to stand against the cartels, their killers, and their traffickers.

In addition to extraditing those already under arrest, the Mexican Government has also made new arrests of cartel leaders. Donnie Marshall, former head of national police, was sentenced to 36 years in prison for assisting the Mexico and the United States.

The Mexican Government has also addressed the serious issue of internal corruption. The captain of the Mexican Army, Luis Rey Abundis Murga, was sentenced to 17 years in prison for assisting the Carlito Fuentes cartel. Retired general, Jorge Mariano Maciel Vega, was sentenced to 26 years for aiding the same organization. And Mario Silva Calderon, former agent of Mexico’s national police, was sentenced to 36 years in prison for similar activity.

As Donnie Marshall, former head of the DEA, testified before the drug caucus earlier this year, no one country can possibly combat the wealth and sophistication of these major drug trafficking organizations. Only by cooperation, gathering and sharing locally gathered intelligence and assets can we hope to succeed.

That is why I am so encouraged by the progress being made by the Fox administration.

In the past I know that American law enforcement and even Mexican law enforcement felt that the other side could not be trusted. Now finally that is changing. A new 117-member Mexican organized crime unit, which works hand in hand with our DEA, has forged new relationships and trust between the law enforcement agencies of our two nations. It is only with this type of cooperation that we can hope to defeat the drug cartels and stem the flow of illegal drugs onto the streets.

Let me be clear: I continue to support the certification process. We have nothing to replace it. I happen to believe it has some salutary value. Because President Fox has asked, I would
be prepared to support a suspension of the certification process with regard to Mexico for the 3 years as requested by President Fox. I would do so because he asks and in the new spirit of cooperation between our two nations, I would be very pleased to work with my colleagues to pass such legislation immediately. I am not, however, prepared to abandon the process entirely with respect to all countries, as S. 219 would do. There are many places in the world where armed gangs are not the only menace. Syria, Iran, Burma, and Afghanistan are just a few examples of continuing major problem countries. Only a robust certification process gives Congress and the President the tools we need to encourage change in these nations.

I hope the Senator from Connecticut would work with me on a compromise that would address only Mexico so we can move forward on this issue.

In closing, I again welcome President Fox to the United States. We look forward to working with him in our continuing mutual fight against the drug cartels. I personally, deeply, say thank you and salute this brave and courageous new President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from California for her fine words. It was a superb speech President Fox gave today in joint session.

MAGDALENA MEDIO

Mr. WELLSTONE. Mr. President, sometimes one speaks in the Senate Chamber and is not sure what exactly the effect of it all is—maybe more than sometimes.

I am speaking today on behalf of a lot of defenseless human rights workers and community development workers, civil society people in Colombia. I am hoping—I will be very straightforward about it; I don’t think this is illusion—that the words of a Senator on the floor of the Senate about a priest and about a very important organization, of which two members have been brutally murdered in the last 35, 40 days, communicates a message that our Government cares deeply about human rights in Colombia and about the importance of the Government and the military defending civil society individuals.

I rise today to speak out on behalf of many defenseless human rights workers, social service workers and community economic development workers, in our neighbor Colombia, who are besieged by the growing paramilitary violence in their country. These individuals, some of whom I have come to know personally, all of whom I greatly respect, are heroes for their contributions to progress has not been made. The Colombian Government is a better neighbor and partner of the United States. We must send a message to all violent actors in Colombia, especially paramilitary groups: “The targeting of the civilian population—murder, extortion, kidnapping, torture, and mutilation is unacceptable!”

The United States has an obligation to nurture and defend civil society efforts in Colombia. The Program of Development and Peace of the Magdalena Medio is doing critically important work, helping Colombians find a way out of the labyrinth of war and terror. They need and deserve our thanks and our encouragement; for they represent a future of hope and peace for Colombia.

In my view, a peaceful, prosperous Colombia is a better neighbor and partner of the United States. We must defend the courageous daily risk their lives for human rights, democracy and peace. Given our deep involvement in Colombia, we have an opportunity, and a duty, to defend Colombian civil society against the abuses of guerrillas and paramilitaries alike.

Mr. President, I traveled twice to the city of Barrancabermeja, sometimes called the “Sarajevo of Colombia.” During the visits, I have come to know a very courageous man is in charge of an organization, a nonprofit organization, that does the economic and social development work in a largely rural region of oil refineries, rivers, and mountains. For many hamlets and towns, this organization is the only hope for people.

The name of the organization is the Program of Development and Peace of the Magdalena Medio located in Barrancabermeja, led by a Jesuit named Francisco de Roux, also called Father Poncho. The program’s name gives away its mission. The occupant of the Chair would love it as a businessperson and a Senator from New Jersey. They do the most credible local sustainable economic development work. They stand for democracy, civil rights, and human rights. They are against the war. They are not aligned with the FARC, ELN, or any of the left groups—the paramilitary—and they should have no enemies in this conflict.

This organization has been beset by tragedy. Two defenseless staff members have been killed and mutilated. Ms. Alma Rosa Jaramillo was a volunteer attorney, a dedicated mother and courageous member of her community.

I have traveled twice to the city of Barrancabermeja, sometimes called “the Sarajevo of Colombia.” During those visits, I have come to know the extraordinary and courageous work of a Colombian non-profit program based in a largely rural region of oil refineries, rivers, and mountains. In many hamlets and towns it provides the only hope amidst such much despair.

The Program of Development and Peace of the Magdalena Medio, located in Barrancabermeja, by Jesuit Father Francisco De Roux. The Program’s name gives away their mission—sustainable, locally based social and economic development in the context of an inclusive community at peace. They stand for democracy, civil rights, and human rights. They are against the war, and have no enemies in the conflict.

They strive for an inclusive community where disputes are settled by civil authorities and not by armed gangs. They want opportunity for all in their community to work and raise they families in peace and dignity. But paramilitaries are taking over their region and extrajudicial killings are a daily threat.

Recently, a member of the order has been beset by tragedy. Two defenseless staff members have been killed and mutilated. Ms. Alma Rosa Jaramillo was a volunteer attorney, a dedicated mother and courageous member of her community.

I am speaking today on behalf of a lot of defenseless human rights workers and social service workers and community development workers, civil society people in Colombia. I am hoping—I will be very straightforward about it; I don’t think this is illusion—that the words of a Senator on the floor of the Senate about a priest and about a very important organization, of which two members have been brutally murdered in the last 35, 40 days, communicates a message that our Government cares deeply about human rights in Colombia and about the importance of the Government and the military defending civil society individuals.

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San Pablo, working as the coordinator of the Program of Development and Peace headed up by Father Francisco de Roux.

Why are these innocent people, doing this economic development work—who have done good work—are they being targeted? Lamentably, these are just two more examples of paramilitary impunity in Colombia.

I intend for this statement not only to be made on the floor of the Senate, but I hope it is sent out throughout Colombia. As the Plan Colombia debate has unfolded in the Senate, we have come to know the terrible reality of the last few decades for the people of Colombia—kidnappings, assassinations, disappearances, and terror by the guerrillas and paramilitary organizations.

I am no defender of the guerrilla organizations. The FARC and ELN are involved in narcotrafficking up to their eyeballs. They have been vicious in their treatment of the civilian population. They publicly renounce universally accepted human rights standards. But the paramilitary organizations, the AUC, because of their open association, because of their extrajudicial killings and open association, especially with paramilitary groups, are involved in the哥伦比亚 civil society, must be held to the highest standard of human rights.

They cannot be allowed to justify their human rights abuses by equating the laudable civic involvement of those they persecute with the sympathy for the guerrillas. The paramilitary organizations penetrated ever deeper into Colombian civil society and brought terror to many of the communities—in many cases, with the acquiescence of the military.

I rise as a U.S. Senator on the floor of the Senate to communicate a message to the Colombian Government that the paramilitary should not be allowed to murder civil society people, defend the economic development work they are doing good work, as the men and women in Father Francisco de Roux's organization do, with impunity. We must send a message to all the violent actors in Colombia, especially the paramilitary groups. The targeting of the civilian population with murder, extortion, kidnapping, torture, and mutilation is unacceptable. Our Government has an obligation to nurture and defend civil society efforts in Colombia. The Program of Development and Peace of the Magdalena Medio is doing critically important work. They need and deserve our thanks and encouragement. They represent hope and peace for Colombia.

Before you came to the chair, Mr. President, I was saying this organization is doing the best, by all accounts, social and economic development work. This priest is beloved and highly respected. Two members of his organization have been brutally murdered in the last few weeks. The plea from many civil society people in Colombia, is: Please, U.S. Government, please U.S. Senate, call on the Government and the military and the police to defend us. That is what I am doing. That is supposed to be part of Plan Colombia.

We have a deep involvement in Colombia. Therefore, we have an opportunity and a duty to defend Colombia's civil society against the violence of the guerrillas and the paramilitaries alike. The message needs to be communicated to the military in Colombia that with the Blackhawk helicopters and the military assistance come responsibilities. You have to live up to. Otherwise, we are going to continue to see the murder of innocent people with impunity.

I want this statement to certainly be sent out to Colombia because I want the paramilitary forces and others to know we are paying attention to Father Francisco de Roux and his organization, the Program for Development and Peace, and their work, and that we mean to defend civil society people.

Again, I want to point out that the Colombian Government has an obligation to defend civil society people from the violence both from the guerrilla left and the paramilitary right. Up to date, they have not defended people from violence in Barranquilla, which I have visited twice now. The paramilitary cut the telephone wires, isolated the people. They have no phone service. They took away their cell phones and moved into their homes. They cut off the city. With the execution of the bishop and the priest and his organization, and a few others, hardly anybody can speak up any longer without the real risk that they will be murdered.

Francisco de Roux's organization, widely credited for this great economic development work, has had two members—a woman and a man—dismembered, brutally murdered. It is time for our Government to make clear to the Colombian Government and police and military that they have to defend these civil society people.

UNIONS UNDER SIEGE IN COLOMBIA

Mr. WELLSTONE. Mr. President, I rise today to also address the disturbing level of violence perpetrated against Colombia's union leaders.

As another Labor Day passes, I could not ignore the obscene reality of the plight of our brothers and sisters in the Colombian labor movement. There has been a dramatic escalation in violations against them and the response by the Colombian authorities in the face of this crisis has been negligible.

For the past 15 years, Colombia has been in the midst of an undeclared war on union leaders. Colombia has long been the most dangerous country in the world for union members, with nearly 500 murdered in that period. Today, three out of every five trade unionists killed in the world are Colombian.

Union members and activists are among the main targets of human rights violations—including murders, disappearances and threats—in the escalating conflict in Colombia. Paramilitary groups, who are linked with Colombian security forces, are responsible for these attacks, although guerrilla groups have also targeted activists.

The right-wing AUC has been especially brutal, killing hundreds simply because they view union organizers as subversives. One of the most recent killings occurred on June 21, when the leader of Sinaltrainal, the union that represents Colombian Coca-Cola workers, Oscar Dario Soto was gunned down. His murder brings to seven the number of unionists who worked for Coca-Cola and were targeted and killed by paramilitaries.

Regardless of the outcome of this pending war crime case, U.S. companies with subsidiaries in Colombia have an obligation to address the upsetting trend of violence against workers, particularly union representatives. It is clear that some companies regularly hire out paramilitary gunmen to intimidate and kill in order to break labor unions. Last year alone, at least 130 Colombian labor leaders were assassinated.

Four times as many union workers have been killed this year as during the same time last year. That's more than 90 unionists killed since the beginning of this year.

Colombia, like the United States, guarantees workers a legal right to organize. However, when they do, they face grave threats. This is a serious problem.

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

Mr. VOINOVICH. Mr. President, I ask to be given an opportunity to speak as in morning business.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

BUDGET SURPLUS NUMBERS ARE NOT GOOD

Mr. VOINOVICH. Mr. President, while the Senate was in recess for the month of August, the Congressional Budget Office released its projections as to the size of the Nation's surplus. As we expected, the numbers were not good.

For fiscal year 2001, the CBO indicates the Federal Government will not only not have an on-budget surplus for the first time since 1999 but that Washington will actually dip into the Social Security surplus to the tune of $9 billion for fiscal year 2001.

The Office of Management and Budget says we will have a $1 billion surplus, but, in my view, that is effectively no surplus. So our financial situation this year is basically somewhere between a questionable surplus at best and a $9 billion deficit.

Some of my colleagues might look at the CBO midterm budget review and see the problem of on-budget deficits as a short-term phenomena since CBO projects a return to consistent on-budget surpluses after 2004.

This belief is misplaced. I remind my colleagues that CBO's forecast is based on the dubious assumption that spending in the outyears will increase only at the rate of inflation, which is roughly 2 1/2 percent. To say that level of spending is unrealistic is an understatement, and anyone in this Chamber who honestly thinks Congress can keep spending at the level of inflation just does not live in the real world.

I remind my colleagues, around this time last year, Congress increased non-defense discretionary spending 14.3 percent and overall spending was increased by more than 8 percent over fiscal year 2000. Had we not spent money like drunken sailors in the fiscal year 2001 budget, even with the economic downturn and the needed tax cut for the American people, Congress would have invaded the Social Security this year. The problem is we just keep spending. If we had increased overall spending in fiscal year 2001 by only 6 percent, we would have saved tens of billions of dollars and we would not be dipping into the Social Security surplus and we would not have a problem in the 2001 budget.

The concern now is, what will happen in fiscal year 2002? As it is, we are on track to increase 2002 discretionary spending by at least 6 percent over last year. The President originally talked about 4 percent and we came out of the Senate with roughly a 5-percent increase. Based on the current demand for money in Washington and based on our past performance, spending in fiscal year 2002 will likely grow faster than that anticipated by CBO. That means next year we will not have an on-budget surplus and we are going to spend Social Security surplus funds to cover the growth in spending. That is where we are.

Alarm bells should be going off all over Capitol Hill because we are getting ready to do something Senators and Representatives from both parties have vowed not to do, and that is spend the Social Security surplus. I often say "there is always some good that blows in an ill wind." In this case, the "ill wind" is Congress's potential use of the Social Security surplus. The "good" is the hope that it will force Congress to control spending, prioritize, and make hard choices—what the President Officer and I had to do when we were Governors of our respective States. We had to prioritize, we had to make those tough choices and live within a budget limit.

We didn't do that in fiscal years 1999 and 2000 here in Washington. We had a combined on-budget surplus of $38 billion and Congress and the previous administration did not believe they had to make hard choices. Well, the truth is, the President said different today, and now we must make hard choices. The first thing we have to do is avoid spending the Social Security surplus. The second thing we have to do is not increase taxes. According to a national poll yesterday, more than 70 percent of Americans opposed using the Social Security surplus to fund general government spending; 66 percent of Americans oppose using the Social Security surplus even in the event of a recession. Our constituents are making it very clear where they stand. They stand against spending the Social Security surplus.

Some of my colleagues and the media say we should spend the Social Security benefits to stimulate the economy. I say to that, "hogwash," and do the American people. For me, spending the Social Security surplus is black and white. It is simply wrong. The fact of the matter is there is a difference between income taxes and payroll taxes. Just ask the people who count, the hard-working men and women who pay those payroll taxes, if there is a difference. More people pay higher payroll taxes in this country today than they do income taxes. They expect that Social Security will be there for Social Security benefits and not for general government spending.

As my colleagues know, there are only two things we should legitimately spend the Social Security surplus on: Social Security Checks now paying down the debt. It is that simple. If we are not spending it on Social Security, we have a moral responsibility to use it to pay down the national debt.

One of the primary reasons I wanted to serve as a U.S. Senator was to have an opportunity to bring fiscal responsibility to our Nation and help eliminate the terrific debt we have accumulated. As my colleagues know, for years successive Congresses and Presidents have spent money on things that, while important, they were unwilling to pay for; or in the alternative, do without. In the process, Washington ran up a staggering debt and mortgaged this country's future. Our children and grandchildren and my grandchildren's future.

We have been reaping all the benefits and putting the future of our children and grandchildren in jeopardy. In other words, "we buy now, you pay later." I think it is to saddle them with such an exessive financial burden, something this Congress should correct. Using the Social Security surplus to repay the publically held national debt will make it easier for the Government to meet its obligation to pay Social Security benefits in the future. At this point, the vast majority of projected debt reductions—some 75 percent over the next 10 years—will be out of that Social Security surplus.

In testimony before the Senate Budget Committee last year, Dan Crippen, the CBO Director, stated "most economists agree saving the surpluses and paying down the debt held by the public is probably the best thing we can do relative to the economy."

It was true then and it is true today. If the Government has little or no publically held debt when the baby boomers begin to retire, it will be more manageable for the Government to borrow money, the money that it will need to meet its obligations if Congress has not reformed Social Security by that time.

The baby boomers will retire. They will either take care of their situation by raising payroll taxes or raising income taxes or having to borrow the money. We ought to at least anticipate that.

Everyone knows that the lockbox we are talking about is nothing more than a slew of IOUs that must be repaid. Perhaps at the end of the day, it is a wash. As I mentioned, either higher payroll taxes or higher income taxes or borrowing the money, those bills will be paid, one way or another.

Moreover, by reserving the Social Security surplus to help repay that $3.1 trillion publicly held debt, money currently invested in U.S. Treasury bonds will be released to be invested more productively in the private sector. More private investment means more capital formation and a more robust economy now and in the future, which is precisely what we need most to meet the demands of our retiring baby boomers. We have to have a growing economy. That is the most important thing we have.

Reserving the Social Security surplus to help repay that $3.1 trillion publicly held debt has the effect of reducing interest rates by reducing the overall demand for savings. In short, reserving the Social Security surplus to help repay the debt sends a positive signal to Wall Street and Main Street that encourages more investment, which in turn fuels productivity and economic growth. It also lessens...
every dollar we spend on our debt and you lower the interest burdens, and that frees more money for other priorities.

It was not until 1999 that we got to a point where the Social Security surplus was no longer used to offset spending—other than to reduce the debt reduction instead—and members of each party in both the Senate and House swore they would not go back to using the Social Security surplus for spending. In addition, many of us who supported the President’s tax reduction package did so because the President promised he would limit spending and he would use all of the Social Security surplus to pay down debt.

I refer to that as a three-legged stool: No. 1. It allows meaningful tax reductions that restrain the growth of spending; and No. 3, it reduces debt. That was the promise and I expect the President to keep his promise. I know many of us who supported the tax reduction will keep our promise to limit spending. We agree that we are not going to spend the Social Security surplus.

So far in the appropriations process we look like we are on track to maintain a semblance of fiscal discipline because we are basically sticking with the budget resolution. Those appearances are deceiving because we are holding off the toughest bills for last, instead of tackling them first. We all know the way things are going, we are likely to increase spending for defense and education far beyond the levels anticipated when the budget resolution was passed. Like my colleagues, I support a strong national defense and funding for true educational responsibilities. However, I think we must offset those programs by making reductions in other areas, understanding the President is not going to get everything he wants and Members of this body are not going to get everything they want.

Unfortunately, that is not what we are doing. I agree with President Bush that the responsible course of action for the Congress is to immediately move up the two biggest appropriations bills, Defense and Labor-HHS: Consider them first. We need to get everything on the table and reallocate resources in order to stay within the budget limits, just as I did when I was Mayor of Cleveland and Governor of the State of Ohio.

If we were in this kind of situation in a county, or in a city or at the State level, we would get everything on the table, we would look at all the things that need to be done, and say we have to reallocate these resources. But not in the U.S. Senate. Not in the U.S. Congress. We do the appropriations bills, No. 1 with blinders on, No. 2 with blinders on, No. 3 with blinders on—we go all the way to the end and just keep ratcheting it up a little bit until we get to the biggest ones at the end, and then we say: Holy smoke, we don’t have the money; and then Katie bar the door. That is what has happened in the last 2 years I have been here.

I urge the President, and urge the Senate leadership, let’s get real. Let’s look at what we are doing and understand we cannot do everything for everyone, and try to figure out how we can live within the limits we have set. We can do that. I think it would be the most important thing we do for this country. It hasn’t been done around here:

I don’t remember if it has ever been done since I have been watching government, and I have been watching it as a mayor and as a Governor for 20 years. I would like to see that happen.

The other thing I am going to try to do to guarantee we do not end up spending the Social Security surplus is offer two amendments in the near future, with colleagues from both sides of the aisle, that will force the Senate and House to make the necessary hard choices that will bring fiscal discipline to the Government and keep the Social Security surplus from being used.

My first amendment I will introduce will address Congress’ perpetual irresponsible spending and budget gimmicks, gimmicks that Congress used in 1999 to avoid the appearance of using Social Security. There are a lot of them out there. We have to make sure we are honest with the public about what we are doing and not try to pull the wool over their eyes.

The second amendment I will be offering is an amendment to guarantee Social Security funds will not be spent and instead will be used to reduce debt. It is my hope, as we proceed through the appropriations process, that these amendments will be given favorable consideration by my colleagues and not turned aside on a procedural vote. We ought to have an up-or-down vote on some of these issues that are really going to clarify the process and make what we do in the Senate more transparent. We owe the American people nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak for up to 15 minutes in morning business.

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

ENERGY POLICY

Mr. BINGAMAN. Mr. President, I will take this opportunity to speak for a few minutes on the work that is currently underway in the Energy and Natural Resources Committee on which I serve. I do so with great distinction. We are making an effort in that committee to develop a comprehensive and balanced energy policy. I want to inform my colleagues about the likely steps we will be following in the near future.

As I see it, Congress has a real opportunity this fall to set an energy policy that will sustain our economic prosperity as we move into this new 21st century. The Senate has a key role to play in seeing that opportunity does not slip through our grasp.

A great deal has changed since 1992, which is the last time Congress enacted major energy legislation. We have seen energy markets become more competitive and more dynamic. But we have also seen some significant bumps along the way.

First of all, consumers are more vulnerable to the vagaries of the energy markets than they ever were before. I think the evidence we have of what happened in California with electricity prices is one example.

Second, gasoline supplies are increasingly subject to local crises and price spikes due to the proliferation of inflexible local fuel specifications.

Third, we rely more heavily each year on natural gas—natural gas to heat our homes and to produce electricity. But our system for producing and transporting that natural gas is showing signs that it is reaching its limits.

Fourth, the need to address the fundamental connection between energy and global warming is something that is becoming a major concern of many of us, and I think rightly so.

So I am pleased most of my colleagues in the Senate recognize these challenges. I believe there is a bipartisan consensus in favor of a sensible energy policy that will smooth out the bumps in the market by increasing energy efficiency, by boosting our energy supplies, by modernizing our energy infrastructure.

Technology and policy innovations will be key to achieving this balanced outcome so Americans can have reliable and affordable energy choices that are sustainable over the long term. Our energy problems cannot be effectively addressed by packaging up a collection of tired old wish lists and passing that through the Senate floor in a day or two. Energy consumers and producers, and several committees here in the Senate, will need to focus on new energy approaches if we are to protect our national economic prosperity and do so through smarter ways to produce and use energy.

For this reason, as the Senate takes up and considers energy legislation this fall, we will be talking about the need for proactive policies, about the need for technology-driven approaches to our energy problems. We have made a good start already in the Committee on Energy and Natural Resources. We began our markup in July, before the Administration announced the release of comprehensive energy legislation.

The first part of the bill that we have substantially completed at this point is a comprehensive revitalization of the
national capabilities for energy research and development. Putting research and development first reflects a broad consensus that new science and new technology are at the core of any solution to our national energy challenges. Despite the importance of these investments, energy R&D, our current commitment to it leaves a great deal to be desired. The level of effort we are making today in Federal energy technology research and development is equivalent in constant dollars to what we were making in 1960. Our energy system is three times larger today than it was in 1966. It is very hard to see how we can build a 21st century energy system on a 1960s level of effort in the research and development budgets.

The committee will begin its deliberations beginning this next week and its effort to mark up a bill this next week. Major topic areas before the committee as we move forward in this markup will include policy proposals to integrate new technologies into electricity markets to prove our ability to produce energy from a great diversity of sources, and to tackle the tough issues related to electricity restructuring.

Today I am releasing a detailed description of the proposed chairman’s mark in these various areas. I am also releasing the text of the major portions of the bill we will be working on in committee—the next major portion of the bill. This part of the bill will deal with both. It will provide a framework to integrate new technologies into electricity markets to provide high-quality, efficient electricity generation in every community and to give consumers new ways to manage and control energy use and energy costs.

I would like to take an opportunity to describe some of the key proposals in the mark that we will be considering in a little more detail. With respect to energy efficiency, the chairman’s mark in these various areas. I am also releasing the text of the major portions of the bill we will be working on in committee—the next major portion of the bill. This part of the bill will deal with both. It will provide a framework to integrate new technologies into electricity markets to provide high-quality, efficient electricity generation in every community and to give consumers new ways to manage and control energy use and energy costs.

Let me state my belief, though, that increasing vehicle fuel efficiency is one of the highest legislative priorities that the Senate should have in energy legislation. Our record of reliance on foreign imported oil. We have reached the limits of our current infrastructure to refine and distribute fuels. A policy of simply continuing to increase the demand for gasoline is not sustainable. Fortunately, advanced technology in a variety of areas to improve automotive fuel efficiency offers a better answer, and we need to move in that direction.

The National Academy of Sciences has given us some very useful ways of thinking how to reformulate the CAFE program. Clearly, consumers want the option to choose the type of vehicle that suits their needs and preferences. They also want to be able to count on reliable and affordable fuel supplies.

While CAFE standards are not in the Energy Committee’s jurisdiction, a number of other mechanisms to encourage greater fuel efficiency in cars and trucks. The mark will contain purchase requirements for Federal fleets that will provide greater incentives to automobile and truck manufacturers to produce more highly efficient vehicles.

A topic closely allied to vehicle fuel efficiency is the question of the fuels that we will need in the future to power cars and trucks. Here, the Congress has a clear duty to address the growing multiplicity of fuel specifications around the country. Part of the solution to this problem will be provided by a bill in the Committee on Environment and Public Works, sponsored by Senators Smith and Reid. I avoid troubleshooting and find their way into our overall energy bill in the Senate.

The Chairman’s mark will include a number of energy efficiency provisions relating to appliances. Perhaps the most visible proposal in this regard will be one that enacts a 13 Seasonal Energy Efficiency Rating for central air-conditioning units. Such a standard was finalized earlier this year, but since then the Bush Administration has attempted to withdraw it and substitute a lesser standard. The Committee on Energy and Natural Resources held hearings on this topic and the record before the committee has persuaded me. It is a very important policy decision on economic information that was outdated and inaccurate.

A 13 SEER rating for central air-conditioning units can do a lot to help consumers to buy energy-efficient products and reduce the 2008 cost of air-conditioning, which was felt nationwide, widespread electric demand from air-conditioning did, in fact, lead to increased electricity availability in some parts of the country, while others were uncomfortably close to the margin. We need to build more efficiency into this part of our system over the long term, and a higher standard for these large air-conditioning units will help.

The Chairman’s mark will also require the Federal government to purchase Energy Star or other efficient products designated by the Federal Energy Management Program. This is a requirement that, again, makes eminent sense. Taxpayers save money, and the cost of energy-efficient appliances to consumers comes down, when the Federal Government takes the lead in purchasing highly energy efficient computers, office machines, and other appliances.

The mark also authorizes a grant program to help build energyefficient schools. School districts can ill afford to waste taxpayer funds on excessive energy bills because of the inefficiency of school buildings.

With respect to new energy sources, it is important that the Senate look to policies that will truly improve our supplies of domestic energy security, including measures to improve our supply of natural gas and to diversify our energy mix to increase our reliance on domestic renewable resources. These are the types of provisions that I will include in the Chairman’s mark.

I will not be including in the mark any provisions relating to drilling for oil in the Arctic National Wildlife Refuge. The debate over oil drilling in the Arctic National Wildlife Refuge—a long-standing bone of contention in energy policy—is in many ways a distraction from more important opportunities to bolster our domestic energy security. Oil produced from the arctic refuge is not likely to influence the world price of oil, or the prices that U.S. consumers pay for gasoline. I plan to focus attention in the Energy Committee mark-up on a number of issues that I believe have a greater impact on our domestic production of oil and gas and a larger near-term impact than drilling in the Arctic.

The first such issue is another Arctic resource that could be brought to U.S. markets—natural gas. The exploration for oil in the Prudhoe Bay region of Alaska has resulted in the discovery of abundant supplies of natural gas, but there is no way to bring that gas to markets in the lower 48 States that the transmission of it. The projected growing demand for natural gas has reawakened interest in building a pipeline from Prudhoe Bay to Alberta, Canada, where it would join with existing gas pipelines that serve the United States. That pipeline would be the real thing as far as job creation is concerned.

If we do not act while there is substantial private-sector interest in building the Arctic gas pipeline, we will lose an important opportunity to bolster our national energy security in natural gas. If we do not bring the Alaska gas to market, then our growing demand for gas will be met by large-scale import of liquefied natural gas (LNG) or less preferred, imported LNG will be cheaper than Alaskan gas. But it would be foolish to look at the issue solely through the prism of short-term economics. We are already more than 50 percent dependent on foreign oil. If we do nothing about the Arctic gas, we could wind up being similarly dependent on foreign natural gas, from many of the same OPEC countries from which we import oil. That is an economic and national security issue.

We face a clear moment of decision. The Chairman’s mark that I will bring before the Committee will contain authorizing provisions to streamline the
regulatory approval process to move forward with the pipeline. We may find a mechanism to ensure that the domestic option for a pipeline route is chosen. I hope to be able to work with my colleague from Alaska during the markup that happens.

The second key initiative for domestic production is to undertake a top-to-bottom review of both federal and State royalty and tax policy on domestic oil and gas production. Our current policies were last established when the U.S. had abundant and easily accessible reserves. We have fewer such reserves now, and while technology for finding oil has continued to improve, we should consider whether the financial structure we have in place should change to one that enhances the economics of exploring for oil and gas in more challenging geological formations. It should also take into account the boom-and-bust nature of the industry, and provide incentives to maintain domestic production when prices are low.

The third proposal is to provide adequate funding for the federal programs that actually make new leases for oil and gas available to domestic producers. For all the rhetoric from the administration about the need to boost production, it has not asked for enough money in order to bring this about. The result is likely to be further delays and frustration on the part of U.S. oil and gas producers. If the mark that I will present to the committee, we will authorize a higher level of funding for the necessary personnel to make the decisions and to process applications for domestic production.

The area of electricity, as I mentioned earlier in these remarks, is the next major topic that we will take up in the markup. We do need to provide for reliable and diverse electric power generation and distribution sources in the days ahead. Electricity is a central part of modern life. Yet our electric system largely operates on a design that is nearly a century old. There are many problems in our electricity markets that need to be addressed. The problems faced by California and the West earlier this year should be a wakeup call to all of us.

What the electricity crisis in California showed is that the institutions that developed in the last century have not evolved enough to ensure reliable and affordable supplies of electricity. We face a crucial turning point. During the next few years, billions of dollars of investment will be planned and committed to electric generation and transmission. Those investments will have a 30- to 50-year lifespan. Will we put in place a structure to maximize the changes that investments will go to new technologies that will give consumers real choices over their energy use or will Congress, by its inaction, perpetuate the status quo? For managing electricity markets, with the result that we wind up with little improvement in the status quo?

I believe that we in Congress and the President have a great opportunity to be visionary about the future of electricity. A transmission grid that is open to a wide variety of generation options, including distributed generation, will ensure the power quality and efficiency that our society will need in order to sustain our economic prosperity.

That opportunity creates a great duty on the part of Congress and the President to focus on electricity as a major part of our energy legislation. Our task must be to build a regulatory structure that has adequate authority to resolve market defects, without interfering unduly in those markets.

I believe we need to move forward now with a legislative solution to these problems. To leave electricity legislation for another day would be to perpetuate an obsolete system that will not provide the reliability, quality, affordability, and choice that consumers will want and need.

The changes that I believe are needed, and that we are going to be trying to address in the chairman's mark, include the following:

First, we need to clarify who has jurisdiction over regulating electricity transmission in interstate commerce. That is a key part of what the legislation will do. That role is assigned to the Federal energy Regulatory Commission. My mark will give the FERC the authority to ensure that all electric transmission organizations in interstate commerce play by a consistent set of fair rules.

Second, the chairman's mark will give FERC the responsibility for taking the current voluntary system for promoting reliability in electric transmission and making adherence to reliability rules mandatory.

Third, the chairman's mark will give the FERC the tools to ensure that competitive markets work well to provide customers with affordable electricity.

Fourth, the chairman's mark will address the tough issue of siting new transmission facilities. This is something the President has indicated his support for. A national transmission grid is a necessity, but cannot occur without a new approach to transmission planning, expansion, and siting. Federal eminent domain, by itself, is not an effective approach to meeting this need. What is needed is to use federal eminent domain as a backstop to a more cooperative, regionally based approach to transmission and siting issues. Thus, the chairman's mark will rely on regional transmission organizations to do the bulk of transmission planning, expansion and siting. Only if those regional entities are stymied will a federal eminent domain authority be invoked, and that authority will be used only to implement the decisions taken regionally.

The chairman's mark will include a repeal of the 1935 Public Utility Hold-

ing Company Act, or PUHCA, but the protections in that act will be replaced by giving FERC jurisdiction over mergers of holding companies that own utilities and over acquisitions of generation assets.

Finally, the chairman's mark will ensure that there is transparent information on market transactions.

As part of a balanced and comprehensive legislative solution, the chairman's mark also includes numerous benefits and protections for consumers, so that we don't repeat the mistakes of telecommunications deregulation. These include an emphasis on ensuring future access by rural, remote, and Indian communities to electric service; a Public Benefits Fund to ensure that there is a way to fund electric automobiles in the public interest.

The chairman's mark also includes a series of provisions to ensure that we have a greater role in our electricity generating system of the future for renewables and distributed generation, while maintaining the reliability that is made by existing sources of baseload generation, such as hydropower and nuclear. Among the important tools for making sure we have diversity in our sources of electricity is a renewable portfolio standards that ensure protections in that act will be replaced by giving FERC jurisdiction over mergers of holding companies that own utilities and over acquisitions of generation assets.

I believe that we in Congress and the President to focus on electricity as a major part of our energy legislation.

That is a key part of what the legislation will do. That role is assigned to the Federal energy Regulatory Commission. My mark will give the FERC the authority to ensure that all electric transmission organizations in interstate commerce play by a consistent set of fair rules.
I look forward to working with all my colleagues in the Senate to produce constructive legislation for the future of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Edwards). The Senator from Ohio.

UNITED STATES-MEXICO ENGAGEMENT: AN UNPRECEDENTED OPPORTUNITY FOR COOPERATION

Mr. DeWINE. Mr. President, earlier today we welcomed to the historic House Chamber President Vicente Fox, the President of Mexico. At this moment, President Bush and President Fox are in my home State of Ohio. They traveled to Toledo, OH, making several visits there. So we welcome both Presidents to our home State.

As an opposition candidate, President Fox’s election and inauguration last year overthrew 71 years of one-party rule in Mexico, one-party rule of the Institutional Revolutionary Party, PRI. That election made history. And today, with his Presidency, and with President Bush in office, we are continuing to make history, as our nations have an unprecedented opportunity to implement positive changes and to create lasting progress for our entire hemisphere.

I say to my colleagues, it is important that we not squander this opportunity. It is important that we not squander this opportunity. Because of Mexico’s critical importance to our Nation and our hemisphere, it was not at all surprising that President Bush chose to travel to Mexico for his first official foreign trip as President.

This week we welcome President Fox to our country. These historic meetings demonstrate the vital nature of our relationship with Mexico—our neighbor—a nation with which we share an over 2,000-mile common border.

Additionally, over 21 million Americans living in this country are of Mexican origin. It is 67 percent of our third of our total U.S.-Hispanic population. Indeed, many people and many issues bind our nations together. It is in the interest of both Mexico and the United States that we make that bond even stronger.

That is why we want to see President Fox succeed. He is off to a good start.

President Fox’s election was received as a positive step in Mexico’s maturing economy and has fueled new investment in the country, raising expectations for better economic opportunities for the Mexican people. At the same time, Mr. Fox also has raised expectations here in Washington for better opportunities to improve U.S.-Mexico bilateral cooperation on a wide range of issues.

As an advocate of free trade in the Americas, Mr. Fox recognizes that a strong, steady economy in Mexico can be the best means to help solve many of our shared challenges and advance our mutual interests.

I am confident that President Fox’s visit to the United States will advance our growing and strengthening partnership. Mr. Fox and I will engage in constructive dialog to promote cooperation, enhance the security and prosperity of both nations, and enable each country to establish mutually agreed-upon goals in at least four areas: First, economic development and trade: two, the environment; three, immigration; and four, law enforcement and counterdrug policy.

In each of these four areas, both countries should seek to implement realistic and practical steps that will build confidence in our partnership and help set the stage for continued discussions and further progress.

A good demonstration of our relationship’s success is the economic cooperation spearheaded by the North American Free Trade Agreement, NAFTA.

Thanks to this partnership, trade between the United States and Mexico now amounts to over $250 billion annually, making our neighbor to the south now our second largest trading partner behind Canada.

In the last decade, U.S. exports to Mexico have increased over 200 percent, and today 85 percent of Mexico’s entire exports go to the United States. However, progress in our partnership cannot occur absent continued progress in Mexico’s economy.

Although Mexico is in its fifth consecutive year of recovery following the 1994-1995 peso crisis, improved living standards and economic opportunities have not been felt nationwide in Mexico. In fact, as could be expected, the slowdown in the U.S. economy has also had an impact on Mexico. Lack of jobs and depressed wages are particularly acute in the interior of the country, once you get away from the U.S.-Mexican border in the north. That is even true in President Fox’s home state of Guanajuato.

As long as enormous disparities in wages and living conditions exist between Mexico and the United States, our Nation will simply not fully realize the potential of Mexico as an export market, nor will we be able to deal adequately with the resulting problems that come about because of that poor economy, because of that great disparity in wealth that brings about illegal immigration, border crime, drug trafficking, and other problems.

In keeping with the market-oriented approach that we started with NAFTA, the United States can take a number of constructive steps to continue economic progress in Mexico and secure its support for a free trade agreement with the Americas, which is something that clearly this administration and this Congress must push.

First, we can bring to Mexico the Overseas Private Investment Corporation, a loan program that also assists U.S. small business investments in many other countries.

Second, we can encourage entrepreneurship in Mexico through increased U.S. funding of microcredit and microenterprise programs, which will encourage small business development.

Third, we should expand the mandate of the North American Development Bank beyond the current situation where it only extends to the U.S.-Mexican border.

This bank has been a successful source of private-public financing of infrastructure projects along our borders. Extending its authority inland not only would bring good jobs into the interior of Mexico but also would help to nurture further nationalization of a transportation and economic infrastructure.

Continued investments in the NADBank also would facilitate greater environmental cooperation between the United States and Mexico through projects geared toward achieving the environmental goals and objectives set forth in NAFTA and also would enhance the overall protection of U.S. and Mexican natural resources.

Both nations need to pursue a joint immigration policy that takes into account the realities of the economic conditions of our countries. At a minimum, President Bush should continue to evaluate the temporary visa program for unskilled workers, which has proven burdensome for U.S. farmers and small business men and women.

Any liberalization of this program should be linked to concrete programs to reduce illegal immigration into the United States. This is not going to be an easy issue. We have heard discussion from President Fox and President Bush over the last several days about this. Many Members of Congress have very strong opinions about it. I believe it is important for us to deal with this issue in a practical and rational way.

Additionally, in a quick and simple fix, the administration should eliminate the annual cap on the number of visas issued to Mexican business executives who enter the United States. Currently, the cap stands at 5,500. And under current law, it will be phased out in the year 2004. The United States does not have such a cap for Canada. Repealing the cap now would send a very positive signal to President Fox and to the Mexican people about their bilateral relationship with us and value to us as an economic partner.

Further, it is important for the United States to be seen as a partner and resource, as President Fox undertakes his pledge to reform Mexico’s entire judicial system that takes place over many years.

I have had the opportunity, as I know many Members of the Senate have, to travel to Mexico and see the problems,
the inherent problems, historic problems, problems of long standing in regard to the police and the judicial system. It was very insightful and important that today, when President Fox spoke to the Congress, he talked about the need for judicial reform. This is an area where, frankly, for all the problems of this country, we do it very well.

We have the ability to help Mexico. We have the ability to help them in this area. We should continue to do so.

With the law enforcement system in Mexico plagued with inherent corruption and institutional and financial deterioration, President Fox will face numerous challenges.

It is in our interest to help Mr. Fox in his quest, if needed, whether it be financial or technical assistance. It is in our interest in the United States-Mexican relationship because our country cannot reverse effectively the flow of drugs across our common border without the full cooperation and support of our Mexican law enforcement friends. The relationship between our law enforcement—our DEA, FBI, Border Patrol, and their counterparts in Mexico—is so very important. I have watched this over the years, and that relationship has been problematic. But I will say this: I believe it is improving. I believe clearly President Vicente Fox has made this a top priority of his administration. It will not be easy, but we can help.

The issues that impact the United States and Mexico are numerous. It is not going to be easy to resolve all these problems. All are important, and each is, in a sense, interrelated with the other. Together they present an enormous task for the Presidents of both countries. Perhaps most important, they are evidence of the enormous importance of Mexico to the prosperity and security of our country, as well as our entire hemisphere.

I commend President Bush and President Fox for the many advancements they have achieved so far. I encourage them to continue this cooperation and this effort. Together, our nations can, in this historic time, redefine the United States-Mexican relationship and protect and promote prosperity throughout our shared hemisphere.

In conclusion, President Fox mentioned a topic which has been debated on this floor many times and which we have watched and looked at, and we have thought a lot about it; that is, the drug certification process that we go through as a country every year, where we basically say how well other countries are doing in their antidrug effort and whether they are cooperating with the United States. I think the time is here for us to re-evaluate our law. I think the time is here for us to put a temporary moratorium on this certification process. I think it will help our relationship with President Fox in Mexico. I think it will help our relationship with other countries. I think the time is appropriate to do this.

Mexico has a new President. Mexico has a President who has stated that one of his main objectives is the reform of the judicial system, to do away with the corruption in the judiciary, to do away with the problems they have had in the law and crime. So I think the time is right. If we are ever going to do this, the time is right to do it. I don’t think we have a great deal to lose. The current system has not worked very well. It has not accomplished great deal. So I think the time is ripe now for us to put a temporary moratorium on the certification process.

President Fox, throughout his speech, talked about trust. I think that is the right word. We have to have trust between our two countries. That does not mean we are not going to have disputes. It doesn’t mean we are not going to have problems. It doesn’t mean these problems are going to be easy to resolve, and I think they are not—the immigration problem and the drug problem, just to name a few. We know they are not easy.

I think the right tone was set in today’s speech by President Fox. President, I yield the floor and 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. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXPORT ADMINISTRATION ACT OF 2001—Continued

Mr. ENZI. Mr. President, we are entering the period where we make a few final comment before the 4 o’clock vote regarding the Export Administration Act, a process we have been working on for 3 years, a law that expired in 1994, and where we have 12 attempts at reauthorizing that law. The last time the law was revised, people were wearing bell bottoms and polyester suits and Jimmy Carter was in office.

It has been time for a change and recognition of that. I ask unanimous consent to send a letter from the National Association of Manufacturers endorsing the bill and recognizing the need for this bill to be printed in the RECORD.

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

DEAR SENATOR: As the Senate begins debate on S. 149, the Export Administration Act of 2001, we strongly urge you to support the legislation that was introduced by the Senate Banking Committee and to oppose all restrictive amendments during its floor consideration. Passage of S. 149 will represent an important step forward in the development of an export control system that more effectively accounts for modern developments in technology and international market conditions, while protecting national security.

S. 149 enjoys broad, bipartisan support in Congress, as well as support of President Bush and his national security team, which opposes amendments that would upset the careful balance achieved in the Banking Committee.

Among S. 149’s many provisions is one of critical importance to the U.S. computer industry. Section 702(k) would eliminate those reporting obligations in the National Defense Authorization Act for 1998 that lock the President into using a specific metric, known as MTOPS (millions of theoretical operations per second), to establish export control thresholds for computers. Section 702(k) would not eliminate current restrictions on computer exports, but would give the President authority, if needed, to review the MTOPS control system and develop a more modern, effective framework...
for computer exports. The need for Presidential flexibility in this area is especially clear in light of recent reports by the Center for Strategic and International Studies, the Department of Defense, the House of Representatives, the General Accounting Office, and the Defense Science Board, which have all concluded that the MTOP-based approach is obsolete and fails to advance U.S. national security.

The U.S. computer industry needs new export control policies that take into account the global, technological and economic realities of the 21st century. As a result, we urge you to support S. 149, as reported, and oppose any amendments that would delay the implementation of the important reforms contained in the bill.

Sincerely,

Michael S. Dell, Dell Computer; Louis V. Gerstner, Jr., IBM Corporation; Andy Grove, Intel Corporation; Carleton Fiorina, Hewlett-Packard; Michael Capellas, Compaq Computer; Christopher Nyberg, NCR Corporation; Lawrence Weinbach, Unisys Corporation.

Mr. ENZI. I take this time to thank Senators GRAMM and SARBANES for their role in leadership and for trusting Senator JOHNSON and I to do some of the background work before the legislation reached this stage. It is very important.

I thank Marty Gruenberg on Senator SARBANES’s staff, Katherine McGuire, my legislative director; and Joel Oswald, now a Texas A&M student who worked for 3 years on the bill; Mary O’Brien; Kara Calvert; on Senator JOHNSON’s staff, Naomi Camper and Paul Kirsch; on Senator HAGEL’s staff; Dave Dorman; and the staff of Senator BAYH, Catherine Wolfsisk; and other staff includes Jim Jochem who previously worked for Senator GRAMM.

I ask unanimous consent to have printed in the RECORD a list of the summary of the EAA discussions we have had to this point that have been contributed on a number of people’s behalf to make the bill come together and be successful.

Without objection, the material was ordered to be printed in the RECORD, as follows:

**SUMMARY OF EAA DISCUSSIONS, 1999-2000**

**January 20, 1999, 10 a.m.: Subcommittee on International Trade and Finance—Hearing on the Reauthorization of the Export Administration Act.**

**January 28, 1999, 3:30 p.m.: Enzi staff meets with Thompson staff to discuss issues regarding reauthorization of EAA.**

**February 8, 1999, 10 a.m.: Enzi staff meet with Gary Millhollin, Wisconsin Nuclear Arms Control Project.**

**February 8, 1999, 2 p.m.: Enzi staff meet with NSA staff.**

**February 9, 1999, 10 a.m.: Enzi staff meet with Senate Intelligence Committee staff member (Joan).**

**March 16, 1999, 9:30 a.m.: Subcommittee on International Trade and Finance—Hearing on the role of the government in the enforcement of the Export Administration Act and Managing Security Risks for High Tech Exports.**

**March 18, 1999, 3 p.m.: Enzi staff meet with WMD Commission staff.**

**April 14, 1999, 10 a.m.: Subcommittee on International Trade and Finance—Hearing on the Export Control Process.**

**April 26, 1999, 1 p.m.: Enzi staff meet with Kyl staff.**

**June 7, 1999, 9 a.m.: Banking staff meet with Cox Commission investigator.**

**June 10, 1999, 10 a.m.: Banking Committee Hearing on Export Control Issues in the Cox Report.**

**June 17, 1999, 10 a.m.: Banking Committee Hearing on Emerging Technology Issues and Reauthorization of the Export Administration Act.**

**June 22, 1999, 10:30 a.m.: Enzi staff meets with John Barker, State Department.**

**June 23, 1999, 10 a.m.: Banking Committee Hearing on Reauthorization of the Export Administration Act: Government Agency Views.**

**June 24, 1999, 10 a.m.: Banking Committee Hearing on Reauthorization of the Export Administration Act: Private Sector Views.**

**June 28, 1999, 4 p.m.: Enzi staff meet with Mack staff.**

**June 29, 1999, 9:30 a.m.: Enzi staff meet with Kyl staff.**

**June–July/September, 1999: Numerous meetings with Administration (BXA, State, Defense, intelligence), industry, Senators and staff to discuss draft EAA.**

**September 16, 1999, 9 a.m.: Banking Committee staff meet with AIPAC staff.**

**September 23, 1999, 10 a.m.: Banking Committee Votes to Approve Export Administration Act of 1999.**

**September 27, 1999, 11 a.m.: Banking Committee meets with DoD staff to discuss S. 1712 issues.**

**October 6, 1999, 10 a.m.: Banking Committee meets with AIPAC staff.**

**October 9, 1999: Enzi staff meets with Cochran. Cochran says he will not hold up consideration of the bill.**

**October 20, 1999, 11:30 a.m.: Enzi meets with Kyl.**

**October 25, 1999, 4:15 p.m.: Warner meets with Gramm/Enzi. Warner staff (SASC Joan) says she has not seen the reported bill. Warner commits that his staff will review the bill and get back to us.**

**October 26, 1999, 9 p.m.: Gramm/Enzi meet with Lott to discuss consideration of bill. Lott says window is narrow. Will consider if it will only take one or two days.**

**November 1, 1999, 6 p.m.: Banking Committee staff meet with SFRIC staff (Marshal Billingslea). He provides us with extensive list of concerns, mostly jurisdictional in nature.**

**November 4, 1999, 3 p.m.: Banking Committee staff meet with SASC staff. SASC says they don’t know how the bill will impact military. SASC Staff says their concern is that the bill may not incorporate more off the shelf commercial items.**

**November 5, 1999, 1:30 p.m.: Banking Committee staff meet with SASC staff, Hamre, NSA.**

**December 14, 1999, 11 a.m.: Banking Committee staff meet with Thompson staff (Curt Silvers introduces Chris Ford, new staff).**

**Friday, January 21, 12:30 a.m.: Banking Committee staff to meet with Marshall Billingslea.**

**Wednesday, February 2, 10 a.m.: Banking staff meet with SASC staff.**

**Wednesday, February 9: Senators Warner, Helms, Shelby, and Thompson send a letter to Sen. Lott expressing concerns with S. 1712 and requesting referral to the Committees on Armed Services, Foreign Relations, Governmental Affairs, and Intelligence.**

**Wednesday, February 9, 5 p.m.: Senators Gramm and Enzi meet with Senator Lott in the Leader’s office.**

**February 10, 10 a.m.: Senators Gramm and Enzi meet with business community in Senator Gramm’s office.**

**Friday, February 10, 9 a.m.: Lott staff holds meeting with Gramm, Enzi, Warner, Helms, Shelby, and Thompson staff in Approps Cmte room (3 hours).**

**Thursday, February 16, 7:30 p.m.: Lott staff schedules staff meeting/canceled by Lott Staff.**

**Wednesday, February 16, 12 p.m.: Lott staff holds second meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson, and Kyl staff in Leader’s office (2.5 hours).**

**Friday, February 18, 1 p.m.: Lott staff holds third meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson, and Kyl staff in Leader’s office; Gramm/Enzi staff provide document outlining provisions that may be adopted (45 minutes).**

**Tuesday, February 22, 9:30 a.m.: Senator Lott meets with Senators Gramm, Enzi, Warner, Kyl, Shelby, and Thompson in Lead- ership meeting. Senators identify three key issues in contentions; agree to provide Managers’ Amdt.**

**Wednesday, February 23: Gramm and Enzi staff provide Managers’ Amdt CRA00.098 to other senators’ staff.**

**Friday, February 25: Gramm and Enzi staff provide pullout CRA00.123 regarding three issues to other senators’ staff.**

**Friday, February 25: Senator Thompson sends a letter to Senators Gramm and Enzi, certifying that Senator Lott and Kyl, en- dorsing “grave concerns” about S. 1712.**

**Monday, February 28, 4 p.m.: Senator Warner holds SASC hearing on EAA; Senators Enzi, Johnson, and Bennett send a letter to Senators Lott and Daschle urging that they make Senate consideration of S. 1712 a priority.**

**Wednesday, March 1, 2 p.m.: Gramm, Enzi, SARBANES, Johnson staff meet with business community in Banking hearing room; walk through differences (4 hours).**

**Tuesday, February 29, 10 a.m.: Senator Warner host impromptu meeting with DOE and DOC officials and Enzi and Johnson staff in SASC hearing room; walk through differences (4 hours).**

**Tuesday, March 2, 4 p.m.: Senator Gramm and Enzi meet with Senators Warner, Helms, Kyl, Shelby, and Thompson in Senator Gramm’s office; walk through their concerns (3.5 hours.)**

**Monday, March 6, 11 a.m.: Senator Gramm meets with Sen. Kyl in Senator Gramm’s office to discuss concerns [1 hour].**

**Monday, March 6, 1 p.m.: Senators Gramm, Enzi, Johnson, with Sarbanes staff, meet in Senator Gramm’s office to discuss concerns raised (1 hour).**

**Monday, March 6, 3:30 p.m.: Senators Gramm and Enzi meet with Senators Warner, Helms, Kyl, Shelby, and Thompson in Senator Lott’s office; Gramm/Enzi staff provide Managers’ Amdt document (1.5 hours).**

**Tuesday, March 7, 5:45 p.m.: Senator Lott holds meeting with Staff and Senators Sarbanes, Gramm, and Enzi; Senator Thompson raises concerns on floor but does not object.**

**Wednesday, March 8, 11 a.m.: Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, and Thompson at those senators’ request. Members agree to...
suspend floor consideration of EAA until details agreed; Gramm/Enzi provide revised 4-page Managers’ Amdt document and ask for comments by the end of the day [1 hour].

Wednesday, March 21, 10 a.m.: Senator Warner gives his final response document; asks for final decision from senators.

Week of March 13-17: Gramm/Enzi staff wait for response re 3/10 document.

Thursday, March 22: [Other senators appear to be waiting for a response to their efforts to move the bill — possibly a continuation of the ‘dead’ bill and Enzi/Enzi’s efforts to bring it to the Senate floor].

Friday, March 23: Senator Reid gives floor statement urging Senate passage of S. 1712, noting that its sponsors “tried to move a bill . . . but frankly, the majority is unable to join us to allow us to move this bill forward.”

Friday, March 24: Two weeks from the date on which they gave the other senators their final offer, Senators Gramm and Enzi receive a letter dated March 23 from Senators Warner, Helms, Shelby, Kyl, and Thompson extending the negotiations of proposed amendments to Managers’ Amendment.

Tuesday, March 28: Senator Enzi offers to join with us to allow us to move this bill.

Wednesday, April 5: Senator Gramm states that the bill does not adequately protect national security; Senator Thompson and Enzi testifies.

Tuesday, April 11: Senator Gramm states that the staff of other senators to alert them that Senator Lott is pleased to make a pro forma effort to bring up S. 1712 by UC on Wednesday, at which point Senator Gramm would object pursuant to the gentleman’s agreement made with the other senators on March 8; and that Senators Lott and Gramm would then file cloture on a motion to proceed to S. 1712.

Wednesday, April 12: At Senator Lott’s request, Senators Gramm and Enzi give Senator Lott two cloture petitions (one on a motion to proceed to S. 1712, and one on S. 1712); both petitions represent a broad diversity of states and of Senate Committees (including SASC, SFRG, SGC, and SGCA).

Wednesday, April 12: Senator Thompson holds SGAC hearing on multilateral export controls.

April, May: Gramm/Enzi staff do not hear from other senators’ staff.

Thursday, May 25: Senators Thompson and Torricelli hold a press conference on S. 2465. Senator Thompson said that in his opinion, legislation to re-authorize the Export Administration Act is probably dead as a stand-alone measure in 2000; when asked whether he was partially responsible, he replied “Let’s just say that that truth and justice were served”.

Friday, May 26: Senator Thompson holds SGAC hearing on mass market/foreign availability; no Administration witnesses are invited.

Mr. ENZI. I will make a few remarks after the vote particularly to thank Senator SARBANES for his understanding of the bill.

I yield the floor to Senator SARBANES.

Mr. SARBANES. How much time remains?

The PRESIDING OFFICER. One minute for the proponent and 4 minutes for the opponent.

Mr. SARBANES. I will take the 1 minute at this point, I urge my colleagues to support this legislation. It has been said that it is a good, balanced legislation. I join with Senator Enzi in thanking the staff; Steve Harris, Marty Grunenberg, and Laurie Better of my staff; Katherine McGuire has done a wonderful job; and Joel Ortwein of the Cox committee have reported to us that part of their increased capabilities have come about due to our lax export laws, this is the environment in which we pass a bill that gives the Department of Commerce substantial powers to make decisions concerning national security. The Department of Commerce is responsible for the consideration of trade and commerce. They should not be given the responsibility of national security.

I would be less than fair if I did not take a moment to say to Senator Enzi I think his dedication in working this legislation through and his very strong commitment and willingness to talk to everyone at great length, over and over again, contributed significantly to our hope that we are finally going to be able to move through the Senate, with a very sizable consensus.

I say to the opponents, I think we engaged this in a proper Senate fashion by working with the majority of our colleagues and making every effort to respond to some concerns. We consulted with everyone—the administration, of course, perhaps first and foremost. My own view is we have brought together a good package. I urge my colleagues to support it when we go to the vote at 4 o’clock.
We are going to pass a bill that will have broad categories of subjects that are deemed to be mass marketed or have foreign availability status. If someone over in the bowels of the Department of Commerce decides these items belong in those categories, then they are taken out of the regulatory process altogether, and you don't even have to have a license.

I do not think it is too much to ask for a few days of a license process with officials of the U.S. Government who are concerned about matters of proliferation of weapons of mass destruction and matters of national security, it is not too much to ask that they be given a few days to make sure, as in times past, that we are not exporting something we should not be exporting. We give the President some override authority, but it is almost as if to say, “Catch me if you can.” We are greatly liberalizing things on this end and giving the President some power—which cannot be delegated, incidentally—giving the President some power to catch something here and there and stop it if he deems it necessary.

At a time that we are trying to persuade the world we need a missile defense system, which I believe we need because of the dangers posed by the proliferation of weapons of mass destruction, we are liberalizing export rules which I fear will contribute toward the ability of the countries with which we are trading, and in turn these rogue nations with which they are trading, to increase their weapons of mass destruction capabilities.

It is not that we want to hamper trade. It is not that we want to be obstructionist—because our friends on the other side of this issue are very well-meaning and make very good points. It is not those factors at all that motivate the few of us who remain on this side. It is that we can afford to be wrong. If our concerns are too great, it will end up that a few companies are held up a few extra days before they can export goods. But if our friends on the other side of this issue are wrong, I fear it could cause serious harm.

We are doing this in an environment where, even though the law has required us in times past to do a national security assessment of the decontrol of these laws, we have never done so. That is the basis of our concern. That is why, although we have had a wonderful, responsible, senatorial debate and discussion and vote, both on the floor and off, and think it has produced a better bill than we had originally, I must respectfully oppose it.

I yield the floor.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SARBANES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

That is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

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

The result was announced—yeas 85, nays 14, as follows:

[Roll Call Vote No. 275 Leg.]

YEAS—85

Akaka Domenici Lincoln
Allard Dorgan Laos
Allen Durbin Lugars
Baucus Edwards McConnell
Bayh Ensign Mikulski
BenNETT Kerrey Miller
Biden Feinstein Murray
Bingaman FISHERMILL Nelson (FL)
Bond Frist Nelson (NE)
Boxer Graham Nickles
Breaux Gramm Reed
Brownback Grassley Reid
Bunning Gregg Roberts
Burns Hage Rockefeller
Campbell Harkin Santorum
Cantwell Hatch Sarbanes
Carnahan Hollings Scherer
Carper Hutchinson Smith (OR)
Chafee Hutchison Snowe
ChildS Inouye Stabenow
ClINTON Jeffords Stevens
Collins Johnson Thomas
Conrad Kennedy Torricelli
Corzine Kerry Voinovich
Craig Kohl Warner
Crapo Leardici Weldon
Daschle Leahy Wyden
Dayton Levin
Dodd Lieberman

NAYS—14

Byrd Inhofe Smith (OK)
Cochrane Johnson Specter
Cook DeWine Thompson
Fingold Sessions Thurmond
Helms Shelby

NOT VOTING—1

Markowski

The bill (S. 149) was passed, as follows:

S. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Export Administration Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 701. Annual report.
Sec. 702. Technical and conforming amendments.
Sec. 703. Savings provisions.
Sec. 2. Definitions. In this Act:
(1) AFFILIATE.—The term “affiliate” includes both governmental entities and commercial entities that are controlled in fact by the government of a country.
(2) CONTROL OR CONTROLLED.—The terms “control” and “controlled” mean any requirement, condition, authorization, or prohibition on the export or reexport of an item.
(3) CONTROL LIST.—The term “Control List” means the Commerce Control List established under section 101.
(4) CONTROLLED COUNTRY.—The term “controlled country” means a country with respect to which exports are controlled under section 201 or 301.
(5) CONTROLLED ITEM.—The term “controlled item” means an item the export of which is controlled under this Act.
(6) COUNTRY.—The term “country” means a sovereign country or an autonomous customs territory.
(7) COUNTRY SUPPORTING INTERNATIONAL TERRORISM.—The term “country supporting international terrorism” means a country designated by the Secretary of State pursuant to section 310.

Sec. 204. Incorporated parts and components.
Sec. 106. President's Technology Export Council.
Sec. 103. Public information; consultation requirements.
Sec. 102. Delegation of authority.
Sec. 101. Commerce Control List.
Sec. 104. Right of export.
Sec. 703. Savings provisions.
Sec. 203. Country tiers.
Sec. 204. Incorporated parts and components.
Sec. 205. Petition process for modifying export status.
Sec. 206. National Security Control List.
Sec. 207. Inspections.
Sec. 211. Determination of foreign availability and mass-market status.
Sec. 210. Authority for national security export controls.
Sec. 209. International Traffic in Arms Regulations.
Sec. 208. International Agreements.
TITLE I—GENERAL AUTHORITY

SEC. 101. COMMERCE CONTROL LIST.

(a) IN GENERAL.—Under such conditions as the Secretary may impose, consistent with the provisions of this Act, the Secretary shall:

(1) establish and maintain a Commerce Control List (in this Act referred to as the “Control List”) consisting of items the Secretary subject to licensing or other authorization or requirement; and

(2) may require any type of license, or other authorization, including recordkeeping and reporting, appropriate to the effective and efficient implementation of this Act with respect to the export of an item on the Control List or otherwise subject to control under title I or II of this Act.

(b) TYPES OF LICENSE OR OTHER AUTHORIZATION.—The types of license or other authorization referred to in subsection (a)(2) include the following:

(1) SPECIFIC EXPORTS.—A license that authorizes a specific export.

(2) MULTIPLE EXPORTS.—A license that authorizes multiple exports in lieu of a license for each export.

(3) NOTIFICATION IN LIEU OF LICENSE.—Notification in lieu of a license that authorizes a specific export or multiple exports subject to the condition that the exporter file with the Secretary advance notification of the intent to export, and comply with regulations prescribed by the Secretary.

(c) LICENSE EXCEPTION.—Authority to export an item on the Control List without prior license or notification in lieu of a license.

(d) AFTER-MARKET SERVICE AND REPLACEMENT PARTS.—A license to export an item under this Act shall not be required for an exporter to provide after-market service or replacement parts in order to replace on a one-for-one basis parts that were in an item that was lawfully exported from the United States, unless:

(1) the Secretary determines that such license is required for parts or

(2) the after-market service or replacement parts would materially enhance the capability of an item which was the basis for the item being controlled.

(e) INCIDENTAL TECHNOLOGY.—A license or other authorization to export an item under this Act includes authorization to export incidental technology requisite to the item if the level of the technology does not exceed the minimum necessary to install, repair, maintain, inspect, operate, or test the item.

(f) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out the provisions of this Act.

SEC. 102. DELEGATION OF AUTHORITY

(a) IN GENERAL.—Except as provided in subsection (b) and subject to the provisions of this Act, the President may delegate the power, authority, and discretion conferred upon the President by this Act to such departments, agencies, and officials of the Government as the President considers appropriate.

(b) EXCEPTIONS.—

(1) DELEGATION TO APPOINTEES CONFIRMED BY SENATE.—No authority to the President under this Act may be delegated by the President to, or exercised by, any official of any department or agency whose head of which is not appointed by the President, by and with the advice and consent of the Senate.

(2) OTHER LIMITATIONS.—The President may not delegate or transfer the President’s power, authority, or discretion to overrule or modify any recommendation or decision made by the Secretary, the Secretary of Defense, or the Secretary of State under this Act.

SEC. 105. EXPORT CONTROL ADVISORY COMMITTEES.

(a) APPOINTMENT.—Upon the Secretary’s own initiative or upon the written request of representatives of a substantial segment of any industry which produces any items subject to export controls under this Act or being considered for such controls, the Secretary may appoint export control advisory committees with respect to any such items.

(b) REPRESENTATION.—Each committee shall be composed of representatives of United States industry and Government officials, including officials from the Departments of Commerce, Defense, Energy, State, and other designated Federal departments and agencies of the Government.

(c) FUNCTION.—The Secretary shall consult regularly with representatives of a broad spectrum of businesses, labor organizations, and other public interest organizations in order to obtain their views on United States export control policy and the foreign availability or mass-market status of controlled items.

SEC. 106. RIGHT OF EXPORT.

No license or other authorization to export may be required under this Act, or under regulations issued under this Act, except to carry out the provisions of this Act.

SEC. 107. EXPORT CONTROL ADVISORY COMMITTEES.

(a) APPOINTMENT.—Upon the Secretary’s own initiative or upon the written request of representatives of a substantial segment of any industry which produces any items subject to export controls under this Act or being considered for such controls, the Secretary may appoint export control advisory committees with respect to any such items.

(b) REPRESENTATION.—Each committee shall be composed of representatives of United States industry and Government officials, including officials from the Departments of Commerce, Defense, Energy, State, and other designated Federal departments and agencies of the Government.

(c) FUNCTION.—The Secretary shall consult regularly with representatives of a broad spectrum of businesses, labor organizations, and other public interest organizations in order to obtain their views on United States export control policy and the foreign availability or mass-market status of controlled items.

SEC. 108. RIGHT OF EXPORT.

No license or other authorization to export may be required under this Act, or under regulations issued under this Act, except to carry out the provisions of this Act.
control advisory committee appointed under subsection (a), the Secretary may, if the Secretary determines it to be appropriate, reimburse such member for travel, subsistence, and other expenses incurred by such member in connection with the duties of such member.

(d) Consultants.—Each export control advisory committee appointed under subsection (a) shall elect a chairperson, and shall meet at least every 3 months at the call of the chairperson, unless the chairperson determines, in consultation with the other members of the committee, that such a meeting is not necessary to achieve the purposes set forth in subsection (b). The chairperson shall consult with each such committee on such matters of national security interest.

(e) Access to Information.—To facilitate the work of the export control advisory committees appointed under subsection (a), the Secretary, in conjunction with other departments and agencies participating in the administration of this Act, shall disclose to each such committee adequate information, consistent with national security and intelligence methods, pertaining to the reasons for the export controls which are in effect or contemplated for the items or policies for which the committees advise. Information provided by the export control advisory committees shall not be subject to disclosure under section 552 of title 5, United States Code, and such information shall not be published or disclosed unless the Secretary determines that the withholding thereof is contrary to the national interest.

SEC. 106. PresidenT’s Technology Export CounCil.

The President may establish a President’s Technology Export Council to advise the President on the implementation, operation, and effectiveness of this Act.

SEC. 107. Prohibition on Charging Fees.

No fee may be charged in connection with the submission or processing of an application for an export license under this Act.

TITLE II—National Security Export Controls

Subtitle A—Authority and Procedures

SEC. 201. Authority for National Security Export Controls.

(a) Authority.

(1) In general.—In order to carry out the purposes set forth in subsection (b), the President may, in accordance with the provisions of this Act, prohibit, curtail, or require a license, or other authorization for the export of any item subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States. The President may also require recordkeeping and reporting with respect to the export of such item.

(b) Purpose.—The authority contained in this subsection shall be exercised by the Secretary, in consultation with the Secretary of Defense, the intelligence agencies of the United States, its allies or countries sharing common strategic objectives with the United States.

(c) Purpose.—The purposes of national security export controls are the following:

(1) To restrict the export of items that would contribute to the military potential of countries so as to prove detrimental to the national security of the United States, its allies or countries sharing common strategic objectives with the United States.

(2) To stem the proliferation of weapons of mass destruction and the means to deliver them, and other significant military capabilities by—

(A) leading international efforts to control the proliferation of chemical and biological weapons, nuclear explosive devices, missile delivery systems, key-enabling technologies, and other technologies; and (B) controlling involvement of United States persons in, and contributions by United States persons to, foreign programs intended to develop or maintain mass destruction, missiles, and other significant military capabilities, and the means to design, test, develop, produce, stockpile, or use them; and (C) implementing national treaties or other agreements or arrangements concerning controls on exports of designated items, reports on the production, processing, consumption, or imports of such items, and compliance with verification programs.

(3) To deter acts of international terrorism.

(d) End Use and End User Controls.—Notwithstanding any other provision of this title, controls may be imposed, based on the end use or end user, on the export of any item, that could contribute to the proliferation of weapons of mass destruction or the means to deliver them.


(a) Establishment of List.—The Secretary shall establish a National Security Control List as part of the Control List.

(b) Contents.—The National Security Control List shall be composed of a list of items the export of which is controlled for national security purposes under this title.

(c) Identification of Items for National Security Control List.—The Secretary, with the concurrence of the Secretary of Defense and in consultation with the head of any other department or agency of the United States that the Secretary considers appropriate, shall at any time, and at such times as the Secretary determines, assign each country to one of three tiers on an on-going basis. The Secretary may establish, maintain, and operate a country tiering system in accordance with subsection (b) and (c).

(d) Effective Date of Tier Assignment.—The Secretary shall establish and maintain a country tiering system consisting of not less than 3 tiers for purposes of this section.

SEC. 203. Country Tiers.

(a) Establishment and Assignment.—In administering export controls for national security purposes under this title, the President shall, not later than 120 days after the date of enactment of this Act, establish and maintain a country tiering system in accordance with subsection (b) and (c).

(b) Assignment of Country Tiers.—The President may assign countries to each tier of the country tiering system established under this section, unless the President finds, in consultation with the head of each department or agency of the United States that the President considers appropriate, that the assignment of country tiers under this section would be detrimental to the national security of the United States, to prevent the proliferation of weapons of mass destruction and the means to deliver them, and to deter acts of international terrorism, not included on the National Security Control List pursuant to the provisions of this Act.

(1) Establishment and Assignment.—In administering export controls for national security purposes under this title, the President shall, not later than 120 days after the date of enactment of this Act, establish and maintain a country tiering system in accordance with subsection (b) and (c).

(2) Assignment of Country Tiers.—The President may assign countries to the country tiering system for purposes of this Act, unless the President finds, in consultation with the head of each department or agency of the United States that the President considers appropriate, that the assignment of country tiers under this section would be detrimental to the national security of the United States, to prevent the proliferation of weapons of mass destruction and the means to deliver them, and to deter acts of international terrorism.

(3) Effective Date of Tier Assignment.—The President shall establish and maintain a country tiering system consisting of not less than 3 tiers for purposes of this section.

(4) Range Countries that represent the lowest risk of diversion or misuse of an item on the National Security Control List shall be assigned a tier one that represents the lowest risk of diversion or misuse of an item on the National Security Control List.
Control List shall be assigned to the highest tier.

(3) OTHER COUNTRIES.—Countries that fall between the lowest and highest risk categories with respect to the national security of the United States with respect to the risk of diversion or misuse of an item on the National Security Control List shall be assigned to a tier other than the lowest or highest tier, based on the assessments required under subsection (c).

(c) ASSESSMENTS.—The President shall make an assessment of each country in assigning a country tier taking into consideration the risk factors including the following:

(1) The present and potential relationship of the country with the United States, to include the policies and practices of the country regarding the provision of military assistance, arms sales, and adherence to United Nations Security Council resolutions (including UN resolutions that address proliferation-related matters).

(2) The present and potential relationship of the country with countries friendly to the United States and with countries hostile to the United States.

(3) The country’s capabilities regarding chemical, biological, and nuclear weapons and the country’s membership in, and level of compliance with, relevant multilateral export control regimes.

(4) The country’s capabilities regarding missile systems and the country’s membership in, and level of compliance with, relevant multilateral export control regimes.

(5) Whether the country, if a NATO or major non-NATO ally, is our ally or a free trade area with respect to commercial matters.

(6) The country’s other military capabilities and the potential threat posed by the country to the United States or its allies.

(7) The effectiveness of the country’s export controls program.

(8) The level of the country’s cooperation with United States export control enforcement and other efforts.

(9) The risk of export diversion by the country to a higher tier country.

(10) The designation of the country as a country supporting international terrorism under section 219.

(d) TIER APPLICATION.—The country tiering system shall be used in the determination of license requirements pursuant to section 201(a)(1).

SEC. 204. INCORPORATED PARTS AND COMPONENTS.

(a) EXPORT OF ITEMS CONTAINING CONTROLLED PARTS AND COMPONENTS.—Controls may not be imposed under this title if the controlled item is incorporated into a second controlled item if such second controlled item is not subject to control under this title.

(b) REEXPORTS OF FOREIGN-MADE ITEMS INCORPORATING UNITED STATES CONTROLLED COMPONENTS AND ITEMS.—

(1) IN GENERAL.—No authority or permission may be required under this title to reexport to a country an item that is produced in a country other than the United States and incorporates parts or components that are subject to the jurisdiction of the United States under the controlled United States content of the item produced in such other country is 25 percent or less of the total value of the item; except that in the case of an item covered by section 310, controls may be maintained if the value of the controlled United States content of the item is more than 10 percent of the total value of the item.

(2) DEFINITION OF CONTROLLED UNITED STATES CONTENT.—For purposes of this paragraph, the term “controlled United States content” of an item means those parts or components that:

(A) are subject to the jurisdiction of the United States;

(B) are incorporated into the item; and

(C) would, at the time of the reexport, reasonably be expected to be controlled by the United States,

and such item is to be reexported.

SEC. 205. PETITION PROCESS FOR MODIFYING CONTROLled ITEMS.

(a) ESTABLISHMENT.—The Secretary shall establish a process for interested persons to petition the Secretary to change the status of an item on the National Security Control List.

(b) EVALUATIONS AND DETERMINATIONS.—Evaluations and determinations with respect to a petition shall be made in accordance with section 202.

Subtitle B—Foreign Availability and Mass-Market Status

SEC. 211. DETERMINATION OF FOREIGN AVAILABILITY AND MASS-MARKET STATUS.

(a) IN GENERAL.—The Secretary shall—

(1) on a continuing basis,

(2) upon a request from the Office of Technology Evaluation, or

(3) upon receipt of a petition filed by an interested person, review and determine the foreign availability and the mass-market status of any item the export of which is controlled under this title.

(b) PETITION AND CONSULTATION.—

(1) IN GENERAL.—The Secretary shall establish a process for interested persons to petition the Secretary for a determination that an item is or would be ineffective.

(2) PETITION AND CONSULTATION.—The Secretary shall, within 6 months after receiving a petition described in subsection (a)(3), determine whether the item that is the subject of the petition is an item that has mass-market status under this title.

(3) PURPOSES.—The Secretary shall determine that an item has mass-market status if:

(A) the item has mass-market status under this title;

(B) the item is available to controlled countries; or

(C) the item is available in sufficient quantity so that the requirement of a license or other authorization with respect to the export of such item is or would be ineffective.

(b) DETERMINATION BY SECRETARY.—If the Secretary finds that the item (or a substantially identical or directly competitive item) meets the criteria set forth in subparagraph (A), the Secretary shall determine that the item has mass-market status.

(c) SPECIAL RULES.—For purposes of this section:

(1)mass-MARKET ITEM.—The determination of whether an item is a substantially identical or directly competitive item shall include a fair assessment of end uses, the properties, nature, and quality of the item.

(2) DETERMINATION BY SECRETARY.—If the Secretary finds that the item (or a substantially identical or directly competitive item) is not a substantially identical or directly competitive item, the Secretary shall notify the President and Congress of the determination.

(3) EXCEPTION.—An item is not directly competitive with a controlled item if the item is not of comparable quality to the controlled item.

SEC. 212. PRESIDENTIAL SET-ASIDE OF FOREIGN AVAILABILITY STATUS DETERMINATION.

(a) CRITERIA FOR PRESIDENTIAL SET-ASIDE.—The President may set aside any item that meets the criteria that—

(1) GENERAL CRITERIA.—
(i) decontrolling or failing to control an item constitutes a threat to the national security of the United States, and export controls on the item would advance the national security interests of the United States;

(ii) there is a high probability that the foreign availability of an item will be eliminated through international negotiations within a finite period of time, taking into account the characteristics of the item,

or

(iii) United States controls on the item have been imposed under section 309, the President may set aside the Secretary’s determination of foreign availability status with respect to the item.

(B) Export controls. The President may not delegate the authority provided for in this paragraph.

(2) REPORT TO CONGRESS.—The President shall promptly:

(A) report any set-aside determination described in paragraph (1), along with the specific reasons for the determination, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives; and

(B) submit the determination in the Federal Register.

(b) PRESIDENTIAL ACTION IN CASE OF SET-ASIDE.—

(1) GENERAL.—In any case in which export controls are maintained on an item because the President has made a determination under subsection (a), the President shall actively pursue negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability.

(2) REPORT TO CONGRESS.—Not later than the date the President begins negotiations, the President shall notify in writing the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives that the President has begun such negotiations and why the President believes it is important to the national security that export controls on the item involved be maintained.

(c) PERIODIC REVIEW OF DETERMINATION.—

The President shall review a determination described in subsection (a) at least every 6 months. Promptly after each review is completed, the President shall submit to the committees of Congress referred to in paragraph (1)(B) a report on the results of the review, together with the status of international negotiations to eliminate the foreign availability of the item.

(d) EXPANSION OF PRESIDENTIAL SET-ASIDE.—

A determination by the President described in subsection (a)(1)(A) or (B) shall cease to apply with respect to an item on the earlier of:

(A) the date that is 6 months after the date on which the determination is made under subsection (a), if the President has not commenced international negotiations to eliminate the foreign availability of the item within that 6-month period;

(B) the date on which the negotiations described in paragraph (1) have terminated without achieving an agreement to eliminate foreign availability; or

(C) the date on which the President determines that there is not a high probability of eliminating foreign availability of the item through international negotiations.

(D) the date that is 18 months after the date on which the determination described in subsection (a)(1)(A) or (B) is made if the President determines that it is not in the national interest to extend the determination.

(4) Action on expiration of presidential set-aside.—Upon the expiration of a Presidential set-aside under paragraph (3) with respect to an item, the Secretary shall not require a license or other authorization to export the item.

SECTION 213. PRESIDENTIAL SET-ASIDE OF MASS-MARKET STATUS DETERMINATION.

(a) Criteria for Presidential Set-Aside.—

(1) General criteria.—If the President determines that:

(A) controlling or failing to control an item constitutes a serious threat to the national security of the United States, and

(B) export controls on the item would advance the national security interests of the United States,

the President shall set aside or modify the determination of mass-market status with respect to the item.

(2) NONDELEGATION.—The President may not delegate the authority provided for in this subsection.

(b) PRESIDENTIAL ACTION IN CASE OF SET-ASIDE.—

(1) GENERAL.—In any case in which export controls are maintained on an item because the President has made a determination under subsection (a), the President shall:

(i) eliminate foreign availability;

(ii) report to Congress;

(iii) monitor and evaluate worldwide developments that affect the national security interests of the United States;

(iv) engage in international negotiations to eliminate foreign availability; and

(v) conduct mass-market assessments to determine whether a controlled item is available to controlled countries and whether requiring a license, or denial of a license for the export of such item, is or would be ineffective.

(c) Periodic review of determination. The President shall submit to the Committees on Banking, Housing, and Urban Affairs of the United States every 6 months a report on the status of ongoing negotiations to eliminate foreign availability and mass-market status.

(d) Action on expiration of presidential set-aside. Upon the expiration of a Presidential set-aside under subsection (a) with respect to an item, the Secretary shall not require a license or other authorization to export the item.
the purposes of this section and the provisions of this Act.

(2) To promote international peace, stability, and respect for fundamental human rights, and to encourage others to do so.

(3) To use export controls to deter and punish acts of international terrorism and to encourage others to do so.

SEC. 303. CRITERIA FOR FOREIGN POLICY EX- PORT CONTROLS.

Each export control imposed by the President under this title shall:

(1) have clearly stated and specific United States foreign policy objectives;

(2) have objective standards for evaluating the success or failure of the export control;

(3) include an assessment by the President that—

(A) the export control is likely to achieve such objectives and the expected time for achieving the same objectives and the likelihood of their achievement;

(B) the achievement of the objectives of the export control outweighs any potential costs of the export control to other United States economic, foreign policy, humanitarian, or national security interests;

(C) be targeted narrowly; and

(D) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in the country subject to the export control.

SEC. 304. PRESIDENTIAL REPORT BEFORE IMPOSE- NG FOREIGN POLICY CONTROL.

(a) REQUIREMENT.—Before imposing an export control under this title, the President shall submit to the Senate and the House of Representatives a report on the proposed control.

(b) CONTENT.—The report shall contain a description and assessment of the proposed export control.

(c) CONSULTATION.—The consultations described in paragraph (1) may be conducted on a classified basis if the Secretary considers it necessary.

Sec. 305. IMPOSITION OF CONTROLS.

The President may impose an export control under this title after the submission of the report required under subsection (a) and publication in the Federal Register of a notice of the imposition of the export control.

SEC. 306. DEFERRAL AUTHORITY.

(a) Authority.—The President may defer compliance with any requirement contained in section 302(a), 304, or 305 in the case of a proposed export control if—

(1) the President determines that a deferral of compliance with the requirement is in the national interest of the United States; and

(2) the requirement is satisfied not later than 60 days after the date on which the export control is imposed under this title.

(b) TERMINATION OF CONTROL.—An export control with respect to which a deferral has been made under subsection (a) shall terminate 60 days after the date the export control is imposed unless all requirements have been satisfied before the expiration of the 60-day period.

SEC. 307. REVIEW, RENEWAL, AND TERMINATION.

(a) RENEWAL AND TERMINATION.—

(1) IN GENERAL.—Any export control imposed under this title shall terminate on March 31 of each renewal year unless the President renews the export control on or before such date. For purposes of this section, the term “renewal year” means 2003 and every 2 years thereafter.

(2) EXCEPTION.—This section shall not apply to an export control imposed under this title if—

(A) is required by law;

(B) is targeted against any country designated as a country supporting international terrorism pursuant to section 310; or

(C) has been in effect for less than 1 year as of February 1 of a renewal year.

(b) REVIEW.—

(1) IN GENERAL.—Not later than February 1 of each renewal year, the President shall review all export controls in effect under this title.

(2) CONSULTATION.—

(A) REQUIREMENT.—Before completing a review under paragraph (1), the President shall consult with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives that—

(1) have clearly stated and specific United States foreign policy interests; and

(2) impose controls under this title.

(b) \(\ldots\)
that the existing export control was intended to achieve.

(B) An assessment of—

(i) the extent to which the existing export control effectively achieves its objectives before renewal based on the objective criteria established for evaluating the export control; and

(ii) the reasons why the existing export control may not substantially achieve its objectives and, if renewed, how the export control will achieve that objective before the next renewal year.

(C) An updated description and assessment of—

(1) each of the criteria described in section 303, and

(2) any other provision of law.

(3) RENEWAL OF EXPORT CONTROL.—The President may renew an export control under this title at any time after submission of the report required by paragraph (2) and publication of notice of renewal in the Federal Register.

SEC. 308. TERMINATION OF CONTROLS UNDER THIS TITLE.

(a) In General.—Notwithstanding any other provision of law, the President—

(1) may rescind any export control imposed under this title if the President determines that the control has substantially achieved the objective for which it was imposed;

(2) may terminate at any time any export control imposed under this title that is not required by law.

(b) REASON.—Paragraphs (1) and (2) of subsection (a) do not apply to any export control imposed pursuant to section 310.

(c) EFFECTIVE DATE OF TERMINATION.—The termination of an export control pursuant to this section shall take effect on the date notice of the termination is published in the Federal Register.

SEC. 309. COMPLIANCE WITH INTERNATIONAL OBLIGATIONS.

Notwithstanding any other provision of this Act setting forth limitations on authority to control exports and except as provided in section 304, the President may impose controls on exports to a particular country or countries—

(1) if an item listed on the control list of a multilateral export control regime, as defined in section 2(14); or

(2) in order to fulfill obligations or commitments of the United States under treaties, or other international agreements and arrangements, to which the United States is a party.

SEC. 310. DESIGNATION OF COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

(a) LICENSE REQUIRED.—Notwithstanding any other provision of this Act setting forth limitations on the authority to control exports, a license shall be required for the export of any item to a country if the Secretary of State has determined that—

(1) the government of such country has repeatedly provided support for acts of international terrorism; and

(2) the export of the item could make a significant contribution to the military potential of such country, including its military logistics capability, or could enhance the ability of such country to support acts of international terrorism.

(b) NOTIFICATION.—The Secretary and the Congress shall notify the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before issuing any license required by subsection (a).

(c) DETERMINATIONS REGARDING REPEATED SUPPORT.—Each determination of the Secretary of State under subsection (a)(1), including each determination in effect on the date of enactment of the Antiterrorism and Arms Export Amendments Act of 1989, shall be published in the Federal Register.

(d) LIMITATION ON DETERMINATION.—A determination made by the Secretary of State under subsection (a)(1) may not be rescinded unless the President submits to the House of Representatives and the Senate a report justifying the rescission.

(e) EFFECTIVE DATE OF TERMINATION.—(i) before the proposed rescission would take effect, a report certifying that—

(A) there has been a fundamental change in the leadership or policies of the government of the country concerned;

(B) that government is not providing assurances that it will not support acts of international terrorism; and

(C) that the government has provided assurances that it will not support acts of international terrorism in the future; or

(ii) at least 45 days before the proposed rescission would take effect, a report justifying the rescission.

(f) INFORMATION TO BE INCLUDED IN NOTIFICATION.—The Secretary and the Secretary of State shall include in the notification required by subsection (b)—

(1) a detailed description of the item to be exported, including a description of the capabilities of the item for which a license to export is sought;

(2) the reasons why the foreign country or international organization to which the export of the item is proposed to be made needs the item which is the subject of such export or transfer and a description of the manner in which such country or organization intends to use the item;

(3) the reasons why the proposed export or transfer is in the national interest of the United States;

(4) an analysis of the impact of the proposed export or transfer on the military capabilities of the foreign country or international organization to which such export or transfer would be made; and

(5) an analysis of the manner in which the proposed export would affect the relative military strengths of countries in the region to which the item is being transferred.

(g) RENEWAL OF EXPORT CONTROL.—(1) if the proposed export or transfer is requested to be made more than once, the Secretary shall include in the report required by subsection (b) a description of the item to be exported and of the circumstances of the proposed export or transfer.

(2) if the Secretary determines that the proposed export or transfer is in the national interest of the United States and should be approved, the Secretary shall include in the report required by subsection (b) an analysis of the impact of the proposed export or transfer on the military capabilities of the foreign country and international organization to which the proposed export or transfer would be made.

(h) LIMITATION ON RESCINDING DETERMINATIONS.—(1) if the Secretary determines that the existing export control was in effect on the date of enactment of the Antiterrorism and Arms Export Amendments Act of 1989, and shall be published in the Federal Register.

(2) if the Secretary determines that the existing export control was in effect on a later date, the provisions of this section shall apply with respect to exports of any of the items identified in subsection (c).

SEC. 311. CRIME CONTROL INSTRUMENTS.

The President shall determine whether to grant an application to export crime control or detection instruments or equipment shall be made in accordance with the recommendations of the Secretary of State submitted to the Senate and to the Committee on Foreign Relations with respect to the application pursuant to section 401 of this Act, except that, if the President does not agree with the Secretary of State with respect to the information submitted in the case of any such application, the President shall be entitled to have the matter referred to the President for resolution.

(b) EXCEPTION.—Except as herein provided, the provisions of this section shall not apply with respect to exports to countries that are members of the North Atlantic Treaty Organization or to Japan, Australia, or New Zealand, or to such other countries as the President shall designate consistent with the purposes of this section and section 302B of the Arms Export Control Act of 1961 (22 U.S.C. 2324). The provisions of subsection (a) shall apply with respect to exports of any of the items identified in subsection (c).

(r) INFORMATION TO BE INCLUDED IN NOTIFICATION.—The Secretary and the Secretary of State shall include in the notification required by subsection (b) a report describing the aggregate number of licenses approved during the preceding calendar year for the export of any of the items identified in subsection (c) for the following paragraphs identified by country and control list number:

(1) Seized, smuggled, or other authorization to export a controlled item.

(2) Leg cuffs, leg shackles, and chemical weapons.

(3) Technology internationally recognized as a specially designed instrument of torture.

(4) Chemical weapons.

(5) Limited to the extent to which the existing export control was in effect on the date of enactment of the Antiterrorism and Arms Export Amendments Act of 1989, and shall be published in the Federal Register.

(6) Any other item or technology the Secretary determines is a specially designed instrument of torture.

TITLES IV—PROCEDURES FOR EXPORT LICENSES AND INTERAGENCY DISPUTE RESOLUTION.

SEC. 401. EXPORT LICENSE PROCEDURES.

(a) RESPONSIBILITY OF THE SECRETARY.—(1) In General.—All applications for a license to export an item or equipment controlled under this Act shall be filed in such manner and include such information as the Secretary may, by regulation, prescribe.

(b) PROCEDURES.—In promulgating regulations that implement this section, the Secretary shall describe the procedures required by this section, the responsibilities of the Secretary and of other departments and agencies in reviewing applications, the rights of the applicant, and other relevant matters affecting the review of license applications.

SEC. 402. CRIME CONTROL AND DETECTION INSTRUMENTS.

(a) RESPONSIBILITY OF THE SECRETARY.—(1) In General.—All applications for a license to export a controlled item shall be filed in such manner and include such information as the Secretary may, by regulation, prescribe.

(b) PROCEDURES.—In promulgating regulations that implement this section, the Secretary shall describe the procedures required by this section, the responsibilities of the Secretary and of other departments and agencies in reviewing applications, the rights of the applicant, and other relevant matters affecting the review of license applications.

(c) CALCULATION OF PROCESSING TIMES.—Because crime control and detection instruments and equipment shall be approved for export by the Secretary only pursuant to an individual export license, the Secretary shall not be responsible for determining whether an application is complete. After determining whether an application is complete, the Secretary shall assign an application for review to the appropriate division of the Bureau of Industry and Security for evaluation.

(d) EVALUATING APPLICATIONS.—In determining whether to grant an application to export a controlled item under this Act, the Secretary shall take into consideration the following factors:

(1) the characteristics of the controlled item;

(2) the threat to national security interests of the United States from items controlled under title II of this Act; or
(ii) the foreign policy of the United States from items controlled under title III of this Act.

(C) The country tier designation of the country to which an item controlled item is to be exported pursuant to section 203.

(D) The risk of export diversion or misuse by

(i) the exporter;

(ii) the method of export;

(iii) the end-user;

(iv) the country where the end-user is located;

(v) the end-use;

(E) Risk mitigating factors including, but not limited to,

(i) changing the characteristics of the controlled item;

(ii) after-market monitoring by the exporter;

(iii) post-shipment verification.

(b) Initial Screening.—

(1) Upon Receipt of Application.—Upon receipt of an export license application, the Secretary shall enter and maintain in the records of the Department information regarding the receipt and status of the application.

(2) Initial Procedures.—

(A) In General.—Not later than 9 days after receiving any license application, the Secretary shall—

(i) contact the applicant if the application is improperly completed or if additional information is needed to hold the application for a reasonable time while the applicant provides the necessary corrections or information, and such time shall not be included in calculating the time periods prescribed in this title; and

(ii) upon receipt of completed application—

(I) ensure that the classification stated on the application for the export items is correct;

(II) refer the application, through the use of a common data-base or other means, and all information submitted by the applicant, and all necessary recommendations and analyses by the Secretary to the Secretary of Defense, the Secretary of State, and the heads of any other departments and agencies the Secretary considers appropriate; or

(III) return the application if a license is not required.

(B) Referral Not Required.—In the event that the head of a department or agency determines that certain types of applications need not be referred to the department or agency, such department or agency head shall notify the Secretary of the specific types of such applications that the department or agency does not wish to review.

(C) Withholding of Application.—An applicant may, by written notice to the Secretary, withdraw an application at any time before final action.

(d) Action by Other Departments and Agencies.—

(1) Referral to Other Agencies.—The Secretary shall promptly refer a license application to the departments and agencies under subsection (b) to make recommendations and provide information to the Secretary.

(2) Responsibility of Referral Departments and Agencies.—The Secretary of Defense, the Secretary of State, and the heads of other reviewing departments and agencies shall take all necessary actions in a prompt and responsible manner on an application. Each department or agency reviewing an application under this section shall establish and maintain records properly identifying and monitoring the status of the matter referred to the department or agency.

(3) Applications or Agency Requests.—Each department or agency to which a license application is referred shall specify to the Secretary any information that is not in the application that would be required for the department or agency to make a determination with respect to the application. The department or agency shall request such information from the applicant.

(e) Time for Action by Referral Departments and Agencies.—Within 30 days after the Secretary refers an application or makes a referral, the department or agency to which an application has been referred shall provide the Secretary with a recommendation either to approve the license or to deny the license. A recommendation that the Secretary deny a license shall include a statement of reasons for the recommendation that are consistent with the provisions of this title, and shall cite both the specific statutory and regulatory basis for the recommendation. A department or agency that fails to provide a recommendation in accordance with this paragraph within that 30-day period shall be deemed to have no objection to the decision of the Secretary on the application.

(d) Action by the Secretary.—Not later than 30 days after the date the application is referred, the Secretary shall—

(1) if there is agreement among the referral departments and agencies to issue or deny the license—

(A) issue the license and ensure all appropriate personnel in the Department (including the Office of Export Enforcement) are notified of all approved license applications; or

(B) notify the applicant of the intention to deny the license; or

(2) if there is no agreement among the referral departments and agencies to issue or deny the license—

(A) issue the license and ensure all appropriate personnel in the Department (including the Office of Export Enforcement) are notified of all approved license applications; or

(B) notify the applicant of the intention to deny the license; and

(C) request the applicant to respond in a manner that addresses and corrects the reasons for the denial. If the applicant does not adequately address or correct the reasons for denial, the Secretary shall consider such information in denying the application;

(E) the availability of appeal procedures.

(2) Period for Applicant to Respond.—The applicant shall have 20 days from the date of the notice to respond to the application in accordance with the applicable regulations. In any case in which the applicant proposes to reverse the decision with respect to the application, the appeal under this subsection shall be handled in accordance with the interagency dispute resolution process provided for in section 402(b)(3).

(3) Enforcement of Time Limits.—

(A) In General.—In any case in which an action prescribed in paragraph (2) or assurances described in paragraph (3) are not taken on an application within the time period established by this section (except in the case of a time period extended under subsection (c)(3)(A) of which the applicant may file a petition with the Secretary requesting compliance with the requirements of this section. When such petition is filed, the Secretary shall take immediate steps to correct the situation giving rise to the petition and shall immediately notify the applicant of such steps.

(B) Bringing Court Action.—If, within 20 days after a petition is filed under subparagraph (A), the processing of the application has not been brought into conformity with the requirements of section 402(b)(3), the court shall enter an order compelling the Secretary to begin the review of the application in accordance with the court's judgment and such time that may elapse between the date the application is received by that department or agency shall not be included in calculating the time periods prescribed in this title.

(f) Exclusions from Required Time Periods.—The following actions related to processing an application shall not be included in calculating the time periods prescribed in this section:

(1) Agreement of the Applicant.—Delays upon which the Secretary and the applicant mutually agree.

(2) Preliminary Checks.—A preliminary check (for a period not to exceed 60 days) that may be required to establish the identity and reliability of the recipient of items controlled under this Act, if

(A) the need for the preliminary check is determined by the Secretary or by another department or agency in any case in which the request for the preliminary check is made by such department or agency;

(B) the request for the preliminary check is initiated by the Secretary within 5 days after the determination that the preliminary check is required; and

(C) the analysis of the result of the preliminary check is completed by the Secretary within 5 days.

(3) Requests for Government-to-Government Assurances.—Any request by the Secretary or another department or agency for government-to-government assurances of suitable end-uses of items approved for export, when failure to obtain such assurances would result in rejection of the application, if

(A) the request for such assurances is sent to the Secretary of State within 5 days after the determination that the assurances are required;

(B) the Secretary of State initiates the request of the relevant government within 10 days thereafter; and

(C) the license is issued within 5 days after the Secretary receives the requested assurances.

(4) Exception.—Whenever a preliminary check described in paragraph (2) or assurances described in paragraph (3) are not requested within the time periods set forth therein, then the time expended for such check or assurances shall be included in calculating the time periods established by this section.
(5) MULTILATERAL REVIEW.—Multilateral review of a license application to the extent that such multilateral review is required by a relevant multilateral regime.

(6) NOTIFICATION.—Such time as is required for mandatory congressional notifications under this Act.

(7) CONSULTATIONS.—Consultation with foreign equivalents, if such consultation is provided for by a relevant multilateral regime as a precondition for approving a license.

(b) CLASSIFICATION REQUESTS AND OTHER INQUIRIES.—

(1) CLASSIFICATION REQUESTS.—In any case in which the Secretary receives a written request for information under this Act, the Secretary shall, within 30 days after receiving the request, notify with that information to the person making the request.

Sec. 402. INTERAGENCY DISPUTE RESOLUTION PROCESS.

(a) IN GENERAL.—All license applications on which agreement cannot be reached shall be referred to the interagency dispute resolution process for decision.

(b) INTERAGENCY DISPUTE RESOLUTION PROCESS.—

(1) INITIAL RESOLUTION.—The Secretary shall establish, select the chairperson of, and determine the membership of, an interagency dispute committee to review initially all license applications described in subsection (a) with respect to which the Secretary and any of the referral departments and agencies are not in agreement. The chairperson shall consider the positions of all the referral departments and agencies (which shall be included in the minutes described in subsection (c)(2)) and make a decision on the license application, including appropriate revisions or conditions therein.

(2) INTELLIGENCE COMMUNITY.—The analytic product of the intelligence community should be fully considered with respect to any potential licencing under this title that is deemed to have an objection to the pending decision.

(3) FURTHER PROCESS.—The President shall establish additional levels for review or appeal of any matter that cannot be resolved pursuant to the process described in paragraph (1). Each such review shall—

(A) provide for decision-making based on the majority vote of the participating departments and agencies; and

(B) provide that a department or agency that fails to take a timely position, citing the specific statutory and regulatory bases for a determination, be deemed to have no objection to the pending decision;

(C) provide that any decision of an interagency committee established under paragraph (1) or interagency dispute resolution process established under this paragraph may be escalated to the next higher level of review at the request of an official appointed by the President, by and with the advice of the Senate, or an officer properly acting in such capacity, of a department or agency that participated in the interagency committee or interagency dispute resolution process that made the decision; and

(D) ensure that matters are resolved or referred to the President not later than 90 days after the date of receipt of a license application is referred by the Secretary.

(c) FINAL ACTION.—

(1) IN GENERAL.—Once a final decision is made under subsection (b), the Secretary shall promptly—

(A) issue the license and ensure that all applicable procedures are followed in implementing the office of Export Enforcement are notified of all approved license applications; or

(B) notify the applicant of the intention to deny the application.

(2) MINUTES.—The interagency committee and each level of the interagency dispute resolution process shall keep reasonably detailed minutes of all meetings. On each matter before the interagency committee or before any other level of the interagency dispute resolution process, each member who disagrees shall clearly state the reasons for the member’s position and the reasons shall be entered in the minutes.

Sec. 501. INTERNATIONAL ARRANGEMENTS.

(a) MULTILATERAL EXPORT CONTROL REGIMES.—

(1) POLICY.—It is the policy of the United States to seek multilateral arrangements that support the national security objectives of the United States, including the following:

(a) grant export licenses for any item that is substantially identical to or directly competitive with an item included in a non-multilateral export control regime, if the item is not included in a non-multilateral export control regime; and

(b) approve exports to a particular end user to which the United States has denied export license for such item.

(b) ANNUAL REPORT ON MULTILATERAL EXPORT CONTROL REGIMES.—

(1) REPORT.—The President shall submit to the Senate, not later than February 1 of each year, a report on the steps undertaken pursuant to subsection (c)(2) and (d) of the report, or any part thereof, in the form prescribed by the President for the purpose of coordinating export control policies and insulaling policy guidance to members of the regime.

(2) COMMON LIST OF CONTROLLED ITEMS.—

If there is agreement on a common list of items controlled by the multilateral export control regime.

(3) REGULAR UPDATES OF COMMON.—

There is a procedure for removing items from the list of controlled items when the control of such items no longer serves the objectives of the members of the multilateral export control regime.

(4) TREATMENT OF CERTAIN COUNTRIES.—

There is agreement to prevent the export or diversion of the most sensitive items to countries whose activities are threatening to the national security of the United States or its allies.

(5) HARMONIZATION OF LICENSE APPROVAL PROCEDURES.—

There is harmonization among the member countries of the multilateral export control law, national export license approval procedures, practices, and standards.

(6) UNDERCUTTING.—

There is a limit with respect to when members of a multilateral export control regime—

(A) cooperate with governments outside the regime to restrict the export of items controlled by such regime; and

(B) establish an ongoing mechanism in the regime to control policies and insulaling policy guidance to members of the regime.

(7) COMMON LIST OF CONTROLLED ITEMS.—

There is agreement on a common list of items controlled by the multilateral export control regime.

(8) REGULAR UPDATES OF COMMON.—

There is a procedure for removing items from the list of controlled items when the control of such items no longer serves the objectives of the members of the multilateral export control regime.

(9) STRENGTHEN EXISTING REGIMES.—

The regime promotes enforcement of the regime to restrict the export of items controlled by such regime; and

Strengthen existing multilateral export control regime.

(10) STRENGTHEN EXISTING REGIMES.—

The regime promotes enforcement of the regime to restrict the export of items controlled by such regime; and

Strengthen existing multilateral export control regime.
SEC. 502. FOREIGN BOYCOTTS.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To counteract restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person.

(2) To encourage and, in specified cases, require United States persons engaged in the export of items to refuse to take actions, including furnishing information, or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by foreign countries against a country friendly to the United States or against any United States person.

(b) PROHIBITIONS AND EXCEPTIONS.—

(1) Prohibitions.—In order to carry out the purposes set forth in subsection (a), the President shall issue regulations prohibiting any United States person, with respect to that person’s activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country that is friendly to the United States or against any United States person or to refuse, to employ or otherwise discriminate against any person or entity, to any business concern organized under the laws of the boycotting country, with any national or resident of the boycotting country, or to any other person, pursuant to an agreement with, or requirement of, or a request from or on behalf of the boycotting country (subject to the condition that the request required to be associated with such an act in order to constitute a violation of the prohibition is not isolated but is part of a business relationship with or in the boycotting country, with any business concern organized under the laws of the boycotting country, with any national or resident of the boycotting country, or with any other person).

(2) Exceptions.—(A) National security concerns; (B) the controllability of items; and (C) laws of foreign countries.

(3) Evasion.—(A) compliance, or agreement to comply, with import and shipping document requirements with respect to any country, the name of the origin or destination of the shipment, the name of the shipper, consignee, or the name or address of any person with respect to the country of origin or destination, the name of the carrier and route of shipment, any other information required pursuant to this subparagraph, or any other provision of this section, shall constitute grounds for refusal to issue any permit, license, or other authorization permitted by this section.

(4) Antitrust and civil rights laws not to be construed to supersede or limit the operation of any provision of this section, shall not be construed to supersede or limit the operation of any provision of the antitrust or civil rights laws of the United States.

(F) Paying, honoring, confirming, or otherwise furnishing or entering into or implementing a letter of credit, any draft, or any other instrument, for the purpose of effecting payment or delivery of goods or services, except that, for purposes of this section, the mere presence of a letter of credit in the name of the boycott country or items produced or provided, by any business concern organized under the laws of the boycott country or by nationals or residents of the boycotting country; or

(G) Furnishing or effecting any transfer of funds to the boycott country for the purpose of effecting payment or delivery of goods or services, except that, for purposes of this section, the mere presence of funds in the name of the boycott country or items produced or provided, by any business concern organized under the laws of the boycott country or by nationals or residents of the boycotting country; or

(H) of paragraph (1) with respect to the regulations issued pursuant to paragraph (1) shall provide exceptions for—

(A) compliance, or agreement to comply, with import and shipping document requirements with respect to the country of origin, the name of the origin or destination of the shipment, the name of the shipper, consignee, or the name or address of any person with respect to the country of origin or destination, the name of the carrier and route of shipment, the name of the supplier of the shipment, the name of the provider of other services, except that, for purposes of applying an exception under this subparagraph, no information knowingly furnished or conveyed in response to such requirements may be stated in blacklisting, or similar exclusionary terms, with respect to carriers or route of shipment as may be permitted by such regulations in order to comply with precautionary requirements protecting against war risks and confiscation.

(C) compliance, or agreement to comply, in the normal course of business with the unilateral and specific selection by a boycotting country, or a national or resident thereof, or carriers, insurers, suppliers of services to be performed within the boycotting country, or specific items within the boycotting country, as may be permitted by such regulations in order to comply with precautionary requirements protecting against war risks and confiscation.

(D) compliance, or agreement to comply, with export requirements of the boycotting country relating to shipping or transshipment of exports to the boycotting country, to any business concern of or organized under the laws of the boycotting country, or to any national or resident of the boycotting country.

(E) compliance by an individual, or agreement by an individual to comply, with the immigration or passport requirements of any country with respect to such individual, or any member of such individual’s family or with requests for information regarding requirements of employment of such individual within the boycotting country.

(F) compliance by a United States person resident in a foreign country, or agreement by such a person to comply, with the laws of any country with respect to that person’s activities exclusively therein, and such regulations may contain exceptions for such resident complying with the laws or regulations of any country, including furnishing or entering into such country of trademarked, traded, or similar specifically identifiable products, or components of products for such person’s own use, including the purchase of contractual services within that country.

(3) LIMITATION ON EXCEPTIONS.—Regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) ANTITRUST AND CIVIL RIGHTS LAWS NOT AFFECTED.—Nothing in this subsection may be construed to supercede or affect the operation of the antitrust or civil rights laws of the United States.

(E) Evasion.—This section applies to any person, with respect to any transaction or activity within the United States of a person or any other person with intent to evade the provisions of
this section or the regulations issued pursuant to this subsection. The regulations issued pursuant to this section shall expressly provide that the exceptions set forth in paragraph (A) do not apply to any of the exceptions set forth in this subsection.

(c) ADDITIONAL REGULATIONS AND REPORTS.—

(1) REGULATIONS.—In addition to the regulations issued pursuant to subsection (b), the regulations issued pursuant to title III shall implement the purposes set forth in subsection (a).

(2) REPORTS BY UNITED STATES PERSONS.—

The regulations shall require that any person that the Secretary determines is appropriate shall furnish summaries of the information contained in the reports filed pursuant to this paragraph to the Secretary a statement regarding whether the Secretary determines appropriate.

(d) PAYMENT OF CIVIL PENALTIES.—

(1) CIVIL PENALTIES.—The Secretary may issue, or authorize any person acting as an attorney, accountant, consultant, freight forwarder, or in any other representative capacity during the Department, a certificate of civil penalty that is the subject of a civil penalty imposed under this section, or with respect to any property that may be subject to forfeiture under this section, shall be governed by the provisions of chapter 46 of title 18, United States Code (relating to criminal forfeitures), to the same extent as property subject to forfeiture under this Act.

(2) DENIAL OF EXPORT PRIVILEGES.—The Secretary may deny the export privileges of any person, including the suspension or revocation of the authority of such person to export or receive United States-origin items subject to this Act, for a violation of a provision of this Act or any regulation, license, or order issued under this Act. A civil penalty under this paragraph may be imposed in lieu of, or in addition to, any other liability or penalty which may be imposed for such a violation.

(e) PROHIBITION ON ACTIONS FOR REFUND.—

Any person who is convicted of an offense under this chapter may not receive a refund of any criminal penalty imposed under this Act or any regulation, license, or order issued under this Act.

(f) PAYMENT AS CONDITION OF FURTHER EXPORT PRIVILEGES.—

The payment of a civil penalty imposed under this section, or with respect to any property that may be subject to forfeiture under this section, shall, upon the return of the indictment alleging a violation under this section, may not be instigated by a person convicted of an offense under this Act or any regulation, license, or order issued under this Act.

(g) STATUTE OF LIMITATIONS.—

The statute of limitations under paragraph (1) with respect to any person related through consanguinity, affinity, ownership, control, or position of responsibility to a person convicted of any violation of a law set forth in paragraph (1) upon a showing of such relationship with the person seeking relief or the Secretary of state, or the Attorney General, shall make such showing only after providing notice and opportunity for a hearing.

(h) EXEMPTION.—

The Secretary may exercise the authority under paragraph (1) with respect to any person related through consanguinity, affinity, ownership, control, or position of responsibility to a person convicted of any violation of a law set forth in paragraph (1) or (2) to exceed 10 years from the date of discovery of the alleged violation.

(i) RELATED PERSONS.—

The Secretary may, at the discretion of the Secretary, be denied export privileges under this Act for a period not to exceed 10 years from the date of the conviction. The Secretary may also revoke any export license under this Act in which such person had an interest at the time of the conviction.

(j) RELATED PENALTIES.—

The Secretary may exercise the authority under paragraph (1) with respect to any person related through consanguinity, affinity, ownership, control, or position of responsibility to a person convicted of any violation of a law set forth in paragraph (1) or (2) to exceed 10 years from the date of the conviction.

(k) PROHIBITION ON ACTIONS FOR REFUND.—

Any person who is convicted of an offense under this Act or any regulation, license, or order issued under this Act may not receive a refund of any criminal penalty imposed under this Act or any regulation, license, or order issued under this Act.

(l) PAYMENT AS CONDITION OF FURTHER EXPORT PRIVILEGES.—

The payment of a civil penalty imposed under this section, or with respect to any property that may be subject to forfeiture under this section, shall, upon the return of the indictment alleging a violation under this section, may not be instigated by a person convicted of an offense under this Act or any regulation, license, or order issued under this Act.

(m) PAYMENT AS CONDITION OF FURTHER EXPORT PRIVILEGES.—

The payment of a civil penalty imposed under this section, or with respect to any property that may be subject to forfeiture under this section, shall, upon the return of the indictment alleging a violation under this section, may not be instigated by a person convicted of an offense under this Act or any regulation, license, or order issued under this Act.

(n) PAYMENT AS CONDITION OF FURTHER EXPORT PRIVILEGES.—

The payment of a civil penalty imposed under this section, or with respect to any property that may be subject to forfeiture under this section, shall, upon the return of the indictment alleging a violation under this section, may not be instigated by a person convicted of an offense under this Act or any regulation, license, or order issued under this Act.
SEC. 504. MISSILE PROLIFERATION CONTROL VIOLATIONS.

(a) VIOLATIONS BY UNITED STATES PERSONS.—

(1) SANCTIONS.—

(A) IN GENERAL.—If the President determines that a United States person knowingly—

(i) exports, transfers, or otherwise engages in the trade of any item on the MTCR Annex, in violation of the provisions of section 503(c) of the Arms Export Control Act, title II or III of this Act, or any regulations or orders issued under any such provisions;

(ii) facilitates such export, transfer, or trade by any other person, then the President shall impose the applicable sanctions described in subparagraph (B).

(B) SANCTIONS DESCRIBED.—The sanctions which apply to a United States person under subparagraph (A) are the following:

(i) if the item involved in the export, transfer, or trade is within category II of the MTCR Annex, then the President shall deny, for a period of not less than 2 years, licenses for the transfer to such foreign person of missile equipment or technology the export of which is controlled under this Act.

(ii) if the item involved in the export, transfer, or trade is within category I of the MTCR Annex, then the President shall deny, for a period of not less than 2 years, licenses for the transfer to such foreign person of items the export of which is controlled under this Act.

(iii) if, in addition to actions taken under clauses (i) and (ii), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an MTCR adherent, then the President shall so notify Congress not less than 20 days before entering into any MTCR adherent and any other person or entity that such waiver is essential to the national security of the United States; and

(iv) if, in addition to actions taken under clauses (i) and (ii), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an MTCR adherent, then the President shall so notify Congress not less than 20 days before entering into any MTCR adherent and any other person or entity that such waiver is essential to the national security of the United States; and

(C) such person is a sole source supplier of missile equipment or technology; and

(D) the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

(2) INAPPLICABILITY WITH RESPECT TO MTCR ADHERENTS.—Paragraph (1) does not apply with respect to—

(A) any export, transfer, or trade activity that is authorized by the laws of an MTCR adherent, if such authorization is not obtained by misrepresentation or fraud; or

(B) any export, transfer, or trade of an item to an end user in a country that is an MTCR adherent.

(3) EFFECT OF ENFORCEMENT ACTIONS BY MTCR ADHERENTS.—Sanctions set forth in paragraph (1) may not be imposed under this subsection on a person with respect to acts described in such paragraph or, if such sanctions are in effect on such person, on account of such acts, such sanctions shall be terminated, if an MTCR adherent is taking a similar action against that person with respect to such acts, or that person has been found by the government of an MTCR adherent to be innocent of wrongdoing.

(4) ADVISORY OPINIONS.—The Secretary, in consultation with the Secretary of State and the Secretary of Defense, may, upon the request of a person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this subsection. Any advisory opinion issued by the Secretary shall be based on such an advisory opinion which states that the proposed activity would not subject that person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

(b) TRANSFERS OF MISSILE EQUIPMENT OR TECHNOLOGY BY FOREIGN PERSONS.—

(1) SANCTIONS.—

(A) IN GENERAL.—Subject to paragraphs (3) through (7), if the President determines that a foreign person, after the date of enactment of this Act—

(i) exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology that contributes to the design, development, or production of missiles or missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act, (ii) conspires to or attempts to engage in such export, transfer, or trade, or (iii) facilities the export, transfer, or trade by any other person,

or if the President has made a determination with respect to a foreign person under section 503(c) of the Arms Export Control Act, then the President shall impose on that foreign person the applicable sanctions under subparagraph (B).

(B) SANCTIONS DESCRIBED.—The sanctions which apply to a foreign person under subparagraph (A) are the following:

(i) if the item involved in the export, transfer, or trade is within category II of the MTCR Annex, then the President shall deny, for a period of not less than 2 years, licenses for the transfer to such foreign person of missile equipment or technology the export of which is controlled under this Act.

(ii) if the item involved in the export, transfer, or trade is within category I of the MTCR Annex, then the President shall deny, for a period of not less than 2 years, licenses for the transfer to such foreign person of items the export of which is controlled under this Act.

(iii) if, in addition to actions taken under clauses (i) and (ii), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an MTCR adherent, then the President shall so notify Congress not less than 20 days before entering into any MTCR adherent and any other person or entity that such waiver is essential to the national security of the United States; and

(iv) if, in addition to actions taken under clauses (i) and (ii), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an MTCR adherent, then the President shall so notify Congress not less than 20 days before entering into any MTCR adherent and any other person or entity that such waiver is essential to the national security of the United States; and

(c) VIOLATIONS.—

(1) WAIVER.—The President may waive the imposition of sanctions under paragraph (1) on a person with respect to a product or service if the President certifies to the Congress that—

(A) the product or service is essential to the national security of the United States; and

(B) such person is a sole source supplier of the product or service, or product or service is available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

(2) EXCEPTIONS.—The President shall not apply the sanction under this subsection prohibiting the importation of the products of a foreign person—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts including the trade in raw materials or components for production quantities to satisfy requirements essential to the national security of the United States;

(ii) to a foreign person to whom the President determines that the person to which such the sanctions would be applied is a sole source supplier of the defense articles and services, that the defense articles or services are essential to the national security of the United States, and that alternative sources are not readily or reasonably available; or

(iii) the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements or NATO Agreements of Cooperation.

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanctions; or

(C) to—

(i) spare parts,

(ii) component parts, but not finished products essential to United States products or production,

(iii) routine services and maintenance of products, to the extent that alternative services are not readily or reasonably available, or

(iv) information and technology essential to United States products or production.

(d) DEPARTMENT.—

(1) MISSILE.—The term ‘‘missile’’ means a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems.

(2) MISSILE TECHNOLOGY CONTROL REGIME.—The term ‘‘MTCR’’ means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto. The term ‘‘MTCR adherent’’ means a country that participates in the MTCR or that, pursuant to an international understanding to which the United States is a party, commits to the standards of the MTCR in accordance with the criteria and standards set forth in the MTCR.

(3) MTCR ANNEX.—The term ‘‘MTCR Annex’’ means the Guidelines and Equipment and Technology Annex of the MTCR, and any amendments thereto.
II of the MTCR Annex.

(4) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination.

(5) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination if that affiliate is controlled in fact by that foreign person.

(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) or if a foreign person, Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with the government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following the consultations, the President shall impose sanctions to the extent the President determines and certifies to Congress that government has taken specific and effective actions, including imposition of penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay imposition of sanctions for up to 90 days if the President determines and certifies to Congress that government has taken specific and effective actions.

(3) REPORT TO CONGRESS.—The President shall report to Congress, not later than 90 days after making a determination under this subsection, the basis for that determination with primary jurisdiction over that foreign person.

(c) SANCTIONS.—

(1) DETERMINATION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2), the same as those set forth in part II of the MTCR Annex.

(2) EXCEPTIONS.

(A) Policy guidance on enforcement.

The President, in consultation with, the Secretary of the Treasury and the heads of other departments and agencies that the Secretary considers appropriate, shall be responsible for providing policy guidance on the enforcement of this Act.

(B) Customs service.

In carrying out enforcement authorities under paragraph (1), the Commissioner of Customs and employees of the United States Customs Service designated by the Commissioner may make inspections within the United States and at ports of entry into or exit from the United States where officers of the...
United States Customs Service are authorized by law to carry out law enforcement responsibilities. Subject to paragraph (3), the United States Customs Service is authorized, in carrying out this Act, to search (after search), and seize items at the ports of entry into or exit from the United States where officers of the United States Customs Service are authorized by law to conduct searches, detentions, and seizures, and at the places outside the United States where the United States Customs Service, pursuant to other arrangements with other countries, is authorized to perform enforcement activities.

(b) In carrying out enforcement authority under paragraph (3), the Secretary and officers and employees of the Department designated by the Secretary may carry out investigations within the United States, and may conduct, outside the United States, pre-license and post-shipment verifications of controlled items and investigations in the enforcement of section 562. The Secretary and officers and employees of the Department designated by the Secretary are authorized to search, detain (after search), and seize items at the ports other than ports referred to in subparagraph (B). The search, detention (after search), or seizure of items at the ports referred to in subparagraph (B) may be conducted by officers and employees of the Department only with the concurrence of the Commissioner of Customs or a person acting as the Commissioner of Customs.

(d) AGREEMENTS AND ARRANGEMENTS.—The Secretary and the Commissioner of Customs may enter into agreements and arrangements for the enforcement of this Act, including foreign investigations and information exchange.

(2) APPLICABLE LAWS.—Those provisions of law relating to seizures and forfeitures, and other laws.

(B) funds made available for export enforcement under this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 648 of title 18, United States Code, and section 3302 of title 31, United States Code.

(C) funds made available for export enforcement under this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 648 of title 18, United States Code, and section 3302 of title 31, United States Code; and

(D) the proceeds from undercover operations may be used to offset necessary and reasonable expenses for undercover operations without regard to the provisions of section 3302 of title 31, United States Code, if the Director of OEE (or an officer or employee designated by the Director) certifies, in writing, that the action authorized by paragraph (A), (B), (C), or (D) for which the funds would be used is necessary for the conduct of the undercover investigation.

(2) DISPOSITION OF BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover operation has a net value of $250,000 or more, and is to be liquidated, sold, or otherwise disposed of, the Director of OEE shall report the circumstances to the Secretary and the Comptroller General of the United States as much in advance of such disposition as the Director of OEE (or the Director's designee) determines is practicable. The proceeds of the disposition of, sale, or liquidation of such property, after obligations incurred by the corporation or business enterprise are met, shall be deposited in the Treasury of the United States, and the proceeds from the sale thereof shall be disposed of as surplus government property.
Secretary shall submit to Congress a report on the results of the audit in writing to the Secretary. Not later than 180 days after an undercover operation is closed, the Secretary shall submit to Congress a report on the results of the audit.

(b) REPORT.—The Secretary shall submit an annual report, which may be included in the annual report under section 701, specifying the following information:

(i) The number of undercover investigative operations pending as of the end of the period for which such report is submitted.

(ii) The number of undercover investigative operations commenced in the 1-year period preceding the period for which such report is submitted.

(iii) The number of undercover investigative operations closed in the 1-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained and any civil claims made with respect to such investigations.

(5) DEFINITIONS.—For purposes of paragraph (4):

(A) the term ‘‘closed’’, with respect to an undercover investigative operation, refers to the earliest point in time at which all criminal proceedings (other than appeals) pursuant to the investigative operation are concluded or the activities pursuant to such operation are concluded, whichever occurs later; and

(B) the terms ‘‘undercover investigative operation’’ and ‘‘undercover operation’’ mean any undercover investigative operation conducted by the OEE—

(i) in which the gross receipts (excluding interest earned) exceed $75,000, and

(ii) which is exempt from section 9302 or 9102 of title 31, United States Code, except that clauses (i) and (ii) shall not apply with respect to the report to Congress required by paragraph (3).

(e) WIRETAPS.—

(1) AUTHORITY.—Interceptions of communications in accordance with section 2516 of title 18, United States Code, are authorized to further the enforcement of this Act.

(2) CONFORMING AMENDMENT.—Section 2516(1) of title 18, United States Code, is amended by adding at the end the following:—

‘‘(q)(i) any violation of, or conspiracy to violate, the Export Administration Act of 2001 or the Export Administration Act of 1979.’’

(f) POST-SHIPMENT VERIFICATION.—The Secretary shall target post-shipment verifications to exports involving the greatest risk of diversion.

(g) REFUSAL TO ALLOW POST-SHIPMENT VERIFICATION.

(1) IN GENERAL.—If an end-user refuses to allow post-shipment verification of a controlled item, the Secretary shall deny a license for the export of any controlled item to such end-user until such post-shipment verification occurs.

(2) RELATED PERSONS.—The Secretary may exercise the authority under paragraph (1) with respect to an end-user related through affiliation, ownership, control, or position of responsibility, to any end-user refusing to allow post-shipment verification of a controlled item.

(3) REFUSAL BY COUNTRY.—If the country in which the end-user is located refuses to allow post-shipment verification of a controlled item, the Secretary may deny a license for the export of that item, any substantially identical or directly competitive item, or funds for compliance with the terms of such license.

(h) F REIGHT FORWARDERS BEST PRACTICES PROGRAM AUTHORIZATION.

There is authorized to be appropriated for the Department of Commerce $4,500,000 and such sums as may be necessary to develop and implement a ‘‘best practices’’ program to ensure that exports of controlled items are undertaken in compliance with this Act.

(i) END-USE VERIFICATION AUTHORIZATION.

(1) IN GENERAL.—There is authorized to be appropriated for the Department of Commerce $4,500,000 and such sums as may be necessary to hire 10 additional overseas investigators to assist United States freight forwarders and other interested persons in developing and implementing, on a voluntary basis, a ‘‘best practices’’ program to ensure that exports of controlled items are undertaken in compliance with this Act.

(ii) TRAINING.

(A) The activities of the overseas investigators of the Department.

(B) The types of goods and technologies that were subject to end-use verification.

(C) The ability of the Department’s investigators to detect the illegal transfer of high-risk, dual-use goods and technologies.

(j) ENFORCEMENT WITH UNITED STATES CUSTOMS SERVICE.—Consistent with the purposes of this Act, the Secretary is authorized to undertake, in cooperation with the United States Customs Service, such measures as may be necessary or required to enhance the ability of the United States to detect unlawful exports and to enforce violations of this Act.

(k) AUTHORIZATION FOR BUREAU OF EXPORT ADMINISTRATION.

There is authorized to be appropriated for the Bureau of Export Administration $2,000,000, to be available until expended, to hire additional license review officers.

(2) TRAINING.—There is authorized to be appropriated for the Bureau of Export Administration $2,000,000, to be available until expended, to conduct professional training of license review officers, auditors, and investigators conducting post-shipment verification checks. These funds shall be used—

(A) to train and certify, through a formal program, new employees entering these positions for the first time; and

(B) the ongoing professional training of experienced employees on an as needed basis.

(l) AUTHORIZATION.

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Commerce $2,000,000, to be available until expended, to conduct professional training of license review officers, auditors, and investigators conducting post-shipment verification checks.

(i) ANNUAL REPORT TO CONGRESS.—There is authorized to be appropriated for the Department of Commerce $5,000,000 and such sums as may be necessary to—

(A) prepare an annual report to Congress for the first fiscal year after the fiscal year of appropriation

(B) conduct a comprehensive audit of the export enforcement and compliance activities of the Bureau of Export Administration; and

(C) appoint a special assistant to the Secretary to report to Congress on the effectiveness of the Bureau’s export enforcement and compliance activities.

(ii) ANNUAL REPORT TO CONGRESS.—There is authorized to be appropriated for the Department of Commerce $5,000,000 and such sums as may be necessary to conduct an annual audit of the export enforcement and compliance activities of the Bureau of Export Administration.

(ii) ANNUAL REPORT TO CONGRESS.—There is authorized to be appropriated for the Department of Commerce $15,000,000 and such sums as may be necessary to—

(A) prepare an annual report to Congress on the effectiveness of the Bureau’s export enforcement and compliance activities.

(B) conduct a comprehensive audit of the export enforcement and compliance activities of the Bureau of Export Administration; and

(C) appoint a special assistant to the Secretary to report to Congress on the effectiveness of the Bureau’s export enforcement and compliance activities.

(m) AUTHORIZATION FOR BUREAU OF EXPORT ADMINISTRATION.

The Secretary may authorize, without fiscal year limitation, the expenditure of funds transferred to, paid to, or received by, or made available to the Bureau of Export Administration as a reimburse-
ALTIES AND SANCTIONS.

SEC. 507. ADMINISTRATIVE PROCEDURE.

(a) EXEMPTIONS FROM ADMINISTRATIVE PROCEDURE.—Except as provided in this section, the findings and decisions of the Secretary on any matter under this Act shall be subject to review.

(b) PROCEDURES RELATING TO CIVIL PENALTIES AND SANCTIONS.—

(1) ADMINISTRATIVE PROCEDURES.—Any administrative sanction imposed under section 503 shall be subject to judicial review in accordance with sections 554 through 557 of title 5, United States Code. The imposition of any such administrative sanction shall be subject to judicial review in accordance with sections 701 through 706 of title 5, United States Code, except that the requirements in the United States Court of Appeals for the District of Columbia Circuit, which shall have jurisdiction of the appeal.

(2) AVAILABILITY OF CHARGING LETTER.—Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the regulations issued under section 502 shall be made available for public inspection and copying.

(c) COLLECTION.—If any person fails to pay a civil penalty imposed under section 503, the Secretary may ask the Attorney General to commence a civil action in an appropriate district court of the United States, for recovery of the amount imposed (plus interest at current prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the order imposing the civil penalty becomes final. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(d) IMPOSITION OF TEMPORARY DENIAL ORDERS.—

(1) GROUNDS FOR IMPOSITION.—In any case in which the Secretary finds it appropriate because of reason to believe that a person is engaged in or is about to engage in any act or practice which constitutes or would constitute a violation of this Act, or any regulation, order, or license issued thereunder, or which would constitute a violation of any of the statutes listed in section 503, the Secretary may, in his discretion, order the temporary denial of any act or practice that constitutes or would constitute a violation of this Act, or any regulation, order, or license issued under this Act; or any regulation, order, or license that has been temporarily denied against the person subject to the order alleging a violation of this Act or any of the statutes listed in section 503, the Secretary may, without a hearing, issue a temporary denial order, or revoke, or vacate the decision of the administrative law judge, as the case may be, if it is shown that the decision of the administrative law judge is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

(e) LIMITATIONS ON REVIEW OF CLASSIFIED INFORMATION.—Any classified information that is included in the administrative record that is relevant to determination whether the issuance of the temporary denial order was based on reasonable cause to believe that the person subject to the order was engaged in or about to engage in any act or practice that constitutes or would constitute a violation of this Act or any of the statutes listed in section 503, the Secretary may, without a hearing, issue a temporary denial order, or revoke, or vacate the decision of the administrative law judge, as the case may be, if it is shown that the decision of the administrative law judge is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

(f) DELEGATION OF FUNCTIONS.—The Secretary may delegate any function under this Act, unless otherwise reserved to the President or a department (other than the Department) or agency of the United States, all power, authority, and discretion conferred by this Act shall be exercised by the Secretary.

(g) DELEGATION OF FUNCTIONS TO UNDER SECRETARY.—The Secretary may delegate any function under this Act, unless otherwise reserved to the Secretary of Commerce, or to any other officer of the Department.

(h) UNDER SECRETARY OF COMMERCE; ASSISTANT SECRETARIES.—

(1) UNDER SECRETARY OF COMMERCE.—There shall be within the Department an Under Secretary of Commerce for Export Administration, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall carry out all functions of the Secretary under this Act and other provisions of law relating to national security, as the Secretary may delegate.

(2) ADDITIONAL ASSISTANT SECRETARIES.—In addition to the number of Assistant Secretaries for Export Administration authorized by the Secretary and the Under Secretary in carrying out functions relating to export listing and licensing, the Secretary may appoint such additional Assistant Secretaries as the Secretary may find necessary to carry out the functions of the Secretary under this Act.

(c) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—The President and the Secretary may issue such regulations as are necessary to carry out this Act. Such regulations may be issued at any time after June 30, 1980, or under the Export Administration Act of 1979 after June 30, 1980, or under the Export Administration Act of 1979 or under any predecessor statute, on or before June 30, 1980, which is deemed confidential, including any secret or embargo advisory committee established and maintained, or with respect to which a request for confidential treatment is made by the person furnishing such information.
or other export authorization (or record-keeping or reporting requirement), enforcement activity, or other operations under the Export Administration Act of 1979, under this Act or any predecessor Act or any regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701),—
(A) the export license or other export authorization itself;
(B) classification requests described in section 4(a)(1);
(C) information or evidence obtained in the course of any investigation by an employee or officer of the Department of Commerce;
(D) requests or information furnished under title V in connection with any international agreement, treaty, or other obligation; and
(E) information obtained in making the determinations set forth in section 211 of this Act, and information obtained in any investigation of an alleged violation of section 502 of this Act except for information required to be disclosed by section 502(c)(2) or 507(b)(2) of this Act, shall be withheld from public disclosure in whole or in part upon the request of the chairman or application required under this title, shall be exported, including any report or license application made to or filed with, such department or agency, or officer or employee thereof; and
(B) is exempt from disclosure under this section.
(2) CRIMINAL PENALTIES.—Any such officer or employee who knowingly violates paragraph (1) shall be fined not more than $50,000, imprisoned not more than 1 year, or both, for each violation of paragraph (1). Any such officer or employee may also be removed from office or employment.
(3) CIVIL PENALTIES; ADMINISTRATIVE SANCTIONS.—The Secretary may impose a civil penalty not exceeding $5,000,000 for each violation of paragraph (1), except that no civil penalty may be imposed on an officer or employee of the United States, or any department or agency thereof, without the concurrence of the department or agency employing such officer or employee. Sections 508(e), (g), (h), and (1) and 507(a), (b), and (c) shall apply to the imposition of civil penalties under this paragraph. At the request of the Secretary, a department or agency employing an officer or employee found to have violated paragraph (1) may require any officer or employee, or officer or employee who commits a violation of paragraph (1) may require any officer or employee, to return to the department or agency employing such officer or employee.
(4) PENALTIES FOR DISCLOSURE OF CONFIDENTIAL INFORMATION.—(A) DISCLOSURE PROHIBITED.—No officer or employee of the United States, or any department or agency thereof, may publish, divulge, disclose, or make known in any manner any information not authorized by law any information that—
(A) the officer or employee obtains in the course of his or her employment or official duties by virtue of any examination or investigation made by, or record or report made to or filed with, such department or agency, or officer or employee thereof; and
(B) is exempt from disclosure under this section.
(a) ANNUAL REPORT.—No later than February 1 of each year, the Secretary shall submit to Congress a report on the administration of this Act during the fiscal year ending September 30 of the preceding calendar year. All Federal agencies shall cooperate fully with the Secretary in providing information for each such report.
(b) REPORT ELEMENTS.—Each such report shall include in detail—
(1) a description of the implementation of the export control policies established by this Act, including any delegations of authority, including any other changes in the exercise of delegated authority;
(2) a description of the changes to and the year-end status of country tiering and the Control List;
(3) a description of the petitions filed and the determinations made with respect to foreign availability and mass-market status, the set-asides of foreign availability and mass-market status determinations, and negotiations to eliminate foreign availability;
(4) a description of any enhanced control imposed on an item pursuant to section 201(d);
(5) a description of the regulations issued under this Act;
(6) a description of organizational and procedural changes undertaken in furtherance of this Act; and
(7) a description of the enforcement activities, violations, and sanctions imposed under this Act.
(a) SUMMARY.—(A) the number of applications and notifications pending review at the beginning of the fiscal year;
(B) the number of notifications returned and subject to full license procedure;
(C) the number of notifications with no action taken; and
(D) the number of applications that were approved, denied, or withdrawn, and the number of applications where final action was not taken.
(b) TECHNICAL AND CONFORMING AMENDMENTS.—(a) Repeal.—The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) is repealed.
(b) ENERGY POLICY AND CONSERVATION ACT.—(1) Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212) is repealed.
Section 251(d) of the Energy Policy and Conservation Act (42 U.S.C. 6271(d)) is repealed.

(c) ALASKA NATURAL GAS TRANSPORTATION ACT.—Section 12 of the Alaska Natural Gas Transportation Act of 1979 (15 U.S.C. 719) is repealed.

(d) MINERAL LEASING ACT.—Section 28(a) of the Mineral Leasing Act (30 U.S.C. 185(a)) is repealed.

(e) EXPORTS OF ALASKAN NORTH SLOPE OIL.—Section 28(a) of the Outer Continental Shelf Lands Act (30 U.S.C. 1354) is repealed.

(f) ARMS EXPORT CONTROL ACT.—

(1) Section 38 of the Arms Export Control Act (22 U.S.C. 278b) is amended—

(A) in subsection (e)—

(i) in the first sentence, by striking “subsections (c) and all that follows through ‘12 of such Act,’” and inserting “‘subsections (b), (c)’, and (d) of section 503 of the Export Administration Act of 2001, by subsections (a) and (b) of section 506 of such Act, and by section 602 of such Act,’” and (ii) before the third sentence, by striking “11(c) of the Export Administration Act of 1979” and inserting “503(c) of the Export Administration Act of 2001”; and

(B) in subsection (f)(3)(A)(i), by inserting “or section 503 of the Export Administration Act of 2001” after “1979”.

(2) Section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 278a(c)) is amended—

(A) by striking “subsections (c),” and all that follows through “12(a) of such Act” and inserting “subsections (c), (d), (e) of section 503(c), subsections (a) and (b) of section 506 of the Export Administration Act of 2001”; and

(B) by striking “11(c)” and inserting “503(c).”

(3) Section 40(k) of the Arms Export Control Act (22 U.S.C. 2780(k)) is amended—

(A) by striking “11(c), 11(e), 11(g), and 12(a) of the Export Administration Act of 1979” and inserting “503(b), 503(c), 503(e), 506(a), and 506(b) of the Export Administration Act of 2001”; and

(B) by striking “11(c)” and inserting “503(c).”

(i) OTHER PROVISIONS OF LAW.—

(1) in paragraph (b)(1) of the Trading with the Enemy Act (50 U.S.C. App. 5b(b)(4)) is amended by striking “section 5 of the Export Administration Act of 1979, or section 6 of that Act, the extent that such controls promote the nonproliferation or antiterrorism policies of the United States” and inserting “titles II and III of the Export Administration Act of 2001”.

(2) Section 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378a(2)) is amended in the second sentence—

(A) by striking “Export Administration Act of 1979” the first place it appears and inserting “Export Administration Act of 2001”; and

(B) by striking “Act of 1979” and inserting “Act of 2001”.

(3) Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 620a—amended—

(A) in paragraph (1)(B), by inserting “or section 310 of the Export Administration Act of 2001” after “Act of 1979” and

(B) by striking “Act of 1979” and inserting “Act of 2001”;

(4) Section 40(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2712(e)(1)) is amended by striking “section 6(c)(1) of the Export Administration Act of 1979” and inserting “section 310 of the Export Administration Act of 2001”;

(5) Section 256(c)(4)(B) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 256(c)(4)(B)) is amended by striking “section 6(c)(1) of the Export Administration Act of 1979” and inserting “section 310 of the Export Administration Act of 2001”;


(7) Section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)) is amended by striking “section 5 of the Export Administration Act of 1979, or under section 6 of such Act to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States” and inserting “the Export Administration Act of 2001”;

(8) Section 1050(b)(7)(A) of title 28, United States Code, is amended by striking “section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j))” and inserting “section 310 of the Export Administration Act of 2001”;

(9) Section 2323(a) of title 18, United States Code, is amended by striking “section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j))” and inserting “section 310 of the Export Administration Act of 2001”;


(12) Section 1856(c)(7)(D) of title 18, United States Code, is amended by striking “section 11 (relating to violations of the Export Administration Act of 1979)” and inserting “section 503 (relating to penalties) of the Export Administration Act of 2001”;


(14) Section 903(l)(2) of title 18, United States Code as added by Public Law 106-160, is amended—

(A) by striking the “or” at the end of subparagraph (D) and inserting “; or”;

(C) by striking the following new subparagraph:

“(D) the Export Administration Act of 2001.”;

(j) CIVIL AIRCRAFT EQUIPMENT.—Notwithstanding any other provision of law, any product that is standard equipment, certified by the Federal Aviation Administration, in civil aircraft, and is an integral part of such aircraft and not allowed to become effective under the Federal Aviation Administration Act of 1969, the Export Administration Act of 1979, or the International Emergency Economic Powers Act when invoked to maintain and continue the Export Administration regulations, or

(k) CIVIL AIRCRAFT SAFETY.—Notwithstanding any other provision of law, the Secretary of Transportation, on a case-by-case basis, exports and reexports of civil aircraft equipment and technology that are necessary for compliance with flight safety requirements for large passenger aircraft. Flight safety requirements are defined as airworthiness directives issued by the Federal Aviation Administration (FAA) or equipment manufacturers’ maintenance instructions or bulletins approved or accepted by the FAA for the continued airworthiness of the aircraft manufacturers’ equipment.

(1) REPEAL OF CERTAIN EXPORT CONTROLS.—


SEC. 703. SAVINGS PROVISIONS.

(a) IN GENERAL.—All delegations, rules, regulations, determinations, licenses, or other forms of administrative action which have been made, issued, conducted, or allowed to become effective under the Export Administration Act of 1969, the Export Administration Act of 1979, or the International Emergency Economic Powers Act when invoked to maintain and continue the Export Administration regulations, or

(b) those provisions of the Arms Export Control Act which are amended by section 702, and are in effect on the date of enactment of this Act, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under this Act or the Arms Export Control Act.

(b) ADMINISTRATIVE AND JUDICIAL PROCEEDINGS—

(1) EXPORT ADMINISTRATION ACT.—This Act shall not affect any administrative or judicial proceedings commenced or any applications for a license made, under those provisions of the Export Administration Act which are amended by section 702, if such proceeding or application is pending at the time this Act takes effect. Any such proceeding, and any action on such application, shall continue under those provisions as if those provisions had not been amended by section 702.

(c) LAWFUL INTELLIGENCE ACTIVITIES.—The prohibitions otherwise applicable under this Act do not apply with respect to any transaction subject to the reporting requirements of section 309 of the National Security Act of 1947. Notwithstanding any other provision of this Act, nothing shall affect the responsibilities and authorities of the Director of Central Intelligence under section 103 of the National Security Act of 1947.

(d) IMPLEMENTATION.—The Secretary shall make any revisions to the Export Administration regulations under this Act no later than 180 days after the date of enactment of this Act.

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

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

The motion to lay on the table was agreed to.
Mr. SARBANES. 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. SARBANES. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. SARBANES. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for not to exceed 15 minutes each.

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

The Senator from Wyoming.

EXPORT ADMINISTRATION ACT

Mr. ENZI. Mr. President, what I would like to do is take some time, because I did not have an opportunity just before the vote, to thank all the people who worked on and participated in this bill that we have just completed, and that includes the people who are both for the bill and against the bill. Everybody made a contribution on this one.

As I mentioned before, all 100 Senators are interested in national security—deeply interested, deathly interested in national security. That has been demonstrated by the work that has been put in on this bill. They are also extremely interested that the economy of the country advance. We just passed a bill that will allow both of those things to happen, and happen safely.

We have been without the kind of a bill that we have needed for a long period of time. We just passed one that is considerably better than what we had in place, and is even better than the 1979 act when it was extended. So we are in a position now where we can go, with some real credibility, to the House side to ask them to move the bill forward and to join with the White House in getting this passed quickly, as the White House asked. And, of course, we will be asking for all the people who have an interest in this bill to also help work on the House side. We know they will take quick action and that we will get this huge problem to the United States solved.

I would like to particularly thank those people who have worked closely on the bill. I will start with Senator GRAMM, who allowed me to be the subcommittee chairman and get this assignment.

I have to tell you, when I first got the assignment, I thought, this has failed about 12 times so I assume this is one of those tasks that freshman Senators do. I much expected much to happen on it, but we began the process of learning about it, and the Cox commission report came out. Of course, it was just a secret report at first, but it still got publicity that brought to the attention of the American people the problem of secrets being stolen from the United States.

That raised the level of this bill so that it was different. South Dakota could work through our subcommittee to really find out what was happening with it, to see how those things in the Cox commission and other reports, as they came out, fit into this bill. We put them into that bill. We worked solutions, met—interminably might not be the right word, but it feels like the right word sometimes—with a number of groups and anybody who was interested in the bill and worked hard to heighten the interest of those people in the bill.

Fortunately, Senator JOHNSON and I got to work under the direction of Senator GRAMM and Senator SARBANES, two vastly different personalities with different ways of working. I have to say that working under those two people on any piece of legislation is an education. They are very considerate in everything they do. They both study it to a very deep knowledge. They ask penetrating questions, and they have that ability and sense of when to move forward and when to hold back. Particularly when you have the combination of Senator SARBANES and Senator GRAMM, you have these two personali-ties that cover all aspects of the spectrum of dealing with people.

Of course, with both of them, you have vast years of knowledge of doing this kind of work, which is different than any other job I think anybody can have.

They recognize the ways to work with people and the mechanisms to do it and have just been tremendous in guidance as we have gone through this. I would be real remiss if I did not place some special thanks on all of the staff people worked on this. Again, staff do a lot of the preparation, a lot of the study. They do meetings among themselves and then bring the results of those meetings to us for resolution. There were some real experts involved in this, people who really know how to network. And I would be surprised if there has been any other bill that had the kind of trust between staff and between Senators that this bill has had.

We worked on it for a long time. Of course, that built up the trust as we slowly got to the point where we had a draft to put through. During that time, we did find out that it was an issue that affected everybody in the country. So then, of course, it affects both sides of the aisle. This is one of those examples of bipartisan effort. It results in a bipartisan vote and gives us some real strength as we continue this process.

Again, I thank my fellow Senator, Mr. JOHNSON, for his efforts on this bill and all of the different presentations we had to give over the course of time to different groups as we got them to buy in. Everybody had to come to the middle on this one because previous efforts had gone too far in one direction or the other. As a result, it picked up a majority in opposition.

One thing about passing a bill is that to pass it, you have to get it through all of the different steps. A “no” vote at any one of those steps kind of stops it dead in its tracks and sends you back to ground zero.

We are at the halfway point on this one now. We have gotten it through several votes successfully. It is much easier sometimes to create confusion and pick up the votes on the other side. I appreciate the Senators who helped to promote and to clarify this. Again, the clarification came from both sides.

Senator Thomas and Senator KYL particularly are to be congratulated for their tenacity at bringing up different points. You will find on the list of meetings that we put in that a lot of those meetings were with those two individuals. And as I mentioned numerous times, we put in 59 changes. One of the biggest changes, of course, is the override that the President has. We gave a trump to the President on everything in the bill.

We put in some new sections, and we said that the President has the right to set those aside in specific instances. It makes a huge difference in how this bill will work. It really will allow the limited resources that we have—and we are increasing those resources, but they are still limited—to concentrate on the worst situations and to make them better. That is what we are trying to achieve with the bill.

I would also like to thank the Majority Leader, Senator DASCHLE, for his strong support and willingness to bring the bill to the floor for debate. Senator REID was also instrumental in negotiating the bill to the floor for debate. His support and guidance was very much appreciated.

Again, I thank everybody who worked on the bill. I particularly appreciate all of the hours Senator SARBANES has spent on the floor this week, now in debate, in conference meetings, which showed his vast depth of knowledge of the bill, but particularly with the administrative work he did as he helped to get people together who needed to talk about different parts of this bill. His steady hand certainly played a big role in the kind of vote we received.

I again thank everybody who worked on the bill and congratulate everybody who worked on the bill. That is both those who were for and those who were against. We will see everybody on the House side.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Will the Senator from Kentucky yield for a unanimous consent request?

Mr. MCCONNELL. I yield for that purpose.
Mr. DORGAN. I understand the Senator from Kentucky and the Senator from California, Mrs. FEINSTEIN, are going to seek recognition. I ask unanimous consent that I be recognized in morning business for 15 minutes following their presentation.

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

(The remarks of Mr. McCONNELL and Mrs. FEINSTEIN pertaining to the introduction of S. 1499 are located in today’s record under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, with respect to the announcement by my colleague from Nevada, I am a bit confused what is happening in the Senate. We have the month of September to finish our appropriations bills. We have had no conferences on any appropriations bill at this point. We have 13 of them. There is a very short period of time in which to finish the work of the appropriations committees in the House and the Senate.

It is inexplicable to me that we are at this moment at 5 o’clock in the afternoon unable to go to another appropriations bill. They are ready to come to the floor. We are being blocked. There are objections to the motion to proceed to an appropriations bill. It makes no sense to me. This Senate must do its work and pass the appropriations bills. It will have to be sooner or later. It is much better if it is sooner. This is the work of the American people passing appropriations bills that contain the money for essentially the operation of Government. We have so much work to do and so little time in which to get it done.

The appropriations bills and the question of whether this fiscal policy adds up is very important for everyone. This town and, in ways, the country are asking a lot of questions these days about a softening economy, a surplus that used to exist that has now largely vanished, and a fiscal policy that was put in place when it was expected there would be nothing but surpluses as far as the eye could see that now does not add up at all.

I want to show a quote on a chart from Mr. Mitch Daniels, the head of the Office of Management and Budget in a statement he made on Sunday on “Meet the Press” because it is central to this question about fiscal policy. What are the resources? How many resources do we have? How do we use those resources? Mr. Daniels says we have the second largest surplus in the history of the country. We are “awash in cash,” he says. But, of course, what he is talking about is the Social Security trust fund and the money in the trust fund.

There used to be $125 billion expected above that, which indeed is a surplus, but that is now gone. That has evaporated. What is left belongs to the Social Security trust fund. When he says we are “awash in cash,” he is talking about Social Security trust fund monies. Mr. Russert, the moderator of “Meet the Press,” said:

The surplus is money that you got through payroll taxes, designated towards Social Security. And to tap into that is a violation of what George Bush pledged during the campaign.

To which Mr. Daniels replied:

Well, it’s not designated for Social Security, Tim.

It is not designated for Social Security. That is from the head of the Office of Management and Budget from this administration who says that the trust funds are not in the trust fund. The taxes that come out of all the workers’ paychecks in this country, called Social Security taxes, that are put into a dedicated trust fund, are not designated for Social Security. And to tap into that is a violation of what George Bush pledged during the campaign.

To which Mr. Daniels replied:

Well, it’s not designated for Social Security, Tim.

He could not be more wrong or more unsuited for that job if he really believes that. It is possible this is a mistake. It is possible he misinterpreted the transcription. That is what he said, but it is possible he mispoke. If he did, let’s hear that. If he did not mispeak, if this is what he believes, he is sadly mistaken.

This is a big, big issue. This is a $162 billion issue in this year alone. It is a half-a-trillion-dollar issue in the next 5 years. It is essential to the construct of a fiscal policy that works to understand that this money does not belong to them; it does not belong to the Government; it belongs to the American workers. They paid it. It is their taxes, and they were told it was going to go into a trust fund.

The message ought to be: Keep your hands off those trust funds.

All of us face difficulty as a result of a softening economy. I am not here pointing fingers at who is to blame and who is not to blame. The fact is, we have had an economy that always has had a business cycle: an expansion side and a contraction side. Nobody has ever changed that.

We suffered a contraction. We went through a period when everybody thought the stock market would always go up and never go down. That is not the case. We went through a period when everybody thought there was one world economy and economic moves: upward, steadily, relentlessly.

Now they are experiencing what we learned in economics. I actually taught economics for a while, and I have overcome that, as I often say. We taught the business cycle. The business cycle is sooner or later. It is much better if it can just get Alan Greenspan, or someone in charge of fiscal policies, to move these surpluses and put them to work so the ship of state will move. That is not the way the economic engine behaves.

This ship of state moves forward and the economy grows when people have confidence in the future. The American people, the bond markets, and stock markets do not have confidence in a fiscal plan they know does not add up. That is why it is important for the President to recognize that reality and work with us to construct a new plan.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, I wish to take a moment to speak about a different subject, international trade. I will do it briefly because I understand my colleague, Senator BYRD, wishes to address the Senate. I certainly do not want to disadvantage him. If my colleague, Senator BYRD, will indulge me for a few more minutes, I want to make a comment about international trade.

Mr. BYRD. Please.
Mr. DORGAN. Mr. President, my colleague, as always, is gracious, and I deeply appreciate that.

Congress Daily today says:

Vote on trade negotiating authority suffers another delay.

This is a story about the House of Representatives deciding to delay a vote on what we normally call fast track. They have delayed it because the Speaker of the House says they need time to get all their “ducks in a row.”

I simply point out to those who are working to get their “ducks in a row” in the House of Representatives to pass fast track trade authority, that when it comes to the Senate, there are not going to be ducks in a row. Fast track is not the authority for the President.

I would not support it for President Clinton and I will not support it for this President, and I want to explain why. I believe a band of Senators who feel as passionately as I do about our trade policy believe it is not only undemocratic to cede to someone else the ability to go to negotiated trade agreements. I believe that no Senator has the opportunity to offer a change to that agreement when it comes to the floor of the Senate. But I also want to explain why I think those who have negotiated our trade agreements have not entitled to be given a blank check for trade negotiation authority by this Congress.

Let me give a couple of examples to describe why. Here is what has happened to our merchandise trade deficit. It has grown from $333 billion in 1993 to $449 billion last year. It is exploding. We are exporting manufacturing jobs at a rapid pace, and this is a trade debt that we must repay in the future with a lower standard of living in the United States. This is serious. It is trouble and we must get it under control.

We have had a trade deficit with Mexico. Let us look at what has happened. In 1993, we signed the North American Free Trade Agreement. Before the agreement, we had small deficits with Mexico, $5 billion, and then $2 billion or $3 billion. Then, a few years before the agreement, we had a surplus with Mexico.

What has happened since NAFTA was passed? We are drowning in red ink with the country of Mexico.

Mr. BYRD. Mr. President, will the Senator give way? Mr. DORGAN. Yes, of course, I will be happy to yield.

Mr. BYRD. What are those figures representing our drowning? Mr. DORGAN. Their the current account deficit. With Mexico alone, it is over $30 billion a year. In fact, our aggregate merchandise trade deficit is over a billion and a quarter a day, every single day. It is many trade partners including Japan, China, Canada, Mexico, and Europe. It’s a huge growing dangerous debt.

How does all of this happen? Let me give a few examples. Vehicles in Korea. In 2000, Korea shipped 570,000 vehicles to the United States of America. How many vehicles did we produce and ship to Korea? Only 1,700.

Is it because we do not make automobiles? No, that is not the reason. It is because they make a T-bone and ships it to Korea, by the time it gets through all of their taxes, tariffs and other obstructions, it costs thousands more than it ought to cost. Therefore the Koreans do not buy it.

First of all, one has trouble getting it, but if they get it in the country they do not buy it because it is thousands more than it should be. So the result is our automobile trade with Korea is extremely unbalanced. They send us 570,000 vehicles a year and we send them 1,700. That is vehicles to Korea.

How about T-bone steak to Tokyo, beef to Japan? Do my colleagues know that every single pound of American beef we sell to Japan has a 38.5 percent tariff on it, every single pound? To buy a T-bone steak in Tokyo is very expensive. Do you know why? Because they restrict the amount of beef coming in. We reached a beef agreement with Japan and our negotiators celebrated it. Yet, after they have agreed, we still have a 38.5 percent tariff on every single pound of beef going to Japan. T-bones to Tokyo, that is unfair trade; cars from Korea. How about high-fructose corn syrup to Mexico? Here they levy a 73 percent tariff. There is a 73 percent tariff on corn syrup, despite being in violation of NAFTA. Or how about durum wheat to this country from Canada? Fundamentally unfair trade. There are millions of bushels coming across in 18-wheel trucks. The Canadians have a monopoly that would be illegal in this country called the Canadian Wheat Board. They ship wheat to this country at secret prices. When we say to them, “open up your records,” they simply thumb their nose at us and say, “We do not intend to shed one bit of light on this. We do not intend to share any data with you at all.” That is the way trade is.

So I say to those in the House who are getting their ducks in a row to pass fast track trade authority, “Well, go ahead and get your ducks in a row. But you should understand that ducks are not going to be in a row when that gets to the U.S. Senate.”

I did not believe President Clinton ought to have this authority, and he did not get it. I do not believe this President ought to have this authority, and, in my judgment, he is not going to get it.

The first step, and I have said this to the Commerce Secretary. “Do you want to talk about fast track? I will tell you what you ought to do fast track. Why don’t you put on the fast track a few trade solutions.” I say to the trade negotiator and others, “Get some good negotiators. Fit them with jerseys, just like we do with the Olympics. Make sure the jerseys have a big “USA” on the front so that occasionally our negotiators can look down at their chests and see who they are representing and for whom they are negotiating.” Send them over to the negotiating table and say, “Stand up for this country’s interests.”

Do not build walls and keep things out of here. But our negotiators need to say, “We expect fair trade.” We expect them to stand up for this country’s interests. Stand up for the American worker. Stand up for American business. Stand up for American products. We are sick and tired of unfair trade bargains that put us in a sea of red ink and put our employees and businesses at a disadvantage.

That is true with China. It is true with Mexico. I have not spoken about China. I should, but out of respect for my colleague who is waiting to speak, I will do that at a later time.

Japan, China, Korea, Canada, Mexico, Europe. A trade deficit that will in a sea of red ink, in international trade deficits, and it ought to stop. I will not be a part of a Senate that is going to try to give fast track authority to a President.

There will be a group of Senators who believe, as I do, that it is worth the passion, energy, and time to see that the priority in this country, and the priority in trade policy, is not to give fast track authority to the Administration so they can go off and negotiate new trade agreements. Rather, we need to get some people who know how to negotiate solutions to the problems in the old trade agreements.

Let us fix the problems they have already created instead of running off and trying to create new trade agreements. This is especially true when we have this trade deficit that is becoming an albatross around the neck of our country. It must be repaired. One that must be repaid with a lower standard of living in this country. That is why it is important now to solve this problem. It will not be solved by more trade if it is unfair.

I am expanded trade. I am for more trade. I am for all the things that people want to do to engage around the world in commerce, but I demand on behalf of this country, and on behalf of American workers and businesses, that trade agreements be fair to America for a change.

Trade agreements with Japan, China, and others have been negotiated in an incompetent way. We have a blindfold on. It does not matter whether it is Republicans or Democrats in office.

Will Rogers once said the United States of America has never lost a war when it never won a conference. He certainly must have been thinking about our trade negotiators. We can do a whole lot better than that.

My point very simply is, on fast track, get your ducks in the row in the House, but understand when it gets to the Senate it is not going any further. There are plenty of us who are going to see that fast track is not passed in the U.S. Senate.
Yes, we are for trade, but we are for fair trade. It is time to insist on fair trade and get rid of these ballooning trade deficits.

Let me thank my colleague, Senator BYRD, from West Virginia. He is, as is always the case, most gracious to allow me to continue beyond the time allotted.

Mr. BYRD. Will the Senator yield briefly?

Mr. DORGAN. I will be happy to yield.

Mr. BYRD. Sign me up. Sign me up as one of those who will stand with the Senator to defeat fast track. We have seen too many American jobs take a fast track out of this country. We have seen what happened to pottery in my State. We have seen what happened to glass, what happened to leather goods, what has happened to textiles, what is happening to steel, what is happening to chemicals.

I will be with my colleague. I am opposed to fast track. I am for free trade but fair trade.

Next year will be my 50th year in Congress, and I see one administration after another, Republican and Democratic, go down this same fast track, and I am afraid we have been against it. I do not stand here today and propose to deliberate on putting a duty on every toothbrush or every fiddle or fiddle string or every paint brush that comes into this country, but there are some major questions that we should be allowed to debate and offer amendments on when that measure comes before the Senate. What’s wrong with that? I wouldn’t mind, half a dozen, six, three, but why should we go along with our eyes closed and continue to join in this fast track of American jobs and American industries across the seas?

Getting our ducks in a row, we have become sitting ducks. These are the ducks that our forefathers gave us to put in a row. Section 8, Article I, the U.S. Constitution:

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States * * *

It doesn’t say anything about getting our ducks in a row. It doesn’t say anything about binding and gagging ourselves when it comes to trade legislation. It says the Congress shall have power to regulate commerce.

Let’s exercise that power. Let’s exercise our rights as Members of the Senate, elected by a free people. Count me, register me, make me a first lieutenant in the ranks. I am ready. I volunteer.

I thank the Senator for his contributions. I thank him very much for his leadership on this issue.

Is the Senate in a period for morning business?

The PRESIDING OFFICER (Ms. STARENOW). The Senator is correct.

Mr. BYRD. Are there any limitations?

The PRESIDING OFFICER. Each Senator is restricted to 15 minutes.

Mr. BYRD. I ask unanimous consent to speak for not to exceed 45 minutes. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank the Chair.

U.S. IMMIGRATION POLICY

Mr. BYRD. Madam President, the inscription on the base of the Statue of Liberty that has welcomed immigrants for generations can be found in the poem, “The New Colossus,” by Emma Lazarus:

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning—Mother of Exiles. From her beacon-hand
Gows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
“Keep ancient lands, your storied pomp!” cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me.
I lift my lamp beside the golden door!

The United States has a proud history of welcoming immigrants fleeing religious persecution, political oppression, and economic hardship. My own forebear on my father’s side came to these shores in 1657, settled on the banks of the Rappahannock River where all—with the exception of possibly one in this Chamber—were children, grandchildren, great-grandchildren, and great-great-grandchildren of immigrants. The magnanimous promise of a better life that is inscribed in the base of the Statue of Liberty and enshrined in both the American mind and American law. George Washington captured that promise in his dictum two centuries ago that the United States should be “a country which may afford an asylum, if we are wise enough to pursue the paths which lead to virtue and happiness, to the oppressed and needy of the Earth.”

I understand the American dream that has lured immigrants here for more than 200 years. I have a son-in-law who came from Iraq. He is a physicist. I have a grandson who is married to an immigrant from Korea. My own State of West Virginia has benefitted from the many contributions made by our foreign-born citizens. West Virginia’s coal miner population in the early part of the 20th Century reads like a United Nations roster: British—English, Welsh, Scottish—Irish, Italian, Hungarian, Lithuanian, Swedish, Austrian, Russian, Greek, Syrian, Romanian, German, Polish, Slavic, and more.

In recent months, this administration has been working with its Mexican counterparts to craft a new immigration policy that would, among other things, legalize three to four million undocumented Mexican immigrants now working in the United States.

According to the latest numbers from the U.S. Census Bureau, immigrants now comprise about 11 percent of the total U.S. population. That is about 30 million immigrants living in the United States—13 million to 14 million of whom arrived just in the last 10 years.

These numbers are quite extraordinary because they suggest that at least 1.3 million immigrants are settling in the United States each year. That is more than arrived during the last great wave of immigration between 1900 and 1910, when about 850,000 people entered the country each year.

In addition to their arrival in the United States, during the 1990’s, immigrant women gave birth to an estimated 6.9 million children. If we add together the number of births to immigrants and the number of new arrivals, immigration during the 1990’s led to the addition of 20 million—or two-thirds of the nearly 30 million people who populated the United States over the last 10 years.

Current trends continue, according to the Census Bureau’s middle-range projections, the U.S. population will grow from 280 million to 404 million people by 2050, with immigration accounting for about 63 percent of that growth. That means the number of new immigrants entering this country over the next 50 years, about 78 million immigrants, will be roughly equal to 43 times the current population of West Virginia.

As I have said, many of these immigrants will contribute to the economic, cultural, and political development of the United States. But, let us not forget, let us not be unmindful of the fact that there will also be real costs associated with this growth. Many of these new citizens will come in search of access to quality health care services. Yet too many of our Nation’s 5,000 emergency rooms are already operating at critical capacity.

Go over to Fairfax Hospital. I just had my wife of 64 years over to that hospital twice within the last 6 weeks. And I took her both times—once through a call to 911. You will be amazed at what you see. The hospitals are overcrowded.

According to the LA Times, at many of the nation’s hospitals, “ambulances are being turned away and patients are stacked in the hallways.” If we are to accept these new citizens, it is clear that we will have to spend billions of taxpayer dollars to expand our health care infrastructure.

This Nation also has the responsibility to provide a quality public education to its citizens. Yet, the Department of Education recently reported that the number of children in public schools has grown by nearly 8 million in the last two decades. This growth has strained the resources of many
school districts, resulting in overcrowded classrooms and overgrown schools where discipline is difficult if not almost impossible, and individual attention is nearly impossible.

These are questions we ought to think about. We need to think about these things.

In 2000, there were about 8 million school-age children—ages 5 to 17—of immigrants who had arrived since 1970, according to the Center for Immigration Studies. This roughly equates to the total growth in elementary and secondary school enrollment over the last 20 years. If we invite more immigrants into our public school system, we must consider the absorption capacity of American public education. This means that we will have to spend billions of taxpayer dollars to expand our public education infrastructure. The current infrastructure is being strained to the hilt.

We also have a responsibility to ensure that these new citizens, at the very least, have access to the resources to become proficient in the English language. The Census Bureau recently reported that nearly one in five Americans does not speak English at home. Among the adults of working age, only half of the adults described themselves as speaking English well, and only two-thirds of the school-age children in Spanish-speaking homes described themselves as speaking English very well. If we accept these immigrants, we have an obligation to help ensure that they can assimilate themselves into our society.

Population growth will also continue to cause more and more land to be developed. Both past experience and common sense strongly suggest that population growth of this kind has important implications for the preservation of farm land, open space, and the overall quality of life throughout our country. A growing nation requires increasing amounts of energy and greater recovery of natural resources, which results in larger output of pollution in our streams and greater accumulations of solid waste in our landfills.

Our resources, as never before, are limited. For all the talk we have heard in recent months from the administration about liberalizing our immigration laws, the President has not made any suggestions—I haven’t heard them if he has made any—about how to pay for the additional infrastructure, more investments that will be required.

Just look around you. The infrastructure is being asked to bear far more than the traffic will bear. Look at our schools. Look at our hospitals. Look at our welfare infrastructure. Does the Administration want to increase taxes to support these new-comers? We have been cutting taxes.

How much of our limited resources is the administration willing to sacrifice? At what price are we willing to accept all of these new immigrants?

These are the questions that our immigration policy needs to address if we are to create a healthier climate of living and a better life for the immigrants that our nation accepts. Instead, the American public is witnessing an immigration debate unfold that threatens to move this nation’s immigration laws in exactly the wrong direction.

Today the president of Mexico, Vicente Fox, in addressing a joint session of Congress, spoke about the need to regularize the flow of migrant workers between the United States and Mexico. The Bush Administration contends that we can regularize this migrant flow through a new “temporary worker” program. I assure you, that there is nothing new about “temporary worker” programs and the amnesties that usually accompany them. These kinds of proposals have become a frighteningly familiar routine in recent years that have contradicted our immigration laws and sent exactly the wrong message abroad.

In 1996, Congress granted an amnesty to 2.7 million illegal immigrants, based on the promise that it would stem the tide of illegal immigration when combined with a ban on the hiring of illegal immigrants by employers. I supported the bill, although it later proved to be a false promise. Illegal immigration increased dramatically.

More recently, there have been efforts by Congress to pass the so-called section 245(i) status adjustment, which would allow illegals—for a $1,000 fee—to waive the requirement that would force them to leave the country and effectively bars them from reentering the United States for up to 10 years. This kind of legislation, in particular, is both wrong and—right in the face of the Congress’ recent efforts to stop the flow of illegal immigrants. The section 245(i) provision nullifies those measures passed by the Congress that would punish immigrants who enter this country illegally.

Not only is this legislation unfair to every immigrant—both present and past—who waited to legally enter this country, but it sends the message abroad that as long as you can gather together enough money, you can circumvent our laws whenever they prove to be inconvenient.

State and local governments have not done much better at discouraging illegal immigration. Many States are making it easier for undocumented immigrants to apply for a driver’s license, government health care benefits, and lower state college tuition. None of these initiatives will act as a deterrent to illegal immigration.

Let us continue to have legal immigration. Let us not offer attractions to illegal immigration.

The Immigration and Naturalization Service estimates that there are about 6 million illegal aliens living in the United States, a number which increases by more than 200,000 per year. And these numbers are based on 1997 population statistics. Once the Census 2000 population statistics are available, it is expected that this number will increase to somewhere between 8.5 million illegals and 13 million illegals. That’s double the estimated number of illegals in 1986.

The number of amnesties that have been proposed in recent years, and the corresponding rise in illegal immigrants, suggests that something is seriously wrong with this country’s immigration laws. It suggests that the basic framework either doesn’t work or that we are not serious about enforcing it.

I am amazed at the political support for these amnesty proposals. As I say, I voted for them. I was misled.

Both political parties—Republican and Democrat—support broader immigration rules. But no one is talking about the additional costs to the American taxpayers. Not one is talking about the strain on our natural and financial resources.

Building a political base is no reason to encourage illegal immigration, nor is building up union membership, nor is importing cheaper labor to replace U.S. workers. We must not glibly move forward on immigration policy without adequate thought about unintended consequences, tangential ramifications or adequate public education and debate. Whether this rush to loosen our enforcement of immigration laws is due to jockeying for political advantage as cynics might contend, or simply an outgrowth of commendable altruistic urges on the part of our nation’s political system, we need to step back, slow down, and take a serious look at our immigration policies.

I well understand that there are segments of the American economy which profit greatly by the labors of illegal immigrants. I understand the human sorrows endured by immigrant families who cannot earn an adequate living in their native land, and so must send a wage earner across the border to work and establish a foothold for future generations. My experience growing up in the coal fields during the years of the Great Depression was not too far afield from the immigrant experience of today. I know extreme poverty. I know what it is to start out life at the bottom rung of the bottom rung of the bottom rung on the bottom rung. I remember being at the mercy of the coal company employer in the coalfields. I understand the stigma of being undereducated, poor, and without a bottom rung in the ladder. This is not the way I am concerned about the direction of our immigration policy of today.

I believe that not enough thought has been given and not enough questions have been asked. I question the sincerity of our rush to appease. Are we really acting in the best interests of the Mexican immigrants or of our own citizens?
I have lived 94 years and one lesson that I have learned in my years of observation and service is that the most precious commodity in public policy is that of honesty—intellectual honesty.

I hope that this rush to further relax our immigration laws is not a competition for political advantage, but I fear that that is in fact the driving force. If I am right, and “votes for plucking” is driving the altruistic claims of both parties, I urge that we draw back and face the ugly possibility of unintended exploitation of foreign workers as the outcome of political jockeying for the Hispanic vote.

In the first place there is no easily identifiable “Hispanic vote.” Cuban peoples, Mexican peoples, and other Latin peoples who may have immigrated to the United States have radically different political views and decidedly different priorities. In the second place Hispanic peoples who have resided in the United States for some years are often deported by the layman rules which allow new immigrants easier access to U.S. shores, and resent the unfortunate image which newer immigrants may project. The Hispanic votes is not a monolith and it is an insulting, shall we say, proposition to portray all people’s of Latin descent as such.

Then there is the question of honesty again. Are we not skating dangerously close to falsehood when we politicians pretend that we can handle these vast numbers of future immigrants in any sort of decent and humane way? Any one even vaguely familiar with the health care system in this nation knows that it is inadequate to service our present population and becoming more inadequate each day. Go visit the hospitals in the area. How can we pretend that we can address even the most mundane health care needs of these new immigrants?

We read about those needs in the newspapers the Washington Post and the Washington Times. The stories are frequent in those newspapers about the health needs, about the poverty, and about education shortcomings. We are so stretched now that we cannot handle the present load. Our infrastructure just simply can’t handle it.

How can we pretend that our overcrowded, underachieving school system can possibly deal with thousands of new immigrant children and come even close to preparing them to cope with the competitive job market in America today.

We are not being intellectually honest. We are not being honest with the legal immigrants who are already in this country. We are not being honest with the American people.

We are not being honest with ourselves.

We can’t assure these children an adequate education, and that is the truth. Are we consigning these children to a life that is permanently underclass? When we fail to give them basic tools with which they can achieve? The truth is, our American infrastructure—both physical and human resource related—is 20 years behind, and falling further behind with each passing year.

From everything to inadequate roads and transportation, to a health care system that assists fewer and fewer people, it is apparent that our education system that fails to impart either discipline or knowledge, we need to face the fact that our resources are limited. It is a sad yet very true fact that we must all face. And we ought to think about it. I think these are proper questions to ask, but I think we can do limited possibilities because we no longer provide the basics which allow the people to flourish. We have disinvested in our own Nation. We have disinvested in our own people. The cupboard is not bare, but its contents are decidedly skimpy, and it is a grave disservice to invite the neighbors to a sumptuous feast at our house when we know that there is nothing left in the cupboard, nothing to serve but poke greens and salads that are celery and bell peppers.

We risk turning a blind eye to the needs of our own Nation in future years when we try to absorb huge, huge numbers of underskilled, uninsured, under-educated immigrants without a cogent plan that assessing their needs and fostering their eventual assimilation into our own society.

We must not rush to appease the demands of our friends to the south of our border without stopping to consider the consequences. When President Fox of Mexico has the responsibility of delivering on his promise to the Mexican people of more jobs and a stronger economy. He cannot look solely to the United States to solve his economic and political problems.

We must also proceed with caution when we advocate policies that circumvent the intent of our own immigration laws. Those laws are passed by the Congress of the United States and signed by a President of the United States. Those laws are intended to allow for the orderly absorption of immigrant populations, and to prepare that population to become productive, participating English literate, United States citizens.

I can tell you Madam President, as the chairman of the Appropriations Committee in the Senate and as a member of the Senate Budget Committee—as is the distinguished Presiding Officer at this moment—we do not have the infrastructure in place to absorb the number of immigrants to whom this administration is seeking to open our borders.

It would be nice, it would be good, if we were able to solve the economic problems of our countries and provide a higher standard of living for people around the world—but, we cannot. This is no longer the late 19th century or the mid 18th century. Our resources are more limited today than they were a hundred years ago.

The Congress already faces enormous challenges in stretching our ever shrinking financial resources—and they are ever shrinking. The Congress will have to appropriate the 13 annual appropriations bills this year with less than adequate resources to finance our infrastructure needs. I am opposed to the further erosion and draining of the limited resources that are available.

We cannot be so generous that we strain our own resources to the breaking point. And if we allow illegal Mexicans to come here, and to stay, what about illegal immigrants from elsewhere? How can we be fair to them if we do not treat them all alike? We cannot be so generous that we strain our own resources to the breaking point.

Time for us to think of the people of America, and their children and their grandchildren. We need a national debate. We do not need something that can be rushed through on the consent calendar. We need a national debate on our immigration policies. We need to ask the people of this country, what are we seriously ask the politicians, what are the answers to these questions that are being asked? They are legitimate questions. What are the answers?

We must seriously ask ourselves just how many more people our country will be able to accommodate. This is not something, Madam President, that should be rushed through Congress in 4 months or in 4 years, without adequate debate. These are questions that should be thoroughly aired.

Whatever proposal the President sends to Congress, it should be debated at length in the Senate. The American people must know what costs they are being asked to absorb. They must know what sacrifices they are being asked to make. And legal immigrants should be asking the same questions. What are the sacrifices they are supposed to make on behalf of illegal immigrants?

Those immigrants who have waited patiently, knocking at the door, how do they feel about it? America is a nation of immigrants. Our golden door should always be open to those who seek refuge from oppression—those huddled masses yearning to breathe free.” But we must turn not turn our backs, we must turn them into a hollow shell. It is well to remember that illegal immigrants don’t just break the law when they come here. They undermine the earning power of America’s workforce by reducing wages for the U.S. workforce who do not have high school diplomas.

Madam President, in 1939, John Steinbeck’s epic novel, the “Grapes of Wrath,” was published. Its protagonists, the Joad family, traveled from the Midwest to California, not to make their fortunes but merely to survive as migrant workers. Through labor camps, hobo jungles, and ruined farms westward to California, they faced
peculiar kind of torment—the torment and isolation of hardship and poverty amid plenty. Let us proceed with caution—I say this to my political colleagues in this body, in the other body, and in the executive branch, and in the State legislatures, in the counties, in the neighborhoods, in the cities, across this Nation—let us proceed with caution, lest we turn America’s sweet promise of a cornucopia to bitter grapes of wrath for us all, including our legal immigrants.

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

The PRESIDING OFFICER (Mr. Nelson of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Madam President, I ask unanimous consent that I may proceed as in morning business for up to 10 minutes.

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

MISSILE DEFENSE

Mr. COCHRAN. Madam President, I will take a few minutes to make some observations about some of the discussions I have read in recent days in various news articles and have heard from Senators who have commented on these articles relating to missile defense and the President’s efforts to discuss with Russia and other friends and allies around the world our intentions with respect to the development of missile defenses to protect the security interests of the United States.

For some reason or other, in recent weeks there have been some misunderstandings about some of the discussions I have read in recent days in various news articles and have heard from Senators who have commented on these articles relating to missile defense and the President’s efforts to discuss with Russia and other friends and allies around the world our intentions with respect to the development of missile defenses to protect the security interests of the United States.

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defenses to the capability they need to be to fully assure the security interests of the United States. It doesn’t have anything to do with the ABM Treaty, in my view, but that is being used as an excuse to hold back these programs. The chairman’s mark cuts $30 million from programs that could support our national missile defense, though in reality the number is far higher, as the administration has sought to remove the artificial barriers between the labels “national” and “theater” missile defense programs.

The President is talking about missile defenses. We need to have an aggressive, robust testing program so that we can fully understand how these technologies can be harnessed to fully defend our country’s interests and protect the security of our Nation. The chairman’s mark even cuts funds that would be used for cooperative missile defense modeling and simulation with Russia. We are hearing a lot about trying to do more in a cooperative way with Russia. Here is an example of a program that would give us an opportunity to do that more successfully, and that is proposed for cutbacks in the Armed Services Committee.

There are various legislative restrictions, one of which will provide the Defense Department’s missile activities can proceed only in accordance with the ABM Treaty.

This is redundant, isn’t it? Or it suggests that the President is planning to undertake something that is inconsistent with the treaty. He has said he is not going to do that. He recognizes the treaty is an agreement that is legally binding. The President has said that.

He is hoping to replace the treaty after negotiations with the Russians with a new strategic framework, but everybody is pronouncing that around here as dead on arrival. Give the President the least to discuss it fully with the Russians rather than rushing over and getting some Russian official to make some derogatory statement about the process and then quoting it as if it is national policy in Russia.

We should give the negotiators a chance. That is what I am suggesting. So writing a bill here that presumes this is not going to succeed is something that was proposed in our Defense Department or the Department of State or at the White House and that he had said that.

There is no quote attributed to any particular individual, but yet not only the press have taken that and made stories out of it and repeated them, but now Senators are repeating them as if it were true. China has been modernizing its military for years. They did not just start a new generation of nuclear weapons or intercontinental ballistic missile technologies and systems after we began undertaking something like this. China is going to make the decisions they make based on their own considerations of what is in their interests.

I am hopeful, of course, as everyone in this Administration and Congress, we will be able to have a stable and friendly relationship based on mutual respect with China. Efforts are being made in discussions by the Secretary of State and many others with Chinese leaders in order to develop an understanding, trying to resolve problems as they develop, and we know what they are.

The incident with the surveillance plane in the area presented its own special set of problems, but we worked our way through that with calm and thoughtful leadership and decision-making by the President and his Cabinet officials.

The whole point of this is, we can be a party to inciting the passions of those who worry about the capacity of our country’s leadership to function to protect our security interests, and we can do more harm than good by the things we say and the way we discuss these issues and the way we handle bills that come through this Senate.

We should take very seriously the provisions that are in the chairman’s print of this authorization bill before the Armed Services Committee, and all Senators ought to notice what is beginning as an official part of our legislative responsibility: an effort that is clear to undermine the President’s leadership capacity in developing missile defense systems that will protect our soldiers and sailors and the security interests of our country.

Those who say he is going to abandon the ABM Treaty need to look at what the President said. He is trying to replace it with a new framework, a new agreement. I have talked to some Senators—there was a quote in the paper from an administration official saying: We were not bothered by China’s buildup, the modernization of their nuclear weapons capability and whether they were going to do that or would not do any effect on our decisions with respect to missile defense programs.

Secretary Rumsfeld made it very clear at the hearing, responding to one of my questions, that he thought it might be not only necessary, but wise for Secretary Powell or Dr. Condoleezza Rice had made any statement of that kind, and they knew of no one in the Department of Defense or the Department of State or at the White House who had said that.

There is no quote attributed to any particular individual, but yet not only the press have taken that and made stories out of it and repeated them, but now Senators are repeating them as if it were true. China has been modernizing its military for years. They did not just start a new generation of nuclear weapons or intercontinental ballistic missile technologies and systems after we began undertaking something like this. China is going to make the decisions they make based on their own considerations of what is in their interests.

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Those who say he is going to abandon the ABM Treaty need to look at what the President said. He is trying to replace it with a new framework, a new agreement. I have talked to some Senators that we ought to consider having a peace treaty as a replacement to the ABM Treaty. We are not at war with Russia any longer. They do not profess to be at war with us. The cold war is over. When wars end, peace treaties are signed. Let’s sign a peace treaty with Russia. That would supplant the ABM Treaty.

The ABM Treaty looks into law the doctrine of mutual assured destruction. The question is, is that the best position for our country? They should not want to destroy us. So why perpetuate that doctrine with that treaty? Let’s work to develop a new framework that more clearly defines the real relationship we have with Russia.

That is what the President wants to do. Why can’t the Senate join with the President, applaud that initiative, support that effort, pass legislation to fund the efforts to strengthen our military forces so we can do the job of protecting the security of this country?

I am not going to suggest these are political games that are being played because I know there are serious differences of opinion on this and other issues that come before the Senate.

I am not questioning anybody’s motives. I am just saying I hope Senators will take a careful look at the facts. As we proceed through this process of authorization and appropriation for our defense needs, let’s try to work in harmony and unity as much as possible so we will not create any misunderstandings in Russia, in China, or among potential adversaries out there, the so-called rogue states, that continue to acquire systems, missiles, other means of developing intercontinental ballistic missile capability.

It is a dangerous place out there, and we need to be sure we are doing what we can do and ought to do to protect our security interests in this environment.

Mr. President, I yield the floor.

DISPOSAL OF RADIOACTIVE WASTE

Mr. DOMENICI. Mr. President, I rise to share some news with my Senate colleagues. And even though my subject involves radioactive waste, I’m most pleased to report that this is all good news.

As a Nation, we haven’t made great progress on disposal of radioactive wastes, Yucca Mountain was supposed
to open in 1998—now it might open in 2010 if it progresses at the most optimistic rate.

But in New Mexico, the Waste Isolation Pilot Plant in the city of Carlsbad opened for disposal operations in March of 1999. WIPP is the nation’s first repository for the permanent disposal of defense-generated radioactive waste left from the research and production of nuclear weapons.

WIPP represents the single most dramatic advance this Nation has made in disposal of radioactive waste. In fact, WIPP is a showcase facility for the entire world for demonstrating that mankind can safely remove complex wastes from any impact on our environment. WIPP accepts a particular kind of waste, transuranic or TRU waste, that is contaminated with certain elements, especially plutonium. This type of waste must be handled with great care to ensure safety of the public and workers.

WIPP represents the Idaho, Hanford, and Savannah River. That required lots of transportation, in fact about one-third of a million miles. And even with so many miles, equivalent to 13 trips around the earth, there were no accidents or even serious incidents. For those who doubt that radioactive cargoes can be shipped safely, WIPP is proof that a well-engineered transportation system can be operated to the highest standards.

The threat at WIPP isn’t stopping to celebrate this milestone. As I speak, they’re busily accepting more waste. Earlier this week, the shipment number was up to 373 and more than 11,000 drums had moved into the facility.

In normally commending the Department of Energy, especially the Carlsbad Field Office, for their careful attention to safe operations. The community of Carlsbad deserves tremendous praise for their consistent support of WIPP and its critical national mission. And both the Environmental Protection Agency and the New Mexico Environment Department deserve compliments for their roles in oversight of this facility.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 31, 1991 in Coronado, CA. A gay man was choked and beaten by three men. Three Marines, David William Bell and Jeffrey Martin Davis, both 20, and Steven Louis Fair, 26, were charged with attempted murder, assault, robbery and a hate crime.

I believe that government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing legislation we can change hearts and minds as well.

GENERAL HENRY H. SHELTON
14TH CHAIRMAN OF JOINT CHIEFS AND A GREAT NORTH CAROLINIAN

Mr. HELMS. Mr. President, North Carolina, down through history has been blessed with countless remarkable sons and daughters, and in my judgment, one of the truly great has been General Hugh H. Shelton, the 14th Chairman of the Joint Chiefs of Staff, who was confirmed by the Senate on October 1, 1997, and reconfirmed by the Senate for a second 2-year term in 1999.

In March of 1999. WIPP is the nation Pilot Plant in the city of Carlsbad.

In this capacity, this great son of the United States, the Secretary of Defense, and the National Security Council was prior to becoming Chairman, General Shelton served as Commander in Chief of the U.S. Special Operations Command.

The General was born in Tarboro, NC, in January 1942. He earned a bachelor of science degree from North Carolina State University and a master of science from Auburn University. His military education includes attendance at the Air Command and Staff College in Montgomery, AL, and at the National War College at Fort McNair, Washington, DC.

He was commissioned a second lieutenant in the infantry in 1963 through the Reserve Officer Training Corps, and spent the next 24 years in a variety of command and staff positions in the continental United States, Hawaii, and Vietnam. He served two tours in Vietnam—the first with the 5th Special Forces Group, the second with the 173rd Airborne Brigade. He also commanded the 1st Battalion, 19th Infantry, in the 9th Infantry Division at Fort Lewis, WA; he served as the 9th Infantry Division’s assistant chief of staff for operation.

He then returned to North Carolina where he commanded the 1st Brigade of the 82nd Airborne Division at Fort Bragg; and then served as the Chief of Staff of the 10th Mountain Division at Fort Drum, NY.

Following his selection as brigadier general in 1987, General Shelton served 2 years in the Operations Directorate of the Joint Staff. In 1989, he began a 2-year assignment as Assistant Division Commander for Operations of the 101st Airborne Division (Air Assault), a tour that included the Division’s 7-month deployment to Saudi Arabia for Operations Desert Shield and Desert Storm.

Upon returning from the Gulf War, General Shelton was promoted to general and commanded to Fort Bragg where this time he commanded the 82nd Airborne Division. In 1993, he was again promoted—to lieutenant general—and assumed command of the XVIII Airborne Corps.

In 1994, while serving as corps commander, General Shelton commanded the Joint Task Force that conducted Operation Uphold Democracy in Haiti. In March 1996, he was promoted to general and became Commander in Chief of the U.S. Special Operations Command.

In his 4 years as Chairman of the Joint Chiefs of Staff, General Shelton worked tirelessly to improve the quality of life for military members and their families. He championed numerous initiatives that included the largest across-the-board pay raise for the military in 18 years—helping to narrow the civilian-military “pay gap.”

His push for pay table reform targeted greater increases for mid-grade military leaders and his retirement reform package reinstated benefits for those entering service after 1986, and, thanks to his dedication and support, an enhanced housing allowance was implemented gradually to eliminate out of pocket expenses for service members living off post.

Chairman Shelton was a strong advocate of the effort to reform medical health care, to make medical care more responsive—to include military retirees over 65. He made great strides to improve the readiness of the U.S. military by articulating a regimen for increased defense spending. As a result, the Department of Defense realized a $112 billion increase in defense spending in the 5-year plan to arrest declining readiness rates. He additionally implemented new processes to carefully manage high demand low density resources in support of the National Security Strategy.

Chairman Shelton and his staff published Joint Vision 2020 to establish goals and the metrics for the future joint force; he established the U.S. Joint Forces Command as the proponent for Joint Experimentation and Joint Forces readied the Joint Task Force-Civil Support to increase the military’s ability to respond to crises in the U.S. homeland and established Joint Task Force-Computer Network Operations to enhance protection of U.S. information networks.

The General directed numerous initiatives designed to improve the interoperability of the four Services including a Joint Airfighting Logistics Initiative, development of a Global Information Grid, revision of all Joint Provisions, Military Education programs and an enhancement on the joint warfighting focus of the Joint Requirements Oversight Council.
General Shelton's awards and decorations include the Defense Distinguished Service Medal (with two oak leaf clusters), Distinguished Service Medal, Legion of Merit (with oak leaf cluster), Bronze Star Medal with V device (with three oak leaf clusters), and the Purple Heart.

He has also been awarded the Combat Infantryman Badge, Joint Chiefs of Staff Identification Badge, Master Parachutist Badge, Pathfinder Badge, Air Assault Badge, Military Freefall Badge, and Special Forces and Rangers, Distinguished Flying Cross, and numerous foreign awards and badges.

Mrs. Shelton is the former Carolyn L. Johnson of Speed, NC, who was young Hugh Shelton's high school sweetheart. As Mrs. Hugh H. Shelton, she has been actively involved with service issues and support to military families throughout General Shelton's career. The General and Mrs. Shelton have three sons: Jonathan, a special agent in the FBI; Hugh, a U.S. Army Special Operations soldier, and Mark, their youngest son.

Mr. President, Dot Helms and I are proud to have General Shelton and Carolyn as our very special friends—and to be theirs. The General has represented the U.S. military with great distinction for the past four years as its senior military officer.

This splendid North Carolinian has participated in policy-making at the highest levels of Government but he never lost the common touch with our men and women in uniform. He will be remembered as a soldier's soldier and a quiet professional, along with his lovely wife and three sons.

RETIREMENT OF GENERAL MICHAEL E. RYAN

Mrs. HUTCHISON. Mr. President, I rise today to honor General Michael E. Ryan, Chief of Staff of the United States Air Force. General Ryan is a great American and, more important, I'm sure no surprise to my colleagues, he is a fellow Texan. General Ryan has long been a tribute to Texas, the Nation, and especially to the Air Force.

General Ryan graduated from the Air Force Academy in 1965, and during his 36 years of service he commanded at the squadron, wing, numbered air force and command levels, and accumulated more than 4,100 flying hours in seven different aircraft with 153 combat missions. He flew combat in Southeast Asia, including 100 missions over North Vietnam, and he served in key staff assignments at the major command level, at Headquarters U.S. Air Force and the Joint Staff. As commander of 16th Air Force and Allied Air Forces Southern Europe in Italy, he directed the NATO air combat operations in Bosnia-Herzegovina. We owe him a huge debt of gratitude for this duty alone as his leadership directly contributed to the Dayton Peace Accords.

General Ryan is, fortunately, not an unsung hero as he has received many decorations and medals including: the Defense Distinguished Service Medal with oak leaf cluster, the Distinguished Service Medal, the Legion of Merit with twenty-two oak leaf clusters, the Distinguished Flying Cross, the Meritorious Service Medal with two oak leaf clusters, the Air Medal with 11 oak leaf clusters, the Air Force Commendation Medal with two oak leaf clusters and the Vietnam Service Medal with three service stars.

After serving as the commander of U.S. Air Forces in Europe and commander, Allied Air Forces Central Europe, General Ryan "took the stick" of the Air Force as its 16th Chief of Staff. During his tenure, he has exemplified the quiet dignity and honor of that office through his leadership, integrity and foresight. A true leader who understood that his role was to set the course for our 21st Century Air Force, General Ryan showed how his commanders should truly lead their units. General Ryan personifies once said: "I don't think leadership should be personalized. Good ideas are best when they don't have a single identity. Leadership is a team effort."

This is a lesson those of us here in Congress would be wise to learn! Meanwhile, General Ryan's accomplishments are critical and easily quantifiable. He and his leadership commanded as the Air Force's readiness decline of the last decade, and built stability into the expeditionary operations our nation demands by reorganizing the service. At the same time though, General Ryan ensured that despite the Air Force being an all-volunteer force competing in a strong job market, its retention and recruiting efforts never sacrificed quality for quantity. He also led the effort to provide lifetime health care to our airmen and their families and then went willingly putting their lives at risk, as well as a retirement system that properly compensates their service to country.

In a period of leadership challenges and chaos, General Ryan led our Air Force, balancing reductions in forces with dramatically increased operational tasking. Without question, the U.S. Air Force is the world's premier force and our country owes a debt of gratitude to Mike Ryan.

At this time, I owe a debt of gratitude to the person General Ryan owes much of his success—his wife, Jane Ryan. With dignity and grace she selflessly gave her time and attention to the men and women of the Air Force family. Her sacrifice and devotion have served as an example and inspiration for others. The Air Force will lose not one, but two very exceptional people.

In fact, General Ryan's departure from active duty will signal an historic occurrence. For the first time in 63 years, there will no longer be a Ryan in the ranks of the United States Air Force. While General Ryan distinguished himself as an airman, leader, and trusted advisor to both the President and the U.S. Congress, his father, General John Ryan, also served as the senior uniformed Air Force officer.

The Air Force is a better institution today than it was four years ago. General Ryan's distinguished and faithful service provided a significant contribution to our Air Force and to our Nation's security. He has served our Nation with honor and distinction. I know the Members of the Senate will join me in paying tribute to this outstanding American after his retirement from the Air Force. We thank him and wish him and his family much health, happiness and Godspeed.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 5, 2001, the Federal debt stood at $5,769,122,055,290.29, five trillion, seven hundred sixty-nine billion, one hundred twenty-five billion, two hundred ninety-one thousand, two hundred ninety dollars and twenty-nine cents.

One year ago, September 5, 2000, the Federal debt stood at $5,676,475,439,039.16, five trillion, six hundred seven billion, eighty-four million, four hundred seventy-eight billion, four hundred seventy-five million, four hundred seventy-five thousand, four hundred thirty-nine dollars and sixteen cents.

Five years ago, September 5, 1996, the Federal debt stood at $5,225,564,391,083.90, five trillion, two hundred twenty-five billion, five hundred sixty-four million, three hundred ninety-one thousand, eight-three dollars and ninety cents.

Ten years ago, September 5, 1991, the Federal debt stood at $3,623,548,000,000, three trillion, six hundred twenty-three billion, five hundred forty-eight million, four hundred eighty-eight million.

Fifteen years ago, September 5, 1986, the Federal debt stood at $2,912,003,000,000, two trillion, one hundred twelve billion, eight hundred three million, fifty-five thousand, two hundred ninety dollars and twenty-nine cents during the past 15 years.

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

The PRESIDENT OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum be rescinded.

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

SECTION 245(1) EXTENSION ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the following bill: that the bill be amended.
with a substitute amendment, which is a modified text of S. 778 as reported by the Judiciary Committee, which I send to the desk on behalf of Senator LOTT; that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements thereon be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Amendment No. 1532 was agreed to, as follows:

AMENDMENT NO. 1532

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Section 245(i) Extension Act of 2001”.

SEC. 2. EXTENSION OF DEADLINE.

(a) In General.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i), by striking “on or before April 20, 2001;” or and inserting “on or before the earlier of April 30, 2003, and the date that is 120 days from the date on which the Attorney General first promulgates final or interim regulations to carry out the Section 245(i) Extension Act of 2001;” or; and

(B) in clause (ii), by striking “on or before such date;” and and inserting “on or before the earlier date described in clause (i);”;

(2) in subparagraph (C), by adding “and” at the end; and

(3) by inserting after subparagraph (C) the following:

“(D) in the case of a beneficiary of a petition for classification, or an application for labor certification, described in subparagraph (B) that was filed after April 30, 2001, demonstrates that the familial relationship existed before August 15, 2001, or the application for labor certification that is the basis of such petition for classification was filed before August 15, 2001;”;

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Legal Immigration Family Equity Act of 2001 (114 Stat. 2762A-346), as enacted into law by section 1(a)(2) of Public Law 106-553.

The bill (H.R. 1885), as amended, was read the third time and passed.

Mr. DASCHLE. Mr. President, I am so pleased tonight we were able to pass a measure that honors our heritage as a nation of immigrants, and provides American and immigrant families some relief from our outdated immigration laws.

Today, immigrants who don’t have the proper documentation to stay in the United States, but do have the legal right to become permanent residents because they are the spouses of U.S. citizens, can be stuck in a horrible catch-22 situation. If they return to their home country, they must leave the United States. If they cannot continue to get the immigrant visa to which they are entitled, they can be barred from re-entering the United States for up to 10 years.

Take the example of a woman named Norma. Norma entered the U.S. from Mexico, and settled in North Carolina. She married a U.S. citizen. They have been married over two years, have a child, are expecting another this fall, and recently bought a new home for their growing family. Norma and her husband are torn on what to do about her immigration status. As the wife of a citizen, she qualifies for an immigrant visa. However, if she returns to Mexico to obtain her visa, she would be barred from re-entering the U.S. for 10 years. Norma can’t leave her husband, her children, or her home for 10 years—and she shouldn’t have to.

This action allows Norma’s family—and hundreds of thousands of other families—to stay together. S. 778, introduced by Senator HAGEL and KENNEDY, extends the period of time for eligible people to file their petitions for relief with the Immigration and Naturalization Service and the Department of Labor for one year.

By doing that, S. 778 would provide real and immediate relief for hundreds of thousands of eligible immigrants.

With 30 Republican and Democratic cosponsors, this bill enjoyed broad bipartisan support.

It passed out of the Senate Judiciary Committee mark up by a unanimous voice vote.

To satisfy critics, Senators HAGEL and KENNEDY compromised by accepting language that immigrants applying under the new 245(i) extension must show that their family or employment relationship existed prior to the enactment of the bill.

I have talked to the President about this issue on more than one occasion, and I raised it again with him this week at the White House. He assured me he shares my concern that we need to take action on this important priority.

Since April 30th of this year, when Section 245(i) last expired, immigrants have been waiting in limbo.

INS statistics show that approximately seventy-five percent of the immigrants who apply for 245(i) relief are the spouses and children of U.S. citizens and permanent residents.

Eight out of 10 legal immigrants come to the United States to join a family member. What message are we sending if our policies prey families apart?

President Vicente Fox’s historic visit has helped to focus attention on the need to re-craft our immigration policies in ways that better reflect our core values of family unity, fundamental fairness and economic opportunity.

Passing the Section 245(i) Extension Act of 2001 sends a clear message that we are truly committed to providing real immigration reform.

The Senate has taken the first step. I hope the House will soon follow. Let’s put this bill on President Bush’s desk, and let’s do it this week. Norma’s family, and thousands of families just like hers, are looking to us. Let’s not let them down.

Mr. KENNEDY. Mr. President, last year the Senate passed the Immigration Equity Act extended the deadline under section 245(i) of the immigration laws to April 30, 2001—a window of just 4 months—to enable persons who are eligible for green cards to adjust their status in the United States, rather than have to return to their country of origin to do so. Clearly this new deadline has proved to be inadequate. The short extension overwhelmed demand for information and services, and many qualified persons did not have enough time to file their petitions.

To address this urgent problem, Senator HAGEL and I introduced new legislation on April 26, a few days before the April 30 deadline. Congress should have acted long before now to extend the deadline, but all of us who support an extension are pleased that the Senate is finally acting on this bill. I know many of my colleagues on both sides of the aisle share my desire to move this bill quickly because it affects so many people. It is a humanitarian measure that has strong bipartisan support. It also has the support of the President.

This bill will provide real and immediate relief to hundreds of thousands of immigrants. INS data show that approximately 75 percent of the immigrants who apply for this relief are the spouses and children of U.S. citizens and permanent residents. These are families who have made lasting contributions to our communities and contributed to the economic vitality of our nation. This bill does not propose substantial new relief, but only a continuation of the previous extension.

Last year’s temporary extension to April 30, 2001 was designed to benefit immigrants who were in the country by December 21, 2000. This bill will extend the deadline to provide this group of immigrants with more time to file their petitions.

I know that some of my colleagues support the extension, but had concerns with our bill. We worked with them to develop an acceptable compromise. Our bill with an amendment offered by Senator KYL reflects our compromise. This compromise requires immigrants benefiting from the extension to show that their family or employment relationship existed on or before August 15, 2001. They will have until April 30, 2002 or 4 months from the issuance of regulations to file their applications with the INS.

Some critics are concerned about fraudulent marriages. But the INS, and Congress, is in the best position to determine whether a case is fraudulent. The INS closely scrutinizes applications based on recent marriages. Under the current law, the INS conducts extensive interviews before deciding these cases, often separately questioning the couples. Anyone who has been married less than 2 years when their application is approved is required to attend a second INS interview 2 years later, in which INS again reviews the case to determine whether there is a bona fide marriage. Only after the second interview will a recently married immigrant receive a permanent green card.
In INS determines that an individual has committed marriage fraud, that person is permanently barred from receiving a green card and can be criminally prosecuted. Many of us feel that this new restriction is unnecessary, and it will lead to needless confusion, delay and hardship. But in the spirit of compromise, we accepted this amendment.

I am pleased that we are moving this bill forward. This legislation will keep immigrant families together. We cannot continue to delay; otherwise, the purpose of this legislation—to prevent the separation of immigrant families—will be defeated. This measure is of critical importance to the Mexican community.

Finally, if we are truly to live up to our history and heritage as a nation of immigrants, we must also address the pressing needs of uniting other families separated by our current immigration laws, and meeting the needs of our labor market. I look forward to working with my colleagues to meet these great challenges, and am pleased that the Senate has approved this bill as a downpayment on the reforms that are so long overdue.

Mr. LEAHY. Mr. President, this legislation accomplishes a goal supported by President Bush and the bipartisan coalition of Senators—making it easier for people who are eligible to become legal permanent residents to apply for their green cards without leaving the United States. There could not be a more opportune time to pass this bill than during the visit of President Vicente Fox, who is in Washington for an historic visit. Our two countries are negotiating important immigration policies which will profoundly affect and benefit our peoples and our economies. To pass this legislation without delay is an immediate and important first step in these negotiations.

There are at least three good reasons to extend 245(i). First, it allows families to stay together in the United States instead of forcing family members to return to their native countries to apply for their green cards. Second, because immigrants can also qualify to become legal permanent residents based on an employment relationship, extending 245(i) will allow businesses to retain vital employees. Third, because immigrants have to pay a $1000 fee to apply under 245(i), this program raises millions of dollars for the Federal treasury.

Senators KENNEDY and HAGEL deserve great credit for their sponsorship of and support for this bill. I am pleased that the Senate has approved this bipartisan bill to keep families together, and I urge the House to follow the Senate's lead.

Mr. REID. Mr. President, let me briefly say that this is extremely important. With President Fox in the country, this sends a message to him that we really are trying to work toward making things easier in relations between the United States and Mexico. But this has wide application to places other than the United States. It is an important legislation. It is something we worked on very hard. We almost got it done toward the end of last year. It is now completed.

Mr. LEAHY. Mr. President, I ask unanimous consent that on Monday, September 12, the Senate proceed to the consideration of calendar No. 96, H.R. 2500, the Departments of Commerce, Justice, and State appropriations bill; that once the bill is reports, the majority manager or his representative SENSENBRENNER. We are grateful for everyone's cooperation.

Mr. REID. Mr. President, I ask unanimous consent that on Monday, September 12, the Senate proceed to the consideration of calendar No. 96, H.R. 2500, the Departments of Commerce, Justice, and State appropriations bill; that once the bill is reported, the majority manager or his representative be recognized to offer the text of the Senate committee reported bill as a substitute amendment, and that the amendment be considered agreed to as original text for the purpose of further amendments, provided that no points of order be waived by this agreement.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to in bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the Record, with no intervening action or debate.

Resolved, SECTION 1. SENSE OF THE SENATE WITH RESPECT TO THE OLYMPIC TRUCE.

(a) COMMENDATION OF THE IOC AND THE GOVERNMENT OF GREECE.—The Senate commends the efforts of the International Olympic Committee and the Government of Greece to urge the international community to observe the Olympic Truce.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government should join others to use the Olympic Games as an instrument to promote peace and reconciliation in areas of conflict; and
(2) the President should continue efforts to work with Greece—

(A) in its preparations for a successful XXVIII Olympiad in Greece in 2004; and 

(B) to uphold and extend the spirit of the Olympic Truce during the XXVIII Olympiad.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the International Olympic Committee and the Government of Greece.

TENTH ANNUAL MEETING OF THE ASIA PACIFIC PARLIAMENTARY FORUM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 113, S. Con. Res. 58.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relative thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 58) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas the Asia Pacific Parliamentary Forum was founded by former Japanese Prime Minister Yasuhiro Nakasone in 1993;

Whereas the Tokyo Declaration, signed by 59 parliamentarians from 15 countries, entered into force as the founding charter of the forum on January 14 and 15, 1993, establishing the basic structure of the forum as an interparliamentary organization;

Whereas the original 15 members, one of which was the United States, have increased to 27 member countries;

Whereas the forum serves to promote regional identification and cooperation through discussion of matters of common concern to all member states and serves, to a great extent, as the legislative arm of the Asia-Pacific Economic Cooperation;

Whereas the focus of the forum lies in resolving political, economic, environmental, security, law and order, human rights, education, and cultural issues;

Whereas the forum will hold its tenth annual meeting on January 6 through 9, 2002, which will be the first meeting of the forum hosted by the United States;

Whereas approximately 270 parliamentarians from 27 countries in the Asia Pacific region will attend this meeting;

Whereas the Secretariat of the meeting will be the Center for Cultural and Technical Exchange Between East and West in Honolulu, Hawaii;

Whereas the East-West Center is an internationally recognized education and research organization established by the United States Congress in 1960 largely through the efforts of the Eisenhower administration and the Congress;

Whereas the mission of the East-West Center to strengthen understanding and relations between the United States and the countries of the Asia Pacific region and to help make the region stable, peaceful and prosperous Asia Pacific community in which the United States is a natural, valued, and leading partner; and

Whereas it is the agenda of this meeting to advance democracy, peace, and prosperity in the Asia Pacific region: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) expresses support for the tenth annual meeting of the Asia Pacific Parliamentary Forum and for the ideals and concerns of this body;

(2) commends the East-West Center for hosting the meeting of the Asia Pacific Parliamentary Forum and the representatives of the 27 member countries; and

(3) calls upon all parties to support the endeavors of the Asia Pacific Parliamentary Forum and to work toward achieving the goals of the meeting.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF AL-ANON FAMILY GROUPS

Mr. WELLSTONE. Mr. President, today I congratulate Al-Anon Family Groups on their 50th anniversary and to acknowledge their contributions to many individuals, families and communities who come together to support those in recovery from alcohol addiction. The Al-Anon Family Groups have been a source of help and hope for families and friends of alcoholics for 50 years in communities throughout the United States and worldwide. Although Al-Anon, and its group for younger members, Alateen, have their roots in the United States, there are now over 29,000 Al-Anon—Alateen groups around the world in 115 countries.

The theme for the September 2001 National Alcohol and Drug Addiction Recovery Month is “We Recover Together: Family, Friends and Community,” with its clear message that we need to work together to promote treatment for alcohol and drug addiction throughout our country. The Al-Anon Family Groups is an outstanding example of how a community can support the families, friends and communities of those who are in recovery from addiction.

Scientific research has shown us the devastation that alcohol addiction can have on the brain and the biological systems of the body. But addiction can also damage families, friendships and communities. Effective treatments can help those with addiction illnesses, but it is through the support of groups like Al-Anon that communities and families can join together to make recovery work well for everyone who is affected.

I urge my colleagues to join me in recognizing Al-Anon Family Groups for the work they have done to help the countless numbers of those whose lives have been affected by addiction. With treatment and support, people can recover from alcohol addiction, and make positive contributions to their families, workplaces, communities, state and nation. Through the support offered by Al-Anon and Alateen, families and friends of those with addiction illnesses can find the support they need in their lives as well.

With gratitude and respect for the work they do, I offer my congratulations to Al-Anon Family Groups on their 50th anniversary.

TRIBUTE TO OVARIAN CANCER NATIONAL ALLIANCE

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Ovarian Cancer National Alliance of Washington, D.C. during Ovarian Cancer Awareness Month of September. The Alliance has been instrumental in implementing a three-phase public education program targeting key constituencies to deliver crucial information about ovarian cancer.

The information provided to the public about ovarian cancer has allowed the Alliance to successfully develop the tools, strategies and relationships necessary to educate women about the symptoms, risks and treatment of ovarian cancer.

The main thrust of the education program was the development of a pilot awareness program in the Washington, D.C., metropolitan area. Working closely with the Ovarian Cancer Coalition of Greater Washington, the Alliance trained more than 30 volunteers to go into the community to give educational presentations and partnered with area gynecologic and oncology physicians and nurses to do similar presentations in the medical community.

The combined aspects of the program have reached several hundred healthcare professionals and tens of thousand of women. The pilot program has made a marked impact in raising ovarian cancer awareness in the Washington, D.C. area.

The Alliance has begun to identify other communities around the country in which it will conduct similar educational campaigns to heighten awareness of ovarian cancer.

I commend the Ovarian Cancer National Alliance for its selfless dedication to the education of women concerning ovarian cancer and applaud the efforts to reach thousands of women in our country with life saving information. It is truly an honor and a privilege to represent you in the United States Senate.

COMMENDING THE SERVICE OF GENERAL THOMAS P. KANE

Mrs. BOXER. Mr. President, I take this opportunity to bring to the Senate’s attention the exemplary career and service of General Thomas Kane,
Commander of the 60th Air Mobility Wing at Travis Air Force Base in California.

General Kane is leaving Travis to accept an assignment with NATO on September 12, 2001. When he arrived in Solano County almost 2 years ago, he brought with him a sense of honor, purpose and teamwork that not only resonated on the base itself but throughout the surrounding community. I am not the only one who will miss his spirit, good nature and strength of character. General Kane is a career Air Force officer. He graduated from the Air Force Academy in 1974 and has earned numerous advanced degrees since. A pilot and highly decorated officer, he has served in many capacities and in many locations over the course of his time in the Armed Forces including Portugal and Korea. Advancing steadily, he was promoted to Brigadier General on September 1, 2000.

I had the pleasure of meeting General Kane once at my office in Washington, DC. To me, the most striking thing about him is how much he cares about the men and women in his command. This impressed me very much. In my opinion, this attitude is more crucial to leadership; it is the very essence of leadership.

General Kane often likes to mention that if he ever leaves the Air Force he would like to be a baseball coach. I am not sure if America needs more baseball coaches, but I do know that we very much need dedicated people leading our military. General Kane is just such an officer. He is a credit to his uniform and his country. I wish him, his wife Renee and their family the very best.

TRIBUTE TO ALICE WATERS

- Mrs. BOXER. Mr. President, today I pay tribute to an extraordinary American woman, Alice Waters, who has revolutionized our approach to food and the way we eat.

I congratulate her and her flagship restaurant, Chez Panisse, for reaching the milestone of being in business for 30 years. While sustaining a successful restaurant for all of these years is significant, Alice’s broader contribution to our culture in the past decades is unparalleled.

While I have known and admired Alice for many years, I am astonished when I consider the effect she has had on our country. Alice has cultivated programs and integrated food and gardening into imaginative projects as ways of fostering love, growth, responsibility and respect of life and property beyond the kitchen. Due to the leadership of Alice and her restaurant, Chez Panisse, the National Restaurant Association reports that over 60 percent of the top American restaurants now mention organic ingredients on their menus. Alice worked to pass the Federal organic food law and has helped define new U.S. Department of Agriculture guidelines for school lunches.

Alice has written and co-authored many cookbooks, which provide more than recipes. They have helped to spread her philosophy of food into American home kitchens. She has founded gardening projects at the San Francisco jail and the Edible Schoolyard at Berkeley’s Martin Luther King Jr. Middle School, where she established a curriculum that brings organic gardening into classes and where the results of the children’s gardening are used in the school’s lunch program. The students who participate not only learn valuable skills but also cooperation and responsibility.

Alice believes that as Americans change their thinking about food, America will change for the better. Alice has said about our children that “Most families in this country don’t even eat one meal a day with each other. So how are we going to pass on our values to them if we don’t eat with them.

While Chez Panisse has been graced with many talented people over the years, the one constant has been Alice. She has poured her life into Chez Panisse and into what it represents, and we are all the richer for it.

I am proud to know Alice and I wish her, her good works for our community and nation, and Chez Panisse another 30 years of continued success.

RECOGNIZING JIM WOSTER FOR HIS SERVICE TO SOUTH DAKOTA

- Mr. JOHNSON. Mr. President, I rise today to recognize a friend and an extraordinary South Dakotan who is about to be inducted into the South Dakota Hall of Fame on Saturday, September 8th. I am very pleased that Mr. Jim Woster, of Sioux Falls, SD has been selected for this very prestigious honor. I am sure this is also a great honor for Jim’s wife, Penny, their three children, Jim, Sara, and Michelle, and their new granddaughter, Tessa. Jim’s contributions to our State have been many, but he has, in particular, been an absolute champion for the interests of South Dakota’s rural communities.

After growing up on a ranch near Reliance, SD, Mr. Woster graduated from South Dakota State University with a degree in animal science. As a young man, Jim began to compile an incredibly impressive list of accomplishments in all aspects of South Dakota agriculture. Jim’s experiences range from working in the cattle alley at the Sioux Falls Stockyards to conducting importation, ruminant nutrition research, Jim has become involved in censitized sales of livestock at sale barns throughout the State, and became a highly respected and beloved media personality in our State through his market reports on radio and television. Nobody knows rural America, and nobody knows South Dakota agriculture better than Jim Woster.

Jim has always exhibited a strong commitment to public service. Throughout his career, he has devoted an enormous amount of time and energy to worthy causes such as the American Cancer Society, the Arthritis Foundation, and the Make-A-Wish Foundation. All this while serving our Nation for eight years as a member of the South Dakota National Guard.

The great honor to be bestowed on Mr. Woster is exceptionally well deserved, as he has contributed so much to our State while at the same time serving as a model for other talented South Dakotans to emulate. I join my fellow South Dakotans on extending congratulations and a “job well done” to Jim Woster.

MESSAGE FROM THE HOUSE

At 12:29 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 which requests the concurrence of the Senate:

H.R. 1886. An act to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents.

H.R. 2291. An act to extend the authorization of Drug-Free Communities Support Program for an additional 5 years, to authorize the National Community Coalition Institute, and for other purposes.

H. Res. 234. Resolution stating that the House has heard with profound sorrow of the death of the Honorable Floyd Spence, a Representative from the State of South Carolina.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1866. An act to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents; to the Committee on the Judiciary.

H. Res. 234. Resolution stating that the House has heard with profound sorrow of the death of the Honorable Floyd Spence, a Representative from the State of South Carolina; to the Committee on the Judiciary.
EC-3579. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled "Solid Minerals Reporting Requirements" (RIN2355-AA10) received on August 17, 2001; to the Committee on Energy and Natural Resources.

EC-3599. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2001 Refuge-Specific Hunting and Sport Fish-Rearing Regulations" (RIN0108-AG58) received on August 22, 2001; to the Committee on Energy and Natural Resources.

EC-3590. A communication from the Commissioner for Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2001 Gulf War Veterans for Calendar Years 1999 and 2000"; to the Committee on Veterans' Affairs.

EC-3592. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Benefits Administration Nomenclature Changes" (RIN0910-AR37) received on August 10, 2001; to the Committee on Veterans' Affairs.

EC-3593. A communication from the Director of the Office of Management and Budget, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Priority Order for Conversion of Eligible Applicants for Disability; 2000" (RIN1035-AK85) received on August 22, 2001; to the Committee on Veterans' Affairs.

EC-3594. A communication from the Chair and President of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a rule entitled "Railroad Track Maintenance Costs" (Rev. Proc. 2001-26) received on August 21, 2001; to the Committee on Finance.

EC-3595. A communication from the Acting Assistant Secretary for Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Federal Indian Wild Horses on Certain Federal Indian Reservations and Ceded Lands for the 2001-02 Early Season" (RIN0118-AH70) received on August 17, 2001; to the Committee on Indian Affairs.

EC-3596. A communication from the Executive Director of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the report of a rule entitled "Public Libraries and Information Science" (RIN2500-AK69) received on August 22, 2001; to the Committee on Libraries and Information Science.

EC-3587. A communication from the General Counsel for the National Science Foundation, transmitting, pursuant to law, the report of a rule entitled "Non-Governmental Organizations (RIN2500-AK65)" received on August 15, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3588. A communication from the Assistant Secretary for Planning and Evaluation, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "2001 National Pool Schedules" (RIN0975-AK75) received on August 22, 2001; to the Committee on Energy and Natural Resources.

EC-3589. A communication from the Assistant Secretary for the Budget, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2002 Federal Appropriations" (RIN0960-AA13) received on August 20, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3590. A communication from the Commissioner for Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Benefits Administration Nomenclature Changes" (RIN0910-AR37) received on August 10, 2001; to the Committee on Veterans' Affairs.

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EC-3588. A communication from the Assistant Secretary for Planning and Evaluation, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "2001 National Pool Schedules" (RIN0975-AK75) received on August 22, 2001; to the Committee on Energy and Natural Resources.

EC-3589. A communication from the Assistant Secretary for Planning and Evaluation, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "2001 National Pool Schedules" (RIN0975-AK75) received on August 22, 2001; to the Committee on Energy and Natural Resources.
EC-3609. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Amendments to the List of Articles Imported for Personal or Household Use or as Bona Fide Gifts” (RIN1515-AC90) received on August 30, 2001; to the Committee on Environment and Public Works.

EC-3610. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Guidance on Amendment of Section 401(a)(17) of the Code by EGTRRA” (Notice 2001–56) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3611. A communication from the Principal Deputy Assistant Secretary of the Army, Office of the Assistant Secretary of the Army for Civil Works, transmitting, pursuant to law, a report relative to the deep-draft navigation project for Savannah Harbor, Georgia; to the Committee on Environment and Public Works.

EC-3612. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Missouri” (FRL7032-2) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3613. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Full Approval of Operating Permits Program in Washington (FRL7014-4) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3614. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Hazardous Waste; Final Exclusion” (FRL7025-3) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3615. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Idaho: Final Authorization of State Hazardous Waste Management Program Revision” (FRL7013-5) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3616. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, the Monthly Status Report on the Licensing Activities and Regulatory Duties for June 2001; to the Committee on Environment and Public Works.

EC-3617. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to the disaster declared due to extreme flash floods in the State of Texas; to the Committee on Environment and Public Works.

EC-3618. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the Annual Superfund Report for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC-3619. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Amendments for Testing and Monitoring Provision Removal of a Provision for Oxyacetylene Coating; Ozone Depletion; State of Michigan-Wilming-ington-Trenton Non attainment Area to a Full Approval” (FRL7043-5) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3620. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final zigzag Implementation of Air Quality Implementation Plans; Pennsylvania; Conversion of the Conditional Approval of the 15 Percent Plan for the Pennsylvania Counties; and Ohio-Welsh Area” (FRL7042-6) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3621. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled “Finding of Attainment for PM-10; Shoshone County (City of Pinehurst and Pinehurst Expansion Area)” (FRL7029-9) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3622. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Interim Final Determination that the Standards for Particulate Emission Deficiencies and Stay of Sanctions, El Dorado County Air Pollution Control District” (FRL7032-9) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3623. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District” (FRL7029-7) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3624. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a report entitled “Migratory Bird Hunting; Final Frameworks for Early Season Migratory Bird Hunting Regulations” (RIN1018-AH79) received on August 23, 2001; to the Committee on Environment and Public Works.

EC-3625. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Hunting; Early Seasons and Bag Limit Guidelines; and Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands” (RIN1018-AH79) received on August 23, 2001; to the Committee on Environment and Public Works.

EC-3626. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Idaho: Final Authorization of State Hazardous Waste Management Program Revisions” (FRL7013-5) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3627. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Agrochemical and Pesticide Use; Result of Implementation Plans; State of Tennessee” (FRL7024-1) received on August 23, 2001; to the Committee on Environment and Public Works.

EC-3628. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Unregulated Containment Monitoring Regulation for Public Water Systems; Amendment to the List 2 Rule and Partial Enactment of Reporting of Monitoring Results” (FRL7048-4) received on August 30, 2001; to the Committee on Environment and Public Works.

EC-3629. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Operation and Maintenance in the Superfund Program” received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3630. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Local Emergency Planning Committees and Deliberate Releases” received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3631. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Drop Out Box Slag Generated at Electric Arc Furnaces” received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3632. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Comprehensive Five-Year Plans; State of Arizona” received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3633. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Air Quality Implement几何 Final Integrated Feasibility Report and Environmental Impact Statement; to the Committee on Environment and Public Works.

EC-3634. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Recreational Use of Land Above Hazardous Waste Containment Areas” received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3635. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Generated at Electric Arc Furnaces” received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3636. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Comprehensive Five-Year Plans; State of Tennessee” received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3637. A communication from the Principal Deputy Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to Ocean City, Maryland, and Vicinity Water Resources Study; Final Integrated Feasibility Report and Environmental Impact Statement; to the Committee on Environment and Public Works.

EC-3638. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Unregulated Containment Monitoring Regulation for Public Water Systems; Amendment to the List 2 Rule and Partial Enactment of Reporting of Monitoring Results” (FRL7048-4) received on August 30, 2001; to the Committee on Environment and Public Works.
Executive reports of Committees

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services:
• Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

By Mr. LEAHY for the Committee on the Judiciary:


Deborah J. Daniels, of Indiana, to be an Assistant Attorney General.

Richard R. Neldekk, of Texas, to be Director of the Bureau of Justice Assistance.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. ROCKECELLER:
S. 1008. A bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expenses of care, and for other purposes; to the Committee on Veterans Affairs.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. SCHUMER, Ms. MIKULSKI, Mr. CRAPO, Mrs. CLINTON, Mrs. CARNAN, Mrs. BOXER, Mr. TORRICELLI, Mr. EDWARDS, Mr. CLELAND, Mr. ENSIGN, Mr. JOHNSON, Mr. NELSON, Mr. LEAHY, Mr. DURBIN, Mr. WARREN, Mr. HUTCHISON) was added as a cosponsor of S. 1008.

S. 1049. A bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to comply with commitments made to the State of Israel; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself, Mrs. LINCOLN, Mr. BREAUX, and Mr. LUGAR):
S. 1140. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemption with respect to the sale of fertilizers or other substances; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. ALLARD):
S. 1141. A bill to authorize the transfer of the Denver Department of Veterans Affairs Medical Center, Colorado, and for other purposes; to the Committee on Veterans Affairs.

Additional cosponsors

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 311

At the request of Mr. DOMENICI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education.

S. 497

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 497, a bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 596

At the request of Mr. WELLSTONE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 595, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage.

S. 633

At the request of Mr. BAYT, the name of the Senator from Texas (Ms. HUTCHISON) was added as a cosponsor of S. 633, a bill to amend part D of title IV of the Social Security Act to provide grants to States to encourage media campaigns to promote responsible fatherhood skills, and for other purposes.

S. 677

At the request of Mr. HATCH, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from North Dakota (Mr. DORGAN) and the Senator from Kentucky (Mr. BUNNING) were added as co-sponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase
price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 894, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

At the request of Mr. ALLARD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 736, a bill to amend title 10, United States Code, to provide for the appointment of a Chief of the Veterinary Corps of the Army in the grade of brigadier general, and for other purposes.

At the request of Mr. WELLSTONE, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 876, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

At the request of Mr. DAYTON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 887, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 886, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

At the request of Ms. MIKULSKI, the names of the Senator from California (MRS. BOXER), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Idaho (Mr. CHAPo) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

At the request of Mr. McCONNELL, the name of the Senator from Delaware (Mr. UDEN) was added as a cosponsor of S. 953, a bill to establish a Blue Ribbon Study Panel and an Election Administration Commission to study voting procedures and election administration, to provide grants to modernize voting procedures and election administration, and for other purposes.

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 998, a bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas.

At the request of Mr. REED, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1000, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1014, a bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes.

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1036, a bill to amend the Agricultural Trade Development and Assistance Act of 1954 to establish an international food for education and child nutrition program.

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Maryland (Ms. MIKULSKI), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New Jersey (Mr. DURBIN) were added as cosponsors of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1140, 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 Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1201, a bill to amend the Internal Revenue Code of 1986 to provide for corporation reform, and for other purposes.

At the request of Mr. GRAHAM, the name of the Senator from New York (Mr. SCHUMER) was withdrawn as a cosponsor of S. 1208, a bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States.

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1209, a bill to authorize the Trade Adjustment Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

At the request of Mr. ENSIGN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 1349, a bill to provide for a National Stem Cell Donor Bank regarding qualifying human stem cells, and for the conduct and support of research using such cells.

At the request of Mr. CAMPBELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 1408. A bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce today legislation that would exempt certain veterans from copayments for needed prescription drugs. Currently, veterans with incomes of less than $21,000 a year are exempt from copayments for most VA health care services. However, when it comes to prescription drugs, the income threshold for exemption is just $9,000 a
year. Veterans earning over $9,000, well below the poverty threshold established by the Census Bureau, are required to make copayments. These copayments place an undue burden on our poorest veterans. To compound the problem, the Department of Veterans Affairs recently proposed increasing the copayment for prescription drugs from $2 to $7 per 30-day prescription.

I have serious concerns about what this copayment increase will mean for veterans. Indeed, I have already heard from many veterans whose incomes hover just above the $9,000 threshold, who must make the required copayments for their pharmaceuticals. Many of them are on several different medications for multiple medical conditions, each requiring their own copay. There are many veterans like Steven Smith, formerly of Greenwood, WV, who has no health insurance except Medicare and depends upon the VA for his medications. With the lack of a Medicare benefit, he, and many veterans like him, are faced with a 350 percent increase in what they must pay for life-sustaining medications.

I am not alone in my concerns about the copayment. The copayment increase will have on veterans. In commenting on the proposed regulations, the VFW recently cited an example of a veteran who has an annual income of $10,500, just above the current exemption limit set by legislation. An increase in the prescription copayment rate would force that veteran to allocate over 8 percent of his annual income just to prescription drugs. There is a grave danger that, faced with this situation, many veterans will stop seeking necessary medical care because they are priced out of the system.

At a glance, the increase to $7 per prescription may seem reasonable enough and in keeping with industry standards. I consider a veteran with an income of about $9,000 a year who currently pays $2 per prescription for 10 medications a month. He presently incurs out-of-pocket costs of $240 a year. Under the new regulations, his costs would go up to $840 per year, an increase of $600. For someone living barely over the $9,000 annual income threshold, this is a substantial sum.

I am also concerned about disparities in how VA defines who is “poor” for the purpose of copayments from non-VA copayments. For prescription drugs, veterans with more than $9,000 annual income must make copayments, but for outpatient care, hospitalization, and extended care, the income threshold for copayments is $24,000 per year. My proposed legislation would raise the exemption level for prescription copayments to make them the same as all other VA health care copays. It will be less confusing to veterans, easier to administer, and quite simply, it’s the right thing to do.

My legislation, the Veterans’ Copayment Adjustment Act, would also require VA to delay implementing the increase in prescription copayments until we see an adjustment to copayments for other health care services. On July 24, I held a hearing on prescription drug issues in VA. At that hearing, we heard testimony from VA Secretary Anthony Principi who also believes that copayments shouldn’t be put into effect until we see a reduction in other health care copayments.

As part of the Veterans Millennium Health Care and Benefits Act, Congress gave VA the authority to adopt the different health care copayments. This was intended to make VA’s copayments more rational. Currently, veterans must make a copayment of over $50 for outpatient care services. There is no doubt that $50 for a routine outpatient visit is unreasonable at best, and at worst, discourages veterans from getting the primary care they need. By delaying the increase in the medication copayment until VA implements its adjusted copayment system, we will reduce the negative financial impact on our Nation’s veterans. I am confident that VA will study this issue closely and will expeditiously set the copayment to be more in line with managed care plans.

I urge my Senate colleagues to join me in seeking to provide affordable health care for our sick and disabled veterans. They have sacrificed for all of us, and deserve every effort we can make to keep them from having to choose between buying needed prescription drugs and putting food on the table.

I ask unanimous consent that the 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. 1408
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 “Veterans’ Copayment Adjustment Act”.

SEC. 2. STANDARDIZATION OF INCOME THRESHOLDS FOR COPAYMENT FOR OUTPATIENT MEDICATIONS AND FOR INABILITY TO DEFRAY NECESSARY EXPENSES OF CARE.

(a) STANDARDIZATION.—Section 1722A(a)(3)(B) of title 38, United States Code, is amended to read as follows:

“(B) to a veteran whose attributable income is not greater than the amount provided for in subsection (b) of section 1722 of this title, as adjusted from time to time under subsection (c) of that section.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2002, and shall apply with respect to calendar years beginning on or after that date.

SEC. 3. LIMITATION ON IMPLEMENTATION OF INCREASE IN COPAYMENTS FOR OUTPATIENT MEDICATIONS PENDING COLLECTION OF COPAYMENTS FOR OUTPATIENT CARE.

With notwithstanding any other provision of law, the Secretary of Veterans Affairs may not implement under section 1722A(b)(1) of title 38, United States Code, an increase in the copayment amount for medications furnished on an outpatient basis under section 1722A(a) of that title until the Secretary collects collection of amounts for outpatient visits for medical services under section 1710(g) of that title.

By Mr. MCCONNELL. Mr. President, I am today joining with my good friend, Senator FEINSTEIN from California, who is in the Chamber as well, in offering this Middle East Peace Compliance Act of 2001. We do that with the support also of our colleagues, Senators DASCHLE, SCHUMER, MIKLUSKI, CRAPO, CLINTON, CARNAHAN, BOXER, TORRICELLI, EDWARDS, CLELAND, ENSIGN, and SNEHL.

We also do so with full appreciation of the dire and untenable situation in the Middle East.

Given the ongoing and relentless bloodshed in the Middle East, the time has come for finger pointing. Palestinian Liberation Organization (PLO) Chairman Yasser Arafat—and the terrorists he allows free reign in the West Bank and Gaza—are guilty of waging a guerilla war against America’s most important and reliable ally in that region. Scores of innocent Israeli men, women and children have been killed by bombs, bullets, knives, and stones. In acts of cowardice, Palestinian suicide bombers have caused death and destruction in discos, pizza parlors, cafes, and on the streets of Jerusalem and Tel Aviv.

There appears no end to this madness. On Monday of this week, four bombs exploded in the Jerusalem neighborhood of French Hill. On Tuesday, a Palestinian suicide bomber disguised as an orthodox Jew killed himself and injured others on a Jerusalem street close to two international schools. One wonders how much more of this terror the people of Israel can—or should—endure.

Mr. Arafat and his minions are enlisting Palestinians of all ages to their misguided cause of mutually assured destruction. One Palestinian children’s television show reportedly broadcast a song: “When I wander into Jerusalem, I become a soldier.” Mr. President, Israel is well aware of the people in Mr. Arafat’s Neighborhood, and they are not ones they, or any
peaceful loving people, would choose to associate with.

The legislation we are introducing will make clear the intentions of Mr. Arafat and the PLO. In a report to Congress, the Administration is required to determine whether the PLO has lived up to its 1993 commitments under the Oslo Accords to renounce violence against Israel, and what steps have been taken by the PLO and the Palestinian Authority to investigate and prosecute those responsible for killing American and Israeli citizens. Should the Administration determine that the PLO’s actions run contrary to their word, the President is required to immediately suspend all assistance to the West Bank and Gaza, except humanitarian aid. He is also required to initiate additional sanctions against the PLO, which may include denying visas to senior officials and downgrading their representative office in the United States.

I intend to offer this legislation, along with Senator FEINSTEIN, as an amendment to the Foreign Operations Appropriations bill, which may be considered by the full Senate in the near future. While I will have much more to say on the situation in the Middle East at a later date, let me close by asking a question of my colleagues: If the daily terrorists attacks taking place against Israelis were occurring on American soil against American citizens, what would our response be? A democracy in a region of dictatorships and kingdoms, Israel has the right and responsibility to protect and defend its citizens against terrorism. The United States should be clear in its support of Israel exercising this right, in whatever manner the people of Israel, through their elected leaders, deem appropriate. To date, Israel has shown remarkable restraint.

Mr. MCCONNELL. With great thanks to my colleague from California in collaborating with me on this effort, and looking forward to further efforts on behalf of this proposal, I now yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Kentucky for his leadership. We have consulted together on this bill, and I am very proud to join him as the lead Democratic co-sponsor. I ask unanimous consent to put the following Members from this side of the aisle on the bill: Senators DASCHELLE, SCHUMER, MIKULSKI, CLINTON, CARNHAN, BOXER, TORRICELLI, EWING, and CLINE.

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

Mrs. FEINSTEIN. Mr. President, the Senator from Kentucky and I joined together in the legislation because we believe that if a peace process is to be meaningful, if violence between the Palestinians and Israel is to end and the peace process is to gain any momentum, the Palestinian leadership must show it can muster the political will that is necessary to meet the commitments they made at Oslo.

Most people, I think, don’t know what the Oslo accords were. In fact, the Oslo accords were letters that were sent between Israeli and Palestinian leadership in 1993. Those letters became the Oslo accords.

I wish to confirm to you that in light of the PLO commitments included in your letter, the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people and commence negotiations with the PLO within the Middle East peace process.

Mr. President, that was what formed the beginning of Oslo—not the end, but the beginning of the Oslo peace process. They were the necessary minimum threshold to begin that process—a recognition that Israel has the right to exist in peace and security and that the Palestinian people have a right to be represented by representatives of their own choosing.

Unfortunately, since Camp David last year, the Palestinians have carried out more than 6,700 armed attacks against Israelis in a fundamental violation of their peace process commitments. This Palestinian campaign of terror has killed 155 Israelis, 114 of them civilians, and it has wounded another 1,500 Israelis.

As the Senator from Kentucky pointed out, when it is a bomb that goes off in a school, or a discotheque, or a shopping mall, this is the way that kind of violence has happened.

Now, Israel has responded. Some have criticized Israel for that response. Yet if Israel is not going to practice that kind of response, the violence—such as the incident that just happened in Jerusalem, I think, yesterday, when somebody dressed as an Orthodox Jew walked down the street with a bomb in his backpack, detonated the bomb when an Israeli officer came up to him—must stop. A group of schoolchildren were nearby, but luckily they were not injured. Many others were.

I ask you, Mr. President, that no Israeli and no Palestinian should have to live with terror every day, when a child gets on that school bus, when a son goes to work, when a wife goes shopping, when friends meet at a cafe or pizzeria or go to a night club.

The bombings, the terror, and the violence must stop. The Palestinian use of this kind of terror over the past 10 months runs contrary to what is expected of a peace partner. Mr. Arafat must understand that allowing an atmosphere of violence and terror to continue will not and cannot lead to peace.

The bill we are proposing today, the Middle East Peace Compliance Act, sends that signal clearly and simply and says either the PLO live up to these commitments or we return to a pre-Oslo posture.

So it is a very simple and very straightforward bill based on these commitments. It calls for the President to issue a report addressing whether the PLO and the Palestinian Authority are in compliance with the fundamental commitments they have repeatedly made to renounce terrorism.

If the President is unable to find that the PLO or the Palestinian Authority is adhering to its commitments, it requires him to deny visas to senior officials and downgrading their representative office in the United States.

I think this legislation is necessary to send a message that we cannot continue this kind of violence. We cannot see that letter abrogated in chapter and verse—the letter that became the foundation of PLO recognition, and the letter that became the foundation of the Oslo peace process.

Let me be clear. It is also my expectation that the Government of Israel, for its part, must continue to meet the commitments it has made to peace and continue to exercise restraint in reaction to these Palestinian terrorist acts.

Mr. President, we submit this legislation. Again, I am very delighted to work with the distinguished Senator from Kentucky. We have a bill and, as the Senator said, we will also offer this amendment to the Foreign Operations appropriations bill. I thank the Chair and the Senator. It has been a great pleasure to work with him.

I yield the floor.
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 “Middle East Peace Compliance Act of 2001”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 9, 1993, Palestinian Liberation Organization (PLO) Chairman Yasser Arafat made the following commitments in an exchange of letters with Prime Minister of Israel Yitzhak Rabin:

(A) “The PLO recognizes the right of the State of Israel to exist in peace and security.”

(B) “The PLO accepts United Nations Security Council Resolutions 242 and 338” pertaining to the cessation of hostilities and the establishment of a just and lasting peace in the Middle East.

(C) “The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides and to the ongoing disputes which are subject to a permanent status will be resolved through negotiations.”

(D) “The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance with the terms of this letter.”

(E) “In view of the promise of a new era and the signing of the Declaration of Principles and based on Palestinian acceptance of Security Council Resolutions 242 and 338, the PLO affirms that those articles of the Palestinian Covenant which deny Israel’s right to exist will be abrogated.”

(F) “The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides and to the ongoing disputes which are subject to permanent status will be resolved through negotiations.”

(G) “The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance with the terms of this letter.”

(H) “In view of the promise of a new era and the signing of the Declaration of Principles and based on Palestinian acceptance of Security Council Resolutions 242 and 338, the PLO affirms that those articles of the Palestinian Covenant which deny Israel’s right to exist will be abrogated.”

(I) “The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides and to the ongoing disputes which are subject to permanent status will be resolved through negotiations.”

(J) “The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance with the terms of this letter.”

(K) “In view of the promise of a new era and the signing of the Declaration of Principles and based on Palestinian acceptance of Security Council Resolutions 242 and 338, the PLO affirms that those articles of the Palestinian Covenant which deny Israel’s right to exist will be abrogated.”

(L) “The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance with the terms of this letter.”

(M) “In view of the promise of a new era and the signing of the Declaration of Principles and based on Palestinian acceptance of Security Council Resolutions 242 and 338, the PLO affirms that those articles of the Palestinian Covenant which deny Israel’s right to exist will be abrogated.”

SEC. 3. REQUIREMENTS.

(a) In General.—The President shall, at the times specified in subsection (b), transmit to Congress a report—

(1) detailing and assessing the steps that the PLO or the Palestinian Authority, as appropriate, has taken to substantially comply with its 1993 commitments, as specified in section 2(1) of this Act; the report pursuant to section 3 was transmitted and ending on the later of—

(1) the date that is 6 months after such date;

(2) the date that the next report under section 3 is required to be transmitted; or

(3) the date, if any, on which the President determines and informs Congress that the conditions that were the basis for imposing the sanctions were no longer valid.

(b) Waiver Authority.—The President may waive any or all of the sanctions imposed under this Act if the President determines that such a waiver is in the national security interest of the United States, and reports such a determination to the appropriate committees of Congress.

SEC. 4. IMPOSITION OF SANCTIONS.

(a) In General.—If, in any report transmitted pursuant to section 3, the President determines that the PLO or Palestinian Authority, as appropriate, has not substantially complied with the commitments specified in section 2(1), the following sanctions shall apply:

(1) Suspension of Assistance.—The President shall suspend all United States assistance to the West Bank and Gaza except for humanitarian assistance.

(2) Additional Sanction or Sanctions.—The President shall impose one or more of the following sanctions:

(A) Denial of Access to PLO and Palestinian Authority Figures.—The President shall prohibit the Secretary of State from issuing any visa for any member of the PLO or any official of the Palestinian Authority.

(B) Downgrade in Status of PLO Office in the United States.—Notwithstanding any other provision of law, the President shall withdraw or terminate any waiver by the President of the requirements of section 1003 of the Foreign Relations Authorization Act of 1988 and 1989 (22 U.S.C. 5203) (prohibiting the establishment or maintenance of a Palestinian information office in the United States), and such section shall apply so as to prohibit the operation of a PLO or Palestinian Authority office in the United States from carrying out any function other than those functions specified by the Palestinian information office in existence prior to the Oslo Accord.

(c) Waiver Authority.—The President may waive any or all of the sanctions imposed under this Act if the President determines and informs Congress that the conditions that were the basis for imposing the sanctions were no longer valid.

SEC. 5. EFFECTIVE DATE; TERMINATION DATE.

(a) Effective Date.—This Act shall take effect on the date of enactment of this Act.

(b) Terminating Act shall cease to be effective 5 years after the date of enactment of this Act.
colleagues to act quickly on this bill. We must not miss out on this opportunity to serve America’s veterans and their families by ensuring that they receive the excellent medical care they deserve.

I ask unanimous consent that the 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:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Denver Veterans Affairs Medical Center Transfer to Fitzsimons Act of 2001.”

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT TO FACILITATE TRANSFER OF DENVER DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, COLORADO.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may carry out a major medical facility project, in the amount appropriated for the project pursuant to the authorization of appropriation (b), for purposes of the transfer of the Denver Department of Veterans Affairs Medical Center, Colorado, from its current location in Denver, Colorado, to the site of the former Fitzsimons Army Medical Center, Aurora, Colorado.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account such sums as may be necessary for the project authorized by subsection (a).

(c) TRANSFER OF MEDICAL CENTER.—(1) Upon completion of the major medical facility project authorized by subsection (a), the Secretary shall transfer the Denver Department of Veterans Affairs Medical Center to the facility constructed pursuant to that authority.

(2) Amounts for the cost of the transfer authorized by paragraph (1) shall be derived from amounts in the Construction, Major Projects, account such sums as may be necessary for the project for obligation.

(d) REPORT ON TRANSFER COSTS.—Not later than 60 days before awarding the contract for the major medical facility project authorized by subsection (a), the Secretary shall submit to the appropriate congressional committees a report on the estimated cost of the transfer of the Denver Department of Veterans Affairs Medical Center under subsection (c).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The Committees on Veterans’ Affairs and Appropriations of the Senate.

(2) The Committees on Veterans’ Affairs and Appropriations of the House of Representatives.

AMENDMENTS SUBMITTED & PROPOSED

SA 1527. Mr. THOMPSON proposed an amendment to the bill S. 149, to provide authority to control exports, and for other purposes; as follows:

SA 1528. Mr. CRAIG (for himself, Mr. CRAPO, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1522. Mr. REID (for Mr. LOTT) proposed an amendment to the bill H.R. 1885, to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act or an amendment to the Act by virtue of which the Secretary of the Treasury, acting as a surety for naturalization petitions or labor certification filings, and for other purposes.

TEXT OF AMENDMENTS

SA 1527. Mr. THOMPSON proposed an amendment to the bill S. 149, to provide authority to control exports, and for other purposes; as follows:

(a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea’s leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private sector loans, tariff reductions, and other measures;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations pursuant to Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take immediately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury;

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

SA 1529. Mr. KYL proposed an amendment to the bill S. 149, to provide authority to control exports, and for other purposes; as follows:

On page 296, strike line 7 through line 8 and insert the following:

"REFUSAL BY COUNTRY.—If the country in which the end-user is located refuses to allow post-shipment verification of a controlled item, then by denying a license for the export of that item, any substantially identical or directly competitive item or class of items, any item that the Secretary determines has substantially greater sensitivity than the controlled item, or any controlled item for which a determination has not been made pursuant to section 21 U.S.C. 801, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999,"
On page 193, line 10, strike “party” and insert “person.”

On page 193, line 16, strike “party” and insert “person.”

On page 205, line 7, after “competition” insert “,” including imports of manufactures goods.

On page 222, line 6, strike “Crime” and insert “In order to promote respect for fundamental human rights, crime.”

On page 233, line 3, strike “The” and insert “Except as herein provided, the”

On page 223, line 9, after the period, insert the following: “The provisions of subsection (a) shall apply to exports of any of the items identified in subsection (c).”

On page 233, between lines 9 and 10, insert the following:

(c) the following—Notwithstanding the provisions of section 602 or any other confidentiality requirements, the Secretary shall include in the annual report submitted to Congress pursuant to section 701 a report describing the aggregate number of licenses approved during the preceding calendar year for the export of any items listed in the following paragraphs identified by country and control list number:

1. Serrated thumbcuffs, leg irons, thumb screws, and electro-shock stun belts.
2. Fireworks, sparklers, shackle-locks, restraint chairs, straitjackets, and plastic handcuffs.
3. Grenades, shock batons, electric cattle prod, immobilization guns and projectiles, other than equipment used exclusively to treat or tranquilize animals and arms designed solely for signal, flare, or saluting use.
4. Technology exclusively for the development or production of electro-shock devices.
5. Pepper gas weapons and parts.
6. Any other item or technology the Secretary determines is a specially designed instrument of torture or is especially susceptible to abuse as an instrument of torture.

On page 233, line 8, insert “and” after “title.”

On page 226, strike lines 9 through 22 and insert the following:

(II) refer the application, through the use of a common data-base or other means, and

II) the application for the export items is complete.

On page 298, line 12, after “certificate” insert “.”

On page 231, between lines 5 and 6, insert the following:

(j) CIVIL AIRCRAFT EQUIPMENT. The amendments made by subsection (a) shall take effect as if included in the enactment of the Legal Immigration Family Equity Act (114 Stat. 2762a-25). and enacted into law by section 15(a)(2) of Public Law 105-55.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 6 at 9:30 a.m. in closed session to mark up the Department of Defense authorization Act for fiscal year 2002.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet for a hearing on Brian Jones, of California, to be General Counsel, Department of Education during the session of the Senate on Thursday, September 6, 2001. At 10:00 a.m.

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

SA 1532. Mr. REID (for Mr. LOTT) proposed an amendment to the bill H.R. 1885, to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Section 245(i) Extension Act of 2001.”

SEC. 2. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended—

(1) by striking “on or before April 30, 2001;” and inserting “on or before the earlier of April 30, 2002, and the date that is 120 days after the date on which the Attorney General first promulgates final interim final regulations to carry out the Section 245(i) Extension Act of 2001;” and

(2) in clause (ii), by striking “on or before such date and” and inserting “on or before the earlier date described in clause (i);”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Legal Immigration Family Equity Act (114 Stat. 2762a-25), and enacted into law by section 15(a)(2) of Public Law 105-55.

SEC. 3. AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 6 at 9:30 a.m. in closed session to mark up the Department of Defense authorization Act for fiscal year 2002.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet for a hearing on Brian Jones, of California, to be General Counsel, Department of Education during the session of the Senate on Thursday, September 6, 2001. At 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 6, 2001 at 10:00 a.m., in SD226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 6, 2001 at 9:30 a.m. to hold a mark-up.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Technology and Space of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 6, 2001, at 2:30 p.m. on shuttle safety.

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

SUBCOMMITTEE ON STRATEGIC

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 6, 2001 at 1:30 p.m. in closed session to mark up the strategic programs and provisions contained in the Department of Defense Authorization Act for fiscal year 2002.

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

ORDERS FOR MONDAY, SEPTEMBER 10, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 11 a.m., Monday, September 10. I further ask unanimous consent that on Monday, immediately following the prayer and the pledge, 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 conduct a period of morning business until 12 noon. At 12 noon, the Senate will take up the Commerce-State-Justice appropriations bill. Rollcall votes will occur on Monday after 5 p.m.

ADJOURNMENT UNTIL 11 A.M. MONDAY, SEPTEMBER 10, 2001

Mr. REID. Mr. President, therefore, on Monday, September 10, as a result of the consent agreements that have been entered, the Senate will convene at 11 a.m. with a period of morning business until 12 noon. At 12 noon, the Senate will take up the Commerce-State-Justice appropriations bill. Rollcall votes will occur on Monday after 5 p.m.

Mr. REID. Mr. President, I express my appreciation and that of the Senate for the patience of the Presiding Officer. We thought we would be finished several hours ago. I know the Senator from Florida had many other things to do. As usual, he is such a team player. On behalf of the whole Senate, I express my appreciation.

Mr. REID. Mr. President, therefore, on Monday, September 10, as a result of the consent agreements that have been entered, the Senate will convene at 11 a.m. with a period of morning business until 12 noon. At 12 noon, the Senate will take up the Commerce-State-Justice appropriations bill. Rollcall votes will occur on Monday after 5 p.m.

ADJOURNMENT UNTIL 11 A.M. MONDAY, SEPTEMBER 10, 2001

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order. There being no objection, the Senate, at 8:29 p.m., adjourned until Monday, September 10, 2001, at 11 a.m.
EXTENSIONS OF REMARKS

PROVIDING WORK AUTHORIZATION FOR NONIMMIGRANT SPOUSES OF TREATY TRADERS AND TREATY INVESTORS

SPEECH OF
HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 2001

Mr. CONYERS. Mr. Speaker, I support passage of this legislation, which was sponsored by Chairman Gekas, Ranking Member Jackson-Lee, and Congresswoman Lofgren. Even though current law permits spouses of E visa holders to come to the United States, those same spouses are not allowed to work here. The effect is to limit a household to one income for no reason.

H. R. 2277 reverses that by simply allowing the spouses to work in the United States. Not only is this good for immigrant families, which now would be able to rely on two incomes, but it also will increase the labor pool and increase the revenues for these reasons. The bill passed both the Immigration Subcommittee and the full Judiciary Committee by voice votes.

A SPECIAL TRIBUTE TO MR. ROBERT L. BRANDT ON HIS RETIREMENT AS SUPERINTENDENT FROM THE VANTAGE CAREER CENTER

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. GILLMOR. Mr. Speaker, it is an honor to rise today to recognize a great man who has touched many young lives, Mr. Robert L. Brandt. Mr. Brandt has spent the last 25 years as superintendent of the Vantage Career Center in Van Wert, Ohio. This month, he is stepping down to take a less active role for the remainder of the year when he will officially retire.

In his 25 years, Mr. Brandt has turned the Vantage Career Center into one of the shining stars in the State of Ohio. In 1974, he was asked to join the effort to create a vocational school for Van Wert. He was responsible for choosing a site and developing a building financial plan to have the school open in two years. Right on schedule, the doors of the Vantage Vocational School, as it was originally known, opened in 1976 serving only four school districts. Today, more than eleven school districts send their students to the Vantage Vocational School. In addition, each year more than 5,000 dollars adults gain valuable work and career skills through Vantage’s Adult Education Program.

Mr. Brandt has never taken his eye off what was truly important, the students. In a recent newspaper article he was quoted as saying, “My biggest joy in all of this is seeing the number of students who have attended Vantage who have made real successes of themselves—especially those who hadn’t done very well in school before coming here.”

Though Mr. Brandt officially stepped down as superintendent on July 1, 2001, he has remained at Vantage as Special Projects Coordinator ensuring a smooth transition for the new superintendent.

Mr. Speaker, year after year professionals such as Mr. Brandt dedicate their lives to the future of America. There is no more important or challenging job than that of our nation’s educators. At this time, I ask my colleagues of the 107th Congress to join me in saluting Mr. Brandt and all that he has done for the youth of Ohio.

IN HONOR OF NEW YORK’S SCHOOL OF STRINGS

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. NADLER. Mr. Speaker, I rise today to honor New York’s School for Strings on its 30th Anniversary. The School for Strings, which annually trains approximately 300 students and thirty teachers of violin, cello, and piano, is one of the oldest and most distinguished Suzuki programs in the United States. The school’s founder and director, Miss Louise Behrend, was one of the first musicians and teachers to bring the Suzuki approach to the United States, and the success of the program today is evidence of her persistence and the school’s excellence.

In its first thirty years, the School for Strings has enriched the lives of over one thousand families, teaching many of the skills needed to earn placement in some of the finest graduate programs and orchestras in the country. Former School for Strings students can be heard in the orchestras of the Metropolitan Opera, the Boston Symphony, the Chicago Symphony, and a number of other world-class ensembles, and at the music conservatories of such distinguished schools as Juilliard, Eastman, Curtis, Peabody, and Oberlin. Equally prominent is the school’s Teacher Training Program, which has graduated more than 400 qualified Suzuki teachers who bring their knowledge of music to many eager minds around the country.

The School for Strings has also added music into the lives of many underprivileged children through its Start-Up Program. The Start-Up Program pairs children with SFS teacher trainees at reduced rates. After three years, many of the students continue the Suzuki Program with scholarship assistance for the school. For the past five years, the School for Strings has offered an after-school Suzuki program at PS 116 with lessons three times a week in violin and cello for elementary school-age students.

The School for Strings, in its first 30 years, has brought to many the lifelong gift of being able to make music, and the accompanying discipline, concentration, and intellectual stimulation. These fortunate students will tomorrow’s orchestra musicians, talented amateurs and music lovers. On June 16th, 2001, twelve hundred of these former students gathered to fill Carnegie Hall with music, a celebration of the tremendous contribution the school has made to New York City and communities around the country. Congratulations to the School for Strings on 30 years of musical excellence, and I look forward to 30 more years of beautiful music!

PROVIDING FOR WORK AUTHORIZATION FOR NONIMMIGRANT SPOUSES OF INTRACOMPANY TRANSFERRERS

SPEECH OF
HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 2001

Mr. CONYERS. Mr. Speaker, I support passage of this legislation, which makes two positive changes to immigration law. First, because of how current immigration law operates, multi-national companies are having a difficult time encouraging overseas employees to work in the United States. This is because U.S. law would not permit the spouses of those employees to work here; in essence, if the employee wants to relocate to the United States with a spouse, that spouse would have to give up his or her career. The effect is to deny such families the ability to seek two incomes and to limit our revenues from taxing that second income. To rectify this, H.R. 2278 changes the law so that spouses of intra-company transferees can work in the United States.

Second, current law requires that intra-company transferees be continuously employed in the United States for one year before being eligible for permanent residency here. This long waiting period makes it difficult for employers to bring qualified employees to the United States. H.R. 2278 corrects this situation by reducing the waiting period to six months. This bill is good for immigrant families, and it is good for employers.

A SPECIAL TRIBUTE TO MR. ALBERT "ALLIE" J. ALLMAN

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize a close personal friend of mine, Mr. Albert “Allie” J. Allman, Jr. I have been fortunate to call Allie...
my friend for more than 30 years. Over his lifetime, he has dedicated himself to working for the benefit of his country, the State of Ohio and the Tiffin community.

His volunteerism began in 1943 as a Navy serviceman, and has continued in various political, social and service organizations including the City Council, the Park Board, the Betty Jane Rehabilitation Center, the Cerebral Palsy Committee, the Elks, the Sierra Club, and as a Eucharistic minister at St. Joseph's Catholic Church.

While serving as secretary of the Chamber of Commerce in 1955, he aided in forming Tiffin’s first industrial and economic development corporation, and in acquiring land for the Seneca County Airport and Riverview Inn Complex. From 1952 through 1961, Allie was the Director of the Community Chest, which was a forerunner of the United Way.

Although he is semi-retired after 22 years as a claims manager of United Insurance Company, Allie is still active in politics. Allie is well respected by many public officials throughout Ohio because of his ability to work with all people and see all sides of a situation.

Allie is currently secretary of the Senators And Lawman Together (S.A.L.T.) Council, which he helped form. This organization unites seniors and law enforcement officers in working together for a safer community.

Mr. Speaker, I ask my colleagues of the 107th Congress to join me in saluting Allie for his years of service to the Tiffin community and the State of Ohio. I want to also wish my dear friend, his wife Jane, their five children and their seven grandchildren all the best in their future endeavors.

A TRIBUTE TO DEBORAH RITTER PLOTZ-PIERCE

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. NADLER. Mr. Speaker, I rise today to recognize Deborah Ritter Plotz-Pierce for a lifetime of educating and inspiring New York City students. A group of her most dedicated students and her seven grandchildren all the best in their future endeavors.

SCHEDULE

HON. RICHARD K. ARMEY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Monday, September 10 at 12:30 p.m. for morning hour and 2 o’clock p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to member’s offices tomorrow. On Monday, no recorded votes are expected before 6 o’clock p.m.

On Tuesday and the balance of the week, the House will consider H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

Mr. Speaker, the International Relations Committee has had under consideration today H.R. 2646, the Farm Security Act of 2001. The Agriculture Committee completed its consideration of the bill prior to the Summer District Work Period. As we move into next week, we will also be taking a look at this important piece of legislation as a possibility for consideration on the floor.

One final note, Mr. Speaker: Next week will be our only full week of legislative business in the House during the month of September due to the Jewish holidays that fall in the later half of the month. After consultation with Minority Leader GEPHARDT, I released an updated September schedule to all members last month detailing the House’s schedule during the Jewish holidays. If members have any questions regarding the September schedule, they should feel free to contact my floor office for more information at any time.

IN SPECIAL RECOGNITION OF THE FIVE MILLION HOUR SAFETY MILESTONE ACHIEVED AT THE DAVIS-BESSE NUCLEAR POWER STATION OAK HARBOR, OHIO

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to express congratulations to employees of the Davis-Besse Nuclear Power Station for having achieved a significant milestone. On August 9, 2001...
the employees of the Davis-Besse Nuclear Power Plant will have worked five million hours without a lost-time accident.

As the first nuclear power plant in Ohio, the Davis-Besse Nuclear Power Station, since beginning operation in 1977, has generated more than 110 billion kilowatt-hours of electricity, enough power to supply about 20 million homes with electricity for an entire year. The plant produces enough electricity to meet the demand of about half the people in northwestern Ohio.

Not only have Davis-Besse employees operated the plant reliably, they have observed the highest standards of safety, as well. So, again, it is my pleasure to recognize this important safety milestone. Five million hours without a lost-time accident means that, for more than three years, no employee has missed work due to a work-related illness or accident.

Employees and managers at Davis-Besse have been able to achieve this and other milestones by paying close attention to detail and striving for excellence in even minor daily activities. Because of this operating philosophy, Davis-Besse has been recognized within the nuclear industry as a top performing plant.

In addition to being an important power producer, the plant also is an important asset to the local community. It is one of the largest local employers, conducts business with more than 800 other businesses in Ohio and is a strong supporter of causes as United Way, Ohio Reads, Boy Scouts of America, numerous wildlife and environmental organizations, and other charities.

The economy of Ohio, and the country, is driven in part by safe, reliable energy, particularly with Davis-Besse. The Davis-Besse plant has proved itself a valuable asset in meeting our energy needs. And I ask all of my colleagues of the 107th Congress to join me in recognizing the excellent work of the employees at the Davis-Besse Nuclear Power Plant.

HONORING WILLIAM GREEN

HON. STEVEN R. ROTHMAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a man who has dedicated himself to improving housing opportunities for people throughout Bergen County. Mr. Speaker, I rise to honor William Green of River Vale, Bergen County. Mr. Speak, er, I rise to honor William Green of River Vale, New Jersey, this year's chairperson of the Community Housing in Partnership's (CHIP) Golf Invitational.

As the Chairperson of this year's tournament, Bill has worked long hours to make the CHIP Golf Invitational an enjoyable experience for participants, as well as raise funds to develop affordable housing in Bergen County. It is a testament to his dedication that Bill has balanced this responsibility with his busy mil- time job as a Senior Vice President at MetLife. Bill's work at CHIP will help change the lives of so many in our community by developing affordable housing. Thanks to CHIP, independent living options now exist for working low-income families, senior citizens, recovering alcoholics, and formerly homeless individuals. And CHIP has teamed up with the Bergen County Community Action Program to provide supportive services, as well.

People who give so much of themselves, as Bill Green, do not do so for the recognition. However, he certainly deserves to receive it. Mr. Speaker, I am proud to congratulate Bill Green as well as his wife Susan and their daughters Katie and Emily, for all their hard work, dedication and generosity on behalf of CHIP, and wish them health and much happiness in the years to come.

RECOGNIZING THE IMPORTANT RELATIONSHIP BETWEEN THE UNITED STATES AND MEXICO

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 5, 2001

Mr. CROWLEY. Mr. Speaker, I rise today in support of H. Con. Res. 233. On a day when President Fox makes his first official visit to Washington, I cannot think of a better day to honor and recognize the importance of our relationship with our neighbor, the south, Mexico.

The ties that bind our nations together span the course of hundreds of years. From a confrontational relationship to a cooperative future, the United States and Mexico will always have a special connection.

The election of President Fox represented a remarkable day in the history of Mexico. On this day, Mexico cast aside 71 years of single party rule and officially joined the community of democratic nations. It is my sincere hope that this smooth and peaceful transition of governments becomes the model for the future of Mexico.

In the realm of trade, over 80% of all Mexican exports are sent to the United States, and nearly three-quarters of its imports come from the United States. Though our financial interaction is an important component, this relationship is not solely based on economics. With millions of people of Mexican descent living in cities throughout the United States, Mexican culture, cuisine, and music have become pervasive in American society.

In my own district in Queens, New York, the Mexican population has been the fastest growing immigrant group. It always amazes me to watch the development of these men, women and children as they work tirelessly to succeed in the United States. Despite their presence in the United States, the homeland is never forgotten. The connection to their roots and family in Mexico remains strong and each day. The Mexican community is truly a credit to the American economy, American culture and American values.

This is why I support President Vicente Fox's effort to create a new immigration policy between the U.S. and Mexico which unites families separated by U.S. immigration law and provides the American economy with critical employees through the guest visa program.

Through NAFTA and geography, our countries are connected and our economies are linked. By helping our neighbors to the south, we are helping our own country grow and prosper in the 21st century.

It is these unique circumstances, which make our relationship with Mexico so important. I look forward to working closely with President Fox and Mexican Parliamentarians on issues of mutual interest in the years to come.

SPEECH OF
HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 5, 2001

Mr. CONYERS. Mr. Speaker, I support passage of this bill and would like to commend Chairman Coble and Ranking Member Berman for acting on this issue because our patient system is in need of repair. Specifically, the reexamination process—which lets parties bring challenges to patents that have been issued—may not be functioning as planned because of the substantive and procedural limits involved. As a result, applications that should not receive patents not only receive them, but keep them after a review process.

One reason for this is that the Federal Circuit ruled in a 1997 case called In re Portola Packaging that the PTO could not, in reexamination, revisit patents and publications it had before it during the initial examination process. This ruling basically nullified the reexamination process and has prevented examiners from reviewing patents carefully. It is understandable why, at a recent hearing on this topic, the opinion of our witnesses on the need to reverse this ruling was unanimous.

Fortunately, the Chairman and Ranking Member were able to work with numerous patient experts on how to resolve this issue. At the same time, I hope we can still resolve other outstanding issues in the reexamination process, such as what kinds of materials—or prior art—PTO examiners can consult.

SUPPORT OF TAIWAN’S BID TO RE-ENTER THE UNITED NATIONS

HON. PETER T. KING
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. KING. Mr. Speaker, I rise today in support of Taiwan's bid to re-enter the United Nations and the right of its 23 million citizens to have their voices heard in that world body.

Taiwan is an economic powerhouse—consistently ranking among the world's top economies for many years. Its GDP and population are larger than three quarters of the existing member countries of the UN. Taiwan holds approximately $100 billion in foreign exchange reserves. Significantly, it is the seventh largest trading partner to the United States.

Taiwan has used its economic resources to assist developing countries and contribute to international organizations. Taiwan sent over 10,000 experts to train technicians in developing countries and has provided aid to countries in need including a generous aid package to Kosovo. It understands the meaning of responsibility among the community of nations and is prepared and able to actively support the endeavors of the United Nations.
Taiwan is an openly democratic society. Free and fair elections are held at all levels of government. Two years ago, Chen Shui-bian was the first President from the opposition party to be elected as Taiwan’s president. In addition, Taiwan’s constitution guarantees its citizens freedom of assembly, expression and association, as well as freedom of religion and freedom of the press.

President Chen has been a bulwark of support for human rights. He has committed Taiwan to upholding the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Declaration and Action Program of the 1993 Vienna Conference on Human Rights.

Since his election, President Chen has continued to seek renewed political and commercial dialogue with the Chinese mainland. Taiwan believes that its membership in the United Nations would have a positive effect on peace and stability in the region. This belief is supported by such examples as East and West Germany which were both members of the UN and by the membership of both North and South Korea which have been seeking an improved relationship.

A number of countries have asked the United Nations to reconsider Taiwan for UN membership. Both Houses of the U.S. Congress, by large margins, have endorsed Taiwan’s aspiration for UN membership in the United Nations. The time has come for Taiwan to officially enter the community of nations.

TRIBUTE TO KENNETH JERNSTEDT

HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. WALDEN of Oregon. Mr. Speaker, it is with great pleasure that I take this opportunity to recognize one of Oregon’s most distinguished sons, Kenneth Jernstedt, on the occasion of the dedication of Ken Jernstedt Airfield on September 8, 2001, in the City of Hood River, Oregon.

A devoted husband and father, a fearless warrior, a public servant, and a friend to the people of the Columbia Gorge, Ken Jernstedt is as fine an American as I have ever known. Naming the airfield in Ken’s honor is a fitting tribute to a man who not only has served this community so ably, but who personifies aviation in Oregon. From his days as a combat pilot in the skies over China to his service as a test pilot after his return, Ken is an airman through and through.

Recruited from the U.S. Marine Air Corps in 1941, Ken Jernstedt was among a restless and eager group of young pilots who answered the call to protect the Burma Road, a vital support line into China. These young men made up the American Volunteer Group, commonly known as the Flying Tigers, a clandestine organization of American civilian volunteers that became operational even before the United States entered the war against Japan.

The Flying Tigers served in China and Southeast Asia from December, 1941 to July, 1942 under the command of their charismatic leader, Claire Chennault. In just six months of combat operations, Jernstedt and his comrades-in-arms were credited with destroying 296 enemy planes and more than 1,000 aircraft. For this toll on the enemy 22 Tigers made the ultimate sacrifice, never to return to the country they had served so honorably.

During his tour with the Flying Tigers, Ken Jernstedt served as a flight leader of the 3rd Squadron. In combat against the enemy, he scored 10½ victories in his P-40 fighter, earning him the Distinguished Flying Cross, one of the highest decorations awarded by the United States for valor in aerial combat. Following the disbandment of the Flying Tigers in 1942, Ken became an experimental plane test pilot, a job no less dangerous than combat against the Japanese since the planes he piloted was the P-47 Thunderbolt.

Later in his life, Ken directed his tremendous energies toward less dangerous endeavors. After serving as mayor of the City of Hood River from 1959 to 1960, he was elected to the State Legislature, where he served with distinction in both the House and Senate for a combined 20 years. Following his departure from the Senate, Ken again served as mayor of Hood River from 1989 to 1990. In addition to his invaluable public service at both the local and state levels, Ken has served as honorary chair of the Air Safety and Education Foundation of the Oregon Pilots Association.

In the future, as generations not yet born pass through the gates of Ken Jernstedt Airfield, they will be reminded of this giant of a man. If they admire courage in the face of danger, if they value personal sacrifice in a culture of self gratification, and if they cherish freedom in a world filled with oppression, they will salute him as I salute him today. Ken Jernstedt is, in a word, a patriot. For one who so values the liberty that was purchased with the courage of men like him, I can think of no higher compliment.

Providing for Appeals by Third Parties in Certain Patent Reexamination Proceedings

SPEECH OF
HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 5, 2001

Mr. CONYERS. Mr. Speaker, I support passage of this bill and would like to commend Chairman Coble and Ranking Member Bern- man for addressing this issue. The patent reexamination process, which lets parties challenge patents that the PTO already has issued, is subject to numerous procedural and arbitrary limits that inhibit its effectiveness.

For example, section 315 of the patent law says third parties who file for a reexamination and then lose can file an administrative appeal but then cannot appeal that decision to the Federal Circuit. The law gives only a patent owner the right to appeal to the Federal courts. That provision contradicts the very purpose of reexamination—if someone feels the PTO incorrectly rules on an issue of patentability, that party should have the right to an appeal.

Fortunately, the legislation before us resolves this problem. It amends the law so that any party alleged to infringe the patent owner or the third party—can appeal a decision of the PTO to the Federal Circuit. This legislation will go a long way to shoring up our patent system and has the support of numerous patent experts.
thinking." Alfred Korzybski. The media plays an important role in the lives of all human beings. There are numerous different forms of media. Some of these forms are printed—newspapers, books, magazines. Along with print media, there is nonprint media, such as television, radio, movies, cassette tapes, Internet and other electronic modes of communication. When the media constructs the message they would like to convey, they have two things in mind: purpose, and type of audience. They attempt to evoke a certain response from their audience. 

Lauren G. Ross: The main purpose of the media is to inform people of the things around them, to persuade them into doing and buying things, to entertain them by showing them false images, and to sell products by not always telling what is true. Also, when constructing ads, the advertisers look to make the ad appealing to those who are watching. When constructing ads, the advertisers look to make the ad appealing to those who are watching. To make your audience, you would like to convey, they have two things

Saying and doing, you and they should be the ones to teach others, parents, including young parenting moms that a public school is it a small class, where all females that are pregnant or parenting can get their diploma. Another option is the Lund Home. Is the Lund Home different from other schools? SELENA COGHLAN: The Lund Home is for young parenting families. And it is a small class, where all families that are pregnant or parenting can get their diploma. They make math, history, everything that public schools teach, and they also take parenting skills classes and things that you need to know about parenting, or whatever. If you don’t want to parent, what you could do, or if you want to parent, what you could to.

CONGRESSMAN SANDERS: Thank you. Next.

PATTY SALVAS: I never went to public schools in Vermont, but I do know that a lot of people and a lot of people aren’t friendly to teen moms, and for like the people on welfare, they don’t give them any help. So they need to be more sympathetic to them.

CONGRESSMAN SANDERS: Okay.

PATTY RALSTON: People shouldn’t really, like just cause we had kids young and everything too, doesn’t mean like—you know what I mean? Because I will make it, and whether anybody says I won’t, I will.

CONGRESSMAN SANDERS: How many students are there at Lund?

PATTY RALSTON: We go to the Learning Edge. It is a different program, but there is like seven, eight—ten right now. Ten right now.

CONGRESSMAN SANDERS: And do you think the Learning Edge does things for young parenting moms that a public school often does not do?

PATTY RALSTON: Yes. They’re helpful. And they’re always there if you need like support or anything. They are there. You know they’re there.

SELENA COGHLAN: The other students that were talking before us, they said something about—what is it called?

CONGRESSMAN SANDERS: Alternative.

SELENA COGHLAN: Alternative schools. I think those are really great for kids. Some other people, including young parenting moms, and that is why the are there, but some kids learn slower than other kids. Like me, I have to have somebody explain what I need, you know, like how to do it. Or if I just have a teacher in front of me saying, this, and there you go, I won’t know anything, and then I won’t be able to do it.

CONGRESSMAN SANDERS: So you think different types of kids respond to different—

SELENA COGHLAN: Everyone is different. I feel like every kid is different and everybody learns differently. There are kids that can learn things a lot quicker, and lots of people that can’t. And I feel it is good to have different types of kids, and just for other kids that need the extra help, even if they are not pregnant or parenting.

EXPRESSING SORROW OF THE HOUSE REGARDING DEATH OF THE HONORABLE FLOYD SPENCE FROM THE STATE OF SOUTH CAROLINA

SPEECH OF HON. BOBBY L. RUSH OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 2001

Mr. RUSH. Mr. Speaker, like most of my colleagues, I was in my district—the southside of Chicago—when the news of the death of our friend, FLOYD SPENCE, came. I was shocked and saddened by the knowledge that this institution had lost, yet, another Member. Born in 1928 in South Carolina, FLOYD SPENCE was a product of the South Carolina schools and a member of the U.S. Naval Reserve. He was first elected to public office in 1948, the South Carolina Legislature, and he served there until his election to the South Carolina State Senate in 1966.

FLOYD SPENCE began his 30 years of service in this body in 1971 and he served three terms as Chairmain of the Armed Services/National Security Committee in the House before yielding the gavel to his successor at the beginning of the current Congress. Throughout his Congressional career, FLOYD SPENCE served the citizens of South Carolina’s Second Congressional District, and the citizens of this nation.

Mr. Speaker, FLOYD SPENCE was my neighbor in the Rayburn Building. I will remember his cheerful greetings as we passed in the hallways and in the elevators. He was always optimistic, always upbeat, always energetic, always courtly, always the gentleman. I will always appreciate the unfailing kindness and courtesy of his staff.

Mr. Speaker, my prayers go with his family, his friends, his constituents and his staff, at this time of sorrow. I ask my colleagues to join me in support of this Resolution expressing the condolences of this House on the passing of the Honorable FLOYD SPENCE.

RECOGNIZING THE 275TH ANNIVERSARY OF PRINCE GEORGE’S PARISH

HON. CONSTANCE A. MORELLA

OF MARYLAND IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of the 275th anniversary of the
founding of Prince George’s parish. The Parish, and its home, Christ Episcopal Church, make up the oldest congregation in Rockville, Maryland.

In 1726, the Prince George’s Parish was excised from the original southern Maryland parishes, and began to serve the small population on the banks of Rock Creek. The original log chapel was replaced in 1808 by a brick church, and then in 1822, moved one mile to downtown Rockville.

During the Civil War, Christ Church played a role in the underground railroad, despite the presence of slaves owners within the parish. Following the war, in 1884, the parish began construction of its current building, strongly influenced by the popular gothic revival architecture. A short time later, in 1896, Christ Episcopal Church joined the newly founded Diocese of Washington, forming a community of churches in the Washington, D.C. metropolitan region.

The past century has seen a series of additions to the original church building. In the mid-1960’s, the worship space was expanded and new classroom space was added. This allowed the growing congregation to remain in downtown Rockville, and cemented the partnership between the parish and the Christ Episcopal School.

Education plays an important role in Christ Episcopal Church. In addition to the presence of Christ Episcopal School, the Christ Church hosts a seminarian from the Virginia Theological Seminary for a two-year field education placement. Parishioners attend weekly bible study and adult covenant classes, where students learn about the history of the Episcopal church, and the development of the Christian faith. All of this is in addition to the normal Sunday School classes.

Service also plays a leading role at the church. Congregants volunteer at the Rockville Nursing home and with Habitat for Humanity of Montgomery and Frederick counties. The church recently hosted visiting preacher Reverend Joshua Louw, rector of a parish serving a population of individuals relocated by apartment buildings, downtown Rockville.

An attorney by profession, Mr. Walker shared many years of his life as a public servant to the American people. More importantly, Mr. Walker reaffirms our confidence in the mission of investor protection. But most importantly, Mr. Walker reaffirms our confidence in the mission of investor protection.

Mr. Walker headed the SEC’s Northeast Regional Office in 1991. He later moved to Washington, DC to become General Counsel and then, in 1998, he took the reins as Director of Enforcement, the Commission’s largest division. Mr. Walker has worked tirelessly for reform in securities litigation and earned his reputation as a brilliant, dedicated, and creative leader. As he returns to work in the private sector, Mr. Walker humbly calls his service to the SEC the “highlight of his legal career”. We call his commitment an extraordinary contribution.

His service to the SEC, including: two-time receipt of the prestigious SEC Law and Policy Award for his fight against securities fraud under Mr. Walker’s direction.

Mr. Walker received many awards for his outstanding contributions during his ten years at the SEC, including: two-time receipt of the Commission’s Attorney of the Year Award, the Commission’s Distinguished Service Award, the Commission’s Law and Policy Award for his key role in the government’s successful appeal in U.S. v. O’Hagan, a landmark case which upheld the misappropriation theory of insider trading. Today we award him with our deep gratitude and recognize him as an exemplary model of all that is good and right with our government.

I applaud him for his achievements while serving in three demanding positions at the SEC and thank him on behalf of all those whose lives he affected for the better. As he returns home, he leaves an important part of our government in better condition than when he arrived. He laid the valuable groundwork for our continued efforts to carry out the SEC’s mission of investor protection. But most importantly, Mr. Walker reaffirms our confidence in caring, effective public service.

Mr. Speaker, on behalf of the U.S. House of Representatives, I wish Mr. Walker the best of luck in his future endeavors and well-deserved success!
IMPACT OF FUEL COSTS ON SALES REPRESENTATIVES

HON. DONALD A. MANZULLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. MANZULLO. Mr. Speaker, I rise today to offer the attached comments of the National Alliance of Sales Representatives Associations on the impact of rising energy costs on small businesses. As Chairman of the Small Business Committee, I will continue to review the issues raised in the attached letter.

THE NATIONAL ALLIANCE OF SALES REPRESENTATIVES

Chairman DONALD MANZULLO,
House Small Business Committee,
Washington, DC.

Mr. CHAIRMAN: As Chairman of the Bureau of Wholesale Sales Representatives and President of the National Alliance of Sales Representatives Associations I have the opportunity to discuss the impact that increasing and volatile energy costs with many other small businesses. What follows are a summary of my experiences but they are typical of what is happening to sales representatives across the country. The National Alliance of Sales Representatives Associations (NASRA) is based in Atlanta and represents more than 10,000 sales representatives who work in industries like apparel, shoe, gift, furniture, and other related sectors.

THE IMPACT OF RISING FUEL COSTS

When energy costs wildly fluctuate as they have in the last four months, sales representatives who are independent business owners, find that they have to absorb the rising energy costs with no ability to pass any of the cost increases on to their customers. As a result, a season that has already been hurt due to a slowing economy goes into the proverbial tank as we are all forced to absorb cost increases that cannot be reflected in our commissions.

Here are some personal illustrations of how these costs increase have affected my business. My territory consists of Pennsylvania, Maryland, New Jersey, Delaware, and The District of Columbia. I travel in excess of 50,000 road miles per year and I make a minimum of five trips annually to key areas of my territory. In addition, I attend twenty to twenty five trade shows.

My travel is done in a mini van racked for the purpose of housing my samples. Naturally, the added weight decreases fuel efficiency but nevertheless the vehicle is critical to my business. Within 30 minutes of my home you can presently find gasoline prices ranging from $1.65 to $1.16 for regular unleaded. I am awed to say that prices across the country have been even higher.

Some sales reps have chosen to purchase diesel fuel motor homes for the purpose of efficiency during the past few months, diesel prices in my area have ranged from $1.70 to $1.31. At recent prices it makes the investment in travel a real issue. Most diesel vehicles are commercial, buses and trucks and the trucking industry has requested they be allowed to pass on these increased costs. Commissioned sales representatives who drive fuel powered vehicles do not have the ability to pass on rising costs nor petition congress for such rebates.

RISING FUEL COSTS AFFECT IN OTHER AREAS

If it were only the rising cost of fuel perhaps the impact would not be so great. These same rising costs effect every phase of my business and my life.

1. The hotels I stay in have added energy surcharges without notice.
2. Food and restaurant prices have gone up due to transportation costs.
3. Airlines, buses and trains have also added energy surcharges.
4. The convention centers and hotels that host our trade shows have new energy surcharges in their leases.
5. Retail prices on my products have increased because of rising production and shipping charges. When retail prices rise retail slow which directly impacts my wholesale business.

CALIFORNIA IMPACTS SALES REPRESENTATIVES NATIONALLY

As a final insult many sales representatives including myself have been affected by the energy crisis in California. My business begins with samples. Recently, I have had delays in getting samples, especially from California. This is due largely to rolling black outs which has slowed production. If I do not have my samples on time so that I can display them at the trade shows my time and money invested in trade shows is lost.

At this time I cannot plan my business because the costs keep changing. They never go down and yet my income does not increase proportionately. A business that is run without the ability to plan is doomed to failure.

All costs rise with rising energy prices. Where does it end? It seems to end with me.

On a more personal note our family had to make a very difficult decision. After more than 30 years in a business he loved my husband has left the industry. There can be no doubt he was literally forced out by those rising costs. Unfortunately, more and more of my colleagues are making similar decisions. It is well known small business is the lifeblood of our country. What will happen when we are unable to run the engine?

SOLUTIONS

Congress needs to look for long-term solutions to maintain some level of stability in energy costs. The quick fixes have been meaningless to many small business owners. We MUST put stability ahead of volatility so that small business owners can plan.

Mr. Chairman I wish to thank you for looking into this issue and for your assistance to the National Alliance of Sales Representatives.

Sincerely,

SANDRA HANLON BLOOM.

A TRIBUTE TO SIR ARTHUR GILBERT

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. LANTOS. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to a dear friend, an extraordinary man, and a giant in the art world, Sir Arthur Gilbert, who passed away on September 2, of this year.

Born in 1913, Arthur’s family emigrated from Poland to London where they operated a furrier business. After deciding not to enter the family business, Arthur chose to work with his wife, Rosalinde Gilbert, a struggling dress designer. He adopted her surname for business reasons, and the two of them quickly made a small fortune producing and marketing her evening gowns. In 1949, they decided to leave the damp and cold of London for the warm California sun, and they moved to Los Angeles, intending to retire.

Instead of retiring, Arthur made a second fortune in real estate. Arthur “never made money just for the sake of making money,” as he liked to say, but he will be remembered not for how much money he made but how he spent it. His passion for collecting art came about almost accidentally, while looking for decorations for his new home in Los Angeles.

A friend suggested to him that he needed some silver to dress up the living room, so he purchased, in his words, a “schmaltzy cabinet by the 18th century silversmith Paul de Lamerie.” It was also this time that he bought his first micromosaics, which are images created by tiny threads of glass. Arthur became quite enamored with micromosaics, and eventually purchased over 200 pieces.

Mr. Speaker, the New York Times (September 4, 2001) noted of Mr. Gilbert that “in time his collection grew to comprise several collections. The silver and silver-gilt items include scores of ornate tondards, dishes, candelabra and cups that once decorated the royal and aristocratic dinner tables of Europe. His gold collection was made up of some 20 gold snuff boxes, which like the 260 micromosaics, and his 80 portrait miniatures, are best appreciated through a magnifying glass.”

Arthur Gilbert was justifiably proud of his collection, and frequently he personally led tours through the museums which housed his collection. As his collection continued to expand, it eventually became too large for the space constraints at the Los Angeles County Museum of Art, where it had been housed for some time. In 1996, Arthur accepted an offer to be his collection to the renovated Somerset House, an 18th century palace in London, where it is now displayed. He called it “Britain’s heritage regained,” since many of the pieces originally belonged to British aristocrats. The collection—valued at over $200 million—has been opened to the public since May of last year. In appreciation of this lavish bequest, Arthur Gilbert, who never renounced his British citizenship, was knighted in 1999.

In addition to his donated art collection, both Arthur and Rosalinde Gilbert were benefactors of numerous charities and organizations. These include the Arthur and Rosalinde Gilbert Center for the Advancement of Scientific Research. They have contributed generously to the February 1941 Foundation—an extraor- dinary foundation created to thank the Dutch people for assisting Jews fleeing Nazi persecution and downed Allied pilots during World War II.

Mr. Speaker, I believe the Los Angeles Times (September 4, 2001) captured the essence of this outstanding philanthropist, when it quoted him: “Whether you collect snuff boxes or matchboxes, don’t buy because it’s going up in value but because you like it—or, if you enhance your life—then give it away.” I invite my colleagues to join me in paying tribute to Sir Arthur Gilbert, an outstanding Californian and a generous philanthropist.
A PROCLAMATION RECOGNIZING WILLIAM DAVID PEOPLES

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. NEY. Mr. Speaker, Whereas, Officer William David Peoples, of the Cambridge, Ohio Police Department has been recognized as its Officer of the Month for May 2001, and Whereas, Officer Peoples has continually demonstrated a superlative degree of professionalism, care and commitment in his role as a police officer, and

Whereas, he was awarded the Exceptional Service Medal in 1995 for his heroic actions and effective problem solving as he helped deliver water to the 12,000 residents of Cambridge when a main line broke; and,

Whereas, he was again recognized with the Life Saving Medal with Silver Torch, in 1997 for his patience and bravery in the prevention of a suicide attempt; Therefore, I ask that my colleagues join me in honoring the dedication and the exemplary service of Officer William D. Peoples, a man whom I am proud to call a constituent and one who serves as an example to us all.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE COMMUNITY BAPTIST CHURCH OF SANTA ROSA, CA

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. THOMPSON of California. Mr. Speaker, along with my colleague from California, Ms. LYNN WOOLSEY, I wish today to recognize Community Baptist Church of Santa Rosa as this congregation celebrates the 50th anniversary of its founding.

A few African-American families formed the hub of the church 50 years ago, which has since grown into a fully integrated congregation of 650 people, with three choirs, two youth groups, an on-site day care center, and a charter high school.

The congregation’s first pastor was The Reverend Washington E. Boyce, who was serving as the assistant pastor at the First Missionary Baptist Church in the neighboring County of Marin when he traveled north to Sonoma County to enlist the support of local residents in building a spiritual community.

Community Baptist became an official congregation in 1951, and the first deacon, Curtis Wyatt, Jr., was ordained in 1952.

The first church services were held in members’ homes and in community buildings in Santa Rosa, the first church building officially opened in 1956.

The Reverend James E. Coffee became the minister at Community Baptist Church in 1965 and has served the congregation for the past 36 years.

Over the course of the past 50 years, the church has played a vital spiritual and cultural role in Sonoma County and has enriched the lives of thousands of people.

The church is an active participant in the Hate-Free cities movement; has provided a home for self-help programs such as Alcoholics Anonymous and Narcotics Anonymous; has initiated and maintained a four day annual Martin Luther King, Jr. celebration; has established and supports a community garden; has worked to establish a ministry of outreach to Lyton Ministries, a transition program for people trying to free themselves from addictions; and has established and supports the Second Sunday Morning Breakfasts, a forum for discussing, strategizing, and taking action on issues of civic, social and political importance.

The church also has an active youth program. It founded and runs the Village Project, which helps forge positive adult child relationships and the Rites of Passage program to help adolescents transition into adulthood. The church has also established a Martin Luther King, Jr. Scholarship program and actively supports the 100 Black Men Mentoring program.

Mr. Speaker, in honor of its vibrant history and traditions and its many contributions to Sonoma County, it is appropriate that we acknowledge today this pioneering congregation.

EXPRESSIONS OF CONGRATULATION

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to express my severe disappointment regarding the lack of engagement by the United States in the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerances, August 31—September 7, 2001, in Durban South Africa.

The United States has an extraordinary perspective on racism. It has made great strides towards addressing some of its problems. When the original Constitution was enacted, it declared African-Americans to be three-fifths of a human being. During Reconstruction, this very body initially refused to seat the first African-American Members of Congress. Today, there are thirty-nine African-American Members of Congress and numerous Cabinet officials. Though we have a long way to go with regards to race relations, we have come a long way.

This Nation presided over a slave trade that will go down in world history as one of the most grotesque examples of man’s inhumanity to man. Once slavery was abolished, due in large part to pressure from other nations, parts of the United States then enacted codes designed to deny African-Americans their full citizenship rights. As abhorrent as this pattern was, Americans of good conscience rose to the challenge and implemented laws to ensure equal treatment under the law. We have a long way to go, but we have come a long way.

This Administration owed it to all Americans to deliver the message of possibility to the world. Yet, unfortunately, this administration approached this conference with little interest and a minuscule commitment to engagement. Representatives of this Administration stymied the preparation that began during the previous Administration. Therefore, its withdrawal from the conference was not a surprise.

And while the action in Durban were not surprising, hope that the refusal to discuss differences does not become the trademark of this Administration and mar its ability to engage in constructive dialogue about civil and human rights in this country. The withdrawal from Durban, combined with the lack of a domestic civil rights policy, an unwillingness to proceed with much-needed election reform and the glaring refusal to end racial profiling, leads me to doubt this Administration’s ability to candidly and fairly address issues of race and diversity in this country.

Mr. Speaker, racism is real. Discrimination is real. The argument for reparations should be openly discussed and seriously debated in this country. America must face its current racial reality and reconcile with its ignorant racial past. Mr. Speaker, I suggest that Members of this House begin our national healing by passing a resolution which offers an acknowledgement of the sufferings caused by slavery and an official apology for governmental actions which perpetrated their condition. If we, as Representatives of the United States Government, cannot apologize for this sorry and unfortunate history, our future will be forever marred and our enemies will be able to say that the United States left Durban because it did not want to address its own history.

I call upon the Congress and the President to show the leadership necessary to begin healing within our country.

A COMMANDING ROLE FOR JAMES N. GOLDSMITH

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. BARCIA. Mr. Speaker, I rise today to commend and congratulate an ally of veterans everywhere and my close friend, James N. Goldsmith, upon his election as Commander-in-Chief for the Veterans of Foreign Wars of the United States. It is with particular pride that I note that Commander Goldsmith is a resident of Lapeer, Michigan.

Jim Goldsmith’s election to head the VFW is a tribute to his many years of dutiful attention to the needs of veterans and the faith that his fellow veterans have placed in him for continued service and fidelity to their health and welfare. A decorated U.S. Army veteran who served in Vietnam, Jim has a deep and personal understanding of the obligation all citizens owe to the men and women who served this country during times of conflict on foreign soil and to those on active duty today.

Upon returning from Vietnam in 1967, Jim joined VFW Post 5666 in Flushing, Michigan, and he’s been fighting on behalf of veterans ever since. A Life Member of VFW Post 4139 in Lapeer, Jim has held many posts in the local, state and national organization and he has received numerous awards. In 1978, Jim was selected as Michigan’s “Young Veteran of the Year,” and, in 1980, he became the first Vietnam veteran to win election as Department Junior Vice Commander.
Jim has traveled the world to learn the concerns of active duty service members and reservists. Adhering to a soldier’s code never to leave a buddy behind, Jim has remained committed to accounting for missing American service members. He has made two trips to Southeast Asia in efforts to recover the remains of those still missing. He also has been a strong advocate for addressing veterans’ medical needs and has made diabetes research a top priority.

Never willing to accept full credit for his good deeds, Jim points to each of the 2.7 million members of the VFW and its Ladies Auxiliary as key to his efforts. He also singles out his sons, Jim and Jeff, for enabling him to serve their needs.

Mr. Speaker, I ask my colleagues to join me in expressing gratitude to Commander-in-Chief Goldsmith for his valiant, enthusiastic and ongoing work for veterans. I am confident that Jim will continue to find new and better avenues to assist the men and women who have put their lives on the line in defense of our great Nation.

RECOGNITION OF 75TH ANNIVERSARY OF SYRACUSE’S ST. BRIGID AND ST. JOSEPH’S PARISH

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 75th anniversary of St. Brigid and St. Joseph Church in Syracuse, New York. Its congregation is gathering to recognize the 75th anniversary of St. Brigid and St. Joseph Church and to extend best wishes for many more successful years of faith-based ministry to follow.

INTRODUCTION OF LEGISLATION TO PROTECT THE PRIVACY RIGHTS OF OUR NATION’S UNIFORMED SERVICES

HON. RICK BOUCHER
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. BOUCHER. Mr. Speaker, I rise today to join with my colleagues Mr. SHAYS and Mr. WAXMAN, in introducing legislation to protect the privacy rights of our nation’s uniformed servicemembers.

If enacted into law, the legislation we have put forward will protect the privacy rights guaranteed to all other individuals under the Privacy Act and Freedom of Information Act shall apply to members of the uniformed services.

The Privacy Act was established in 1974 to ensure that the information the Federal Government collected as part of the operations and practices of agencies is protected, and the agencies observe and safeguard the right to personal privacy.

The need for this legislation arises from a September 2000 federal district court ruling which stated that military servicemembers cannot sue for damages when records containing information about them, which under the terms of the Privacy Act may not be released, are released by the government in violation of the Privacy Act. The Court based its ruling on the Feres doctrine, a 51 year old judge-made doctrine which states that servicemembers cannot bring civil actions against the government for acts incident to service because they have benefits available through their military health and other programs. As a result of this ruling, there is no effective way to prevent the unauthorized release of sensitive military personnel records and no way to compensate servicemembers for damages arising from acts by government agencies that are in violation of the Privacy Act.

Congress enacted the Privacy Act with an unambiguous intent to make government responsible for the damages it causes when the law is violated. Our bill clarifies the intent of Congress to ensure that the right of privacy granted under the Act shall apply to members of the uniformed services and that military personnel may use the remedies of the Privacy Act, the Feres doctrine notwithstanding. A right without a remedy is no right at all.

The merit of this legislation is clear. The government collects vast amounts of sensitive information from and about military servicemembers. Fairness requires that the information, once collected, be made secure. Moreover, such an assurance will be in aid of the recruitment efforts of all our volunteer armed forces.

I urge the speedy adoption of this legislation.

A PROCLAMATION RECOGNIZING ASSISTANT CHIEF ROBERT B. MCKENNA

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. NEY. Mr. Speaker, Whereas, Robert B. McKenna successfully completed the Federal Emergency Management Agencies Executive Fire Officer Program; and,

Whereas, the Emergency Fire Officer Program is designed to provide senior officers with a broad perspective on various facets of fire administration; and,

Whereas, Robert McKenna throughout his career has dedicated himself to demonstrating the highest degree of professionalism; Therefore, I ask my colleagues to join with me in recognizing the impressive accomplishments of Robert B. McKenna, a leader in his community whom I am proud to call a constituent.

RECOGNIZING BRIGADIER GENERAL THOMAS KANE FOR HIS SERVICE AT TRAVIS AIR FORCE BASE

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Brigadier General Thomas P. Kane, Commander of the 60th Air Mobility Wing, Travis Air Force Base, California, upon his reassignment to NATO’s Allied Command Europe as Deputy Director of the Reaction Force Air Staff in Kalcari, Germany.

As Commander of the 60 AMW, General Kane was responsible for the combined efforts of all operations and support activities associated with the worldwide air mobility mission and responsible for ensuring the readiness and well being of the installation’s active duty, reserve and civilian personnel and their families.

Aircraft and personnel under General Kane’s command have responded to combat efforts and humanitarian relief efforts worldwide.

Travis Air Force Base and its personnel have flourished under General Kane’s command. He has been a tireless advocate for decent, affordable housing, successfully obtaining an increase in the Basic Allowance for Housing allotment for Travis personnel.

He has also been one of the driving forces in the countywide Affordable Housing Task Force to pursue alternative sources of funding for off-base housing.

Through his leadership, the base, working in partnership with Pride Industries, has launched a website to assist the base population in their efforts to locate affordable housing.

General Kane organized a group of key individuals to help implement his vision of the museum at Travis Air Force Base as the Jimmy Doolittle Air and Space Museum. The fundraising phase of this project was inaugurated this summer.
THE PASSING OF HARRY WEISBROD

HON. EDDIE BERNICE JOHNSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of Mr. Harry Weisbrod, a champion of labor and an active participant in the public policy process. While an investigator for the Department of Labor, Mr. Weisbrod changed the collective bargaining process in this country forever by organizing the first union of federal employees. Later, as a founder of a wage and labor consulting firm, he fought to develop ways for companies to be prosperous without forsaking their responsibility to support a standard of living which every American worker deserves. During his extraordinary life, he worked both within government and with government to promote a quality of life for its workers.

Mr. Weisbrod was a veteran and party activist. He cheated on his eye exam in order to enter the United States Army during war-time. Later, as a resident of Dallas, he contributed to the improvement of the educational system by helping to organize the League for Education and wishing him well on his new NATO posting.

C. KEVIN DYKEMA: CHARTING A COURSE FOR BAY CITY

HON. JAMES A. BARCIA
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. BARCIA. Mr. Speaker, I rise today to commend and congratulate my close friend, Bay City Times Publisher C. Kevin Dykema, for the instrumental role he played in bringing the extraordinarily successful Tall Ships Celebration 2001 to my hometown of Bay City, Michigan, and for his leadership in organizing the Maritime Festival that welcomed the vessels to our community.

As chairman of the Board of Directors of Bay City’s Tall Ships Celebration, Kevin spent incalculable hours at the helm to steer a course for an event that has left residents of Bay City swarming with pride. Kevin deserves our highest praise and gratitude for his vision, hard work and dedication. The impact of his efforts will be felt for many years as permanent residents and visitors from all points on the map sing the praises of Bay City, Michigan, and list the celebration as yet another example of the city’s welcoming attitude.

A long-time sailing enthusiast, Kevin turned his love for the water and his interest in maritime history into an economic windfall for the area when he initiated and fulfilled a plan to bring the Appledore schooner to Bay City as a permanent attraction and educational tool for students and adults to learn more about the unique environment of the Saginaw Bay. A co-founder of BaySail, Inc., the non-profit organization that oversees the Appledore, Kevin has been an enthusiastic and energetic booster of historical sailing ships. While the opportunity to lure the Tall Ships challenge to Bay City was certainly a labor of love for Kevin, he could not have anticipated the massive team effort or the extraordinary time commitment required. Yet, he pulled it all off with flying colors.

Such endeavors are nothing new for Kevin. He has been a vital and visible force in the community since first coming to town in 1991. His involvement in a wide-ranging number of service organizations and his willingness to step up to the plate to lead various volunteer efforts have served our community well. Of course, such involvement cannot occur without the support of family and Kevin has been fortunate to have the encouragement of his wife, Betsy, and children, Pete and Jane.

Mr. Speaker, I ask my colleagues to join me in saluting Kevin Dykema for his quiet yet firm hand in navigating Bay County, Michigan, on an unalterable course that will lead to further economic prosperity and perpetuation of the city’s reputation as a welcome port-of-call for friends and visitors alike.

A TRIBUTE TO ROSE ANN VUICH

HON. CALVIN M. DOOLEY
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to former California state senator Rose Ann Vuich, a mentor and friend of mine who passed away in Dinuba, California on August 30, 2001.

Rose Ann’s parents immigrated from Yugoslavia to California’s Central Valley, where the family ranched near the community of Cutler. After Rose Ann’s father Obren passed away in 1940, her mother Stana and the family worked hard to keep the ranch prosperous. Their prosperity led them to eventually acquire three other ranches and allowed Rose Ann to open her own accounting firm in Dinuba.

Rose Ann was close to her family and deeply committed to her community. She served on the boards of the Tulare County Fair and Alta District Hospital and was active in political organizations.

In 1976 Rose Ann was truly a barrier breaker. She paved the way for other women in public service by being elected as California’s first female state senator in 1976. Before that, she was the first female president of the Dinuba Chamber of Commerce. She forced changes in the Senate, most notably when she rang a bell on the floor whenever male colleagues referred to the “gentlemen of the Senate.”

During her sixteen years in the state senate, Rose Ann was a model public servant. She passed away as a result of a sudden brain aneurysm while visiting family in Florida. For over 20 years, Donna Speziale Richards covered breaking news in Syracuse and Onondaga County as both a radio and television news reporter. Born in Syracuse, she was a graduate of Solvay High School and Onondaga Community College. She worked as a radio reporter for both WFBL-AM and WHEN-AM, where she also served as news director. She then went on to cover local stories for WTVH-TV5 as a television news reporter for eleven years.

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1988 she won an Emmy award as a member of a team of reporters covering the bombing of the USS Stark. She stepped up to the plate to lead various volunteer service organizations and her willingness to serve our community as a public relations specialist for the U.S. Small Business Administration office in Syracuse. Through her work in that position, she was known as an informative and helpful source for local media and business people and a committed federal employee.

Donna leaves her husband, Donald; two stepsons, David and Paul Richards; her mother, Mary Speziale; and a brother, Skip Speziale. She was 43 years old.

Throughout her career, Donna was not one to seek special recognition or the spotlight. With this honor, it is my hope that her local involvement and balanced work receives the attention that it deserves. Donna leaves a reputation for fair and accurate reporting that should serve as a lasting example for all young, local journalists who follow in her footsteps. She will be missed.
listened carefully to her constituents, represented them tirelessly, and set an example of integrity and character. She encouraged people to expect more of their elected officials, and her shadow over the Central Valley will be long.

She set a strong standard of ethical behavior that led her to raise tough questions about legislation before the Senate. She rose to become chairman of the Senate Banking and Commerce Committee, a position that allowed her to advocate on behalf of Valley agriculture. She also tirelessly shepherded construction of Highway 41 in Fresno, which she considered her proudest accomplishment.

On a personal level, I had the pleasure of serving as Rose Ann’s Administrative Assistant immediately prior to my coming to Congress in 1990. I learned from Rose Ann the virtue and dedication of public service, and the importance of standing up for what is right.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Rose Ann Vuich and celebrating her long and distinguished legacy of service to California’s Central Valley.

A PROCLAMATION CELEBRATING THE 50TH BIRTHDAY OF ELLEN RATNER

HON. ROBERT W. NEY OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Ellen Ratner was born August 28, 1951 and will be celebrating her 50th year surrounded by admiring friends and family; and,

Whereas, Ellen has much to be proud of as she reflects on her past accomplishments and anticipates her future endeavors; and,

Whereas, Ellen has achieved respect and notoriety among Presidents, Members of Congress, and foreign leaders as she has successfully navigated and illuminated the ever changing tide of American politics; and,

Whereas, Ellen is also an accomplished writer, authoring “The Other Side of the Family: A Book for Recovery from Abuse, Incest, and Neglect” as well as “101 Ways to Get Your Progressive Ideas on Talk Radio”; and,

Therefore, I ask my colleagues to join with me in honoring Ellen Ratner as she celebrates 50 years of achievement. I am honored to be a close friend with a woman whom I hold in the highest esteem.

IN RECOGNITION OF DONALD ROWE’S DISTINGUISHED CAREER IN GOVERNMENT

HON. MIKE THOMPSON OF CALIFORNIA
HON. GEORGE MILLER OF CALIFORNIA
HON. DOUG OSE OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. THOMPSON of California. Mr. Speaker, along with my colleagues from California, Mr. George Miller and Mr. Ose, I wish today to recognize Donald R. Rowe, who is retiring this month following a long and distinguished career in county government.

Mr. Rowe retires as the Director of the Solano County Health Services Department, a position he has held for the past twelve years. As Director, he had the overall administrative, budget and leadership responsibilities for 1,200 employees and an annual operating budget of $187 million.

He was previously employed with the county from 1987 to 1989 as the Chief Executive Officer of Business and Personal Insurance Services.

Mr. Rowe came to Solano County from Fresno County where he worked as the Solid Waste Coordinator, as both a Senior and Principal Administrative Analyst in the County Administrator’s Office, as the Associate Director of Health and as the Director of Health.

Mr. Rowe currently serves as Chair of the Solano Partnership Health Plan Board of Directors, which is one of five California health insurance organizations providing full service health maintenance coverage for the Medi-Cal population.

He is a member of the Executive and Legislative Committees of the County Health Executives Association of California, the State of California Health Information for Policy Project Committee and a founding member of the Solano Coalition for Better Health, a community wide collaborative health planning and community action committee.

Mr. Rowe holds a Bachelor of Arts Degree in Social Welfare from California State University, Fresno and a Master of Public Administration Degree from the University of San Francisco.

Mr. Speaker, because of Donald Rowe’s many contributions to county government, and specifically to Solano County, it is proper for us to honor him today.

THE PASSING OF DR. FOSTER KIDD

HON. EDDIE BERNICE JOHNSON OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to the life of Dr. Foster Kidd. Dr. Kidd was a true Texas community leader. He was tirelessly dedicated to improving the health of all Americans. He was the first African-American dentist appointed to the Texas State Board of Dental Examiners and made great strides toward helping the community understand the importance of oral health care. During his life, he chronicled the achievements of African-American dentists through numerous publications, including “Profile of the Negro in American Dentistry.” He was a dentistry expert, activist, historian, mentor, father, husband and friend to many.

Dr. Kidd was a leading authority on African-American orthodontic history, collecting scores of documents that tell the story of black dentists. He was also an extraordinarily effective mentor, using his love of golf to mentor local youths. Dr. Foster Kidd was a true Dallas hero.

Mr. Speaker, Dr. Foster Kidd moved on to do his work in a better place on August 21, 2001. Those who knew him, however know that his work will continue to live on through his research, his books and the lasting impact he had on all who met him.

SHIRLEY ROBERTS: BRINGING FAIR WINDS TO BAY CITY

HON. JAMES A. BARCIA OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor my good friend, Bay Area Convention and Visitors Bureau Executive Director Shirley Roberts, and to express the gratitude of an entire community for her outstanding work in promoting my hometown of Bay City, Michigan. One, along with the citizens of Bay City, am especially appreciative of Shirley’s herculean efforts in bringing the Tall Ships Celebration 2001 and Maritime Festival to town this summer.

As one of the founders of BaySail, Inc., Shirley deftly navigated any and all obstacles to provide safe harbor for more than a dozen historical schooners to drop anchor in Bay City for an unprecedented nautical exhibit that truly put the community on the map as a destination point for tourists from near and far. Her efforts helped hundreds of thousands of visitors discover or rediscover Bay City, significantly enhancing the prosperity of the summer season for many small businesses, restaurants and tourist attractions. In addition, the event provided a wonderful opportunity for residents and others to get a glimpse into Bay City’s legendary maritime history and its many contributions to the shipping industry.

Bay City has come to expect a lot from Shirley because she always delivers. Employing all the vim and vigor that she consistently has applied to other community endeavors, Shirley dove right into the Tall Ships project to ensure smooth sailing for seafarers and landlubbers alike. Moreover, Shirley’s keen understanding that the success of any voyage depends equally upon the leadership of the skipper at the helm and the quality of the crew went a long way to making the event a smash hit.

Shirley has always been the first to acknowledge the role others have played in her accomplishments and her modesty is perhaps one reason for her remarkable ability to recruit and retain enthusiastic and hard-working paid staff and a legion of volunteers. In fact, it is a testament to her team-effort approach that so many volunteers answer the call whenever she asks. Shirley also enjoys the whole-hearted and energetic support of her husband, David, and daughters, Michelle and Erika, and typically credits them for their role in her success.

Mr. Speaker, I ask my colleagues to join me in praising Shirley Roberts for her gung-ho spirit and unwavering devotion to Bay City and surrounding communities. I am confident she will continue to bring fair winds and Godspeed to any and all undertakings on behalf of the citizens of Bay County, Michigan.
Mr. WALSH. Mr. Speaker, on October 12, 13, and 14, 2001, the New York State School Food Service Association will mark its 50th anniversary at its annual statewide conference in Syracuse, New York. The New York State School Food Service Association is a not-for-profit organization founded in 1951 whose goal it has been to provide wholesome meals to children in New York State schools.

Today, the association has 3,700 members and serves 1.6 million lunches and 450,000 breakfasts per day. In addition to providing nutritious meals, the association has fought for increases in the number of free and reduced-price meals served to children deemed to be in severe need as well as breaking down im- pediments to participation in the School Breakfast Program.

On behalf of the people of the 25th Con- gressional District in the State of New York, I extend my appreciation to the New York State School Food Service Association for their dec- ades of tireless work on behalf of New York State’s children. Additionally, it is my honor to congratulate the association on their semi-cen- tennary and wish it continued success in “Feeding America’s Fu- ture.”

CHRISTO’S “RUNNING FENCE”

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor those who worked on Christo’s “Running Fence” on the occasion of its 25th anni- versary. A project of the internationally re- knowned artist Christo and his wife Jeanne- Claude, the “Running Fence” was completed in Sonoma and Marin Counties on September 10, 1976, after 42 months of collaborative efforts.

These efforts included participation of the affected ranchers, 18 public hearings, three sessions at the Superior Courts of California, the drafting of a 450 page Environmental Im- pact Report, and the temporary use of the hills, sky, and ocean. The “Running Fence” was 18 feet high and its 24.5 miles in length crossed 14 roads, 59 ranches, and the town of Valley Ford. It extended from near Freeway 101 in Sonoma County to the Pacific Ocean at Bodega Bay. As promised, the project was re- moved 14 days after its completion and all the materials given to the ranchers.

The beauty of the “Running Fence”, con- structed of 240,000 square yards of white nylon, and the beauty of the California coun- tryside complemented each other perfectly to create a breathtaking artistic vision.

Mr. Speaker, although the “Running Fence” was designed to be temporary, Christo’s project will live forever in the imaginations of those who saw it and in its identification with the landscape of Sonoma and Marin Counties.

A PROCLAMATION RECOGNIZING BILL MAZEROSKI

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. NEY. Mr. Speaker, Whereas, Bill Mazeroski will be inducted into the Baseball Hall of Fame on Sunday, August 5, 2001 at 1:30 in the afternoon in the legendary Cooper- stown, New York; and,

Whereas, Bill Mazeroski grew up in Turkeyfoot and Rush Run, Ohio where his dedication to the game lead him to perform ar- duous tasks for his Uncle so that he could earn enough money to purchase his first base- ball glove; and,

Whereas, his professional career began as a second baseman for the Pittsburgh Pirates in 1956 and ended 17 great years later in 1972; and,

Whereas, Bill Mazeroski is an eight time Gold Glove winner and holds the major league record for the most double plays for a second baseman; and

Whereas, Bill Mazeroski became the first player ever to end the World Series with a home run; and,

Whereas, Bill Mazeroski is a National League all-time All-Star; and,

Whereas, his career total included 2,016 hits and a .983 field percentage at second base; and,

Whereas, he went on to cultivate new base- ball talent as a coach for the Pittsburg Pirates and later for the Seattle Mariners;

Therefore, I ask my colleagues to join with me in congratulating Bill Mazeroski, an excep- tional athlete, one of Baseball’s all time greats, and an Ohio Valley legend.

TRIBUTE TO ROBERT HAUTMAN

HON. MARK R. KENNEDY
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, today I arise to introduce a resolution honoring artists participating in the Federal Duck Stamp Program, especially Minnesota’s very own, Robert Hautman.

Robert has successfully won his second Federal Duck Stamp competition with a win- ning pintail design after winning his first award in 1997-1998.

Robert and two of his brothers, James and Joseph, have seen their art featured on thirty- five state and federal stamps. From the Oval Office to the Smithsonian In- stitute, their creations have been displayed in prominent places throughout Washington, D.C. Congratulations Robert on this well-de- served award.

INDIAN RACISM EXPOSED AT RAC- ISM CONFERENCE—PRESENTATION MOVES CONFERENCE TO TEARS

HON. EDOLOPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. TOWNS. Mr. Speaker, at the World Conference on Racism in Durban, Dalit and Kashmiri activists showed up to exert pressure against India’s racist caste system. The caste system, which discriminates against people merely because of the group into which they are born, is one of the most racist systems in the world.

The demonstrators handed out literature, buttons, and headbands demanding equal rights for all peoples. They have been chant- ing and drumming to force the caste system onto the agenda for the conference.

India argued for keeping casteism off the agenda in Durban, saying that there are laws against caste discrimination on the books. This is true, but unlike our civil rights laws, the anti-caste laws are never enforced and are routinely violated. Dalits are forced to use separate facilities, such as tea shops. Dalits are forced to endure separate burial areas, separate burial grounds and restrictions on their movements. They cannot enter the temple. A few years ago, a Dalit constable entered a Hindu temple on a rainy day to seek refuge from the rain and he was stoned to death by the Brahmins in the temple. In another inci- dent, a Dalit girl was raped by her teacher after she drank water from the community water pitcher. This kind of racism is unforgiv- able, especially in a country that calls itself a democracy.

According to a report in Canada’s National Post, a Dalit woman named Murugesan Manimegalai spoke at the Durban conference. She told the story of how her husband, with a tenth-grade education, was elected Sarpanch of their village—the president of the village council, similar to the mayor. Almost imme- diately, they received death threats from the upper-castes. “We will see how the president functions without a head,” said one note. After he had been in office six months he was fol- lowed home on the bus. A group of men sur- rounded the road and told everyone “except Dalits” to leave. Then they grabbed Mr. Manimegalai and stabbed him in the stomach. Despite his pleas not to kill the other Dalits, they chopped up the six other Dalits in front of him. Then they murdered Mr. Manimegalai, chopped off his head, and threw it in a well. Unfortunately, incidents like this are all too common in India.

I would like to take this opportunity to salute the protestors for their success in bringing In- dia’s racism to the world’s attention. That is the first step towards ending it.

Mr. Speaker, India must learn that a demo- cracy respects the basic human rights of all people, not just those in a position of power and privilege. It must transcend its Brahminocracy and bring real democracy to all the people. How can people continue to live in the facade of Indian democracy when they cannot enjoy even the most basic rights? America can help this process along. We should maintain the existing sanctions on India. We should stop all aid to India until the
full range of human rights can be enjoyed by all the people there, not just the Brahmins. We should declare our overt support for the 17 freedom movements currently operating within India’s borders. We can do so by supporting a free and fair plebiscite, under international supervision, on the question of independence for Kashmir. Nagaland and other minority nations living under the boot of Indian oppression. Former President Carter might be a good person to head an international monitoring team.

The Council of Khalistan has issued a press release praising the demonstrators who are bringing the issue of Indian racism to the forefront. The Information Times has also run an excellent article on the demonstrations. I would like to place them both into the RECORD at this time for the information of my colleagues. In addition, I would like to insert the National Post article into the RECORD.

[From the National Post, Sept. 6, 2001]
UN RACISM CONFERENCE MOVED TO TEARS, NOT ACTION—RAPE VICTIMS TELL STORIES
(By Corinna Schuler)

DURBAN, SOUTH AFRICA—In an oft-forgotten chamber of the cavernous convention centre, the realism of struggle to have their stories of suffering heard.

This is not one of the dozens of rooms where international negotiators spend days behind locked doors in debate and negotiation. This is where the personal pain of discrimination is laid bare.

One day, the speaker was an escaped slave from Nigeria. The next, an aboriginal woman from Australia. Then, a migrant worker from Brazil.

Yesterday, it was a Murungese man from the lowest caste in India’s caste system. The 28-year-old mother of four is a member of India’s lowest caste, so impoverished she had never left the confines of her squallid settlement before boarding a plane to Durban. “I was very worried that it might fall,” she confides with a shy smile. But she pushed her fear aside and took a deep breath and told the story of her husband, who worked for the United Nations gathering where the personal pain of discrimination is laid bare.

Even after my husband—'"—"—they cut off his head and threw it in a well nearby. Witnesses were too terrified to come forward and it was only after three years of protest that some of the attackers were convicted. On July 4, the trial will begin.

Ms. Manimegalai concluded, “that the caste system in our country be abolished. We demand education for our children, job opportunities and dignity. The roar of applause—the din of protest—continued for a solid minute. When the diminutive Ms. Manimegalai stepped off the stage, a burly African woman grabbed her by the arm and almost fell over her.

Manimegalai was overwhelmed as others waited in line to give her a hug or shake her hand. Tears streamed down her face as she stood in the glare of the TV lights.

It was not the first time the Voices Forum has borne witness to such raw emotion. But many of the 1,100 journalists in Durban yesterday, took a deep breath and told the story of their colonial-era slave trade to take much note.

The armies of suited government officials working to write up a “historic” blueprint for fighting racism and intolerance were not present to hear Ms. Manimegalai’s demands.

Many were in a room down the hall, arguing about whether words such as “descent” and “ethnic” should be included in the list of grounds for discrimination.

At the end of her speech, a moderator thanked Ms. Manimegalai and other presenters for having the courage to speak out.

“You should never doubt raising your voice in this chamber,” she said reassuringly.

“Never again doubting that...”

The sorry truth is that the powerful testimonies heard in the Voices Forum have little chance of being incorporated into the UN’s final declaration on racism, or its program of action.

“Cast out Caste” posters have been plastered all across Durban and activists have handed out thousands of information brochures in an effort to highlight the injustice of the caste system in Hindu society. But India has fought all attempts to include any mention of caste in any UN treaty or agreement with which the UN, or any government, is involved.

The strong language in the draft declaration comes in a single paragraph that refers to discrimination on the basis of race.

And even those watered-down words seem set to be withdrawn. Likewise, Eastern European countries refuse to acknowledge the discrimination endured by the Roma, or gypsies, no matter how many emotional stories they have told in Durban this week.

The African slave girl who told her story moved almost everyone in the chamber.

Inside conference rooms, however, African government delegates are so engrossed in debating about the slave trade that since April—there has been no talk of how people like 17-year-old Mariama Oumarou and 20,000 others in Niger could be spared the horror of slavery.

Will this conference change Ms. Manimegalai’s life? The document under such hot debate is not an international treaty or a UN resolution. In fact, it’s not even a legal document of any kind and—if agreement is reached here by tomorrow—countries are free to ignore it.

But Ms. Manimegalai lives with the hope her presence here will help the suffering Dalits of India break free from their oppression. “I am destitute,” she said. “My house is just a shade and I do not have enough money to care for my children. They are living with relatives.

“But when I saw the big crowd in the room today, I was not afraid. I was happy. At least I can tell the world our story. There are many people back home who are relying on me here.”

50th ANNIVERSARY OF SERVICE FOR VALLEY HOSPITAL IN RIDGWOOD, NEW JERSEY

HON. MARGE ROUKEMA
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Ms. ROUKEMA. Mr. Speaker, I rise today to congratulate the Valley Hospital in Ridgewood, New Jersey, on the momentous occasion of their 50th anniversary of service to northern New Jersey. From a small and difficult beginning, the Valley Hospital has become a premier example of quality and commitment to medical excellence. This weekend, in celebration of their golden anniversary, the Valley Hospital “Old Fashioned Fair” will be held in the town of Ridgewood.

This remarkable hospital was once only a dream for the northwest New Jersey community. However, due to the perseverance of a small group of concerned community members, this vision of a hospital was transformed into a reality. Plans began nearly forty years before ground was even broken. In 1910, community groups gathered to raise money for a hospital, however the stock market crash and the Great Depression stalled their attempts. With the leadership of the Women’s Auxiliary in 1944, local residents rallied again to donate almost $1,000,000 to break ground in 1949. Today we are able to congratulate the Valley Hospital on fifty years of outstanding service to northwest New Jersey. A passage from The Sunday News, dated June 19, 1951, illuminates the struggle and success of the hospital:

There has been discouragement and heartache, delay and disappointment. There have been set-backs of every conceivable variety during these years of construction but now at long last, comes the fulfillment of the dream for our community. Completely equipped with every facility that modern medicine and modern science have developed, ready to take its place along with the best in the country in caring for those who are ill.

In August of 1951, the first patient walked through the doors of the Valley Hospital. That first year, over 4,000 patients entered those doors. In the following fifty years, the Valley Hospital expanded to meet the constantly changing needs of the growing community. We have been in the forefront of medical technology. Thirty-five physicians of the Valley Hospital were named in the “Best Doctors in New York” list of New York Magazine this year; a list compiled by their peers throughout regions of New Jersey, New York, and Connecticut.

This month the Valley Health System, the hospital’s umbrella organization, will be the nation’s first health provider to feature Mayo Clinic health information on their website. As one can tell, this is a phenomenal group of people involved with the hospital.

The Valley Hospital has risen to pre-eminence on the national level in health care
and medical technology for its patients. Under Mike Azzara’s guidance as Chairman of Valley Health Systems, and Audrey Meyer’s leadership as President and CEO of the Valley Hospital, the hospital has entered the 21st century as a premier provider of health care in not only New Jersey but the entire Northeast United States.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in commending the Valhalla Hospital for its service to the community in the past fifty years, and recognizing those committed to continuing its tradition of excellence in the future.

A TRIBUTE TO THE BLIND AND VISUALLY IMPAIRED CENTER OF MONTEREY COUNTY, INC.

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to the Blind and Visually Impaired Center of Monterey County, whose thirtieth anniversary was celebrated on August 12, 2001. The center has been assisting visually impaired individuals to transcend the loss of sight as independent, contributing community members of Monterey County, in my district. I am pleased to be able to honor their work here in the U.S. Congress.

The Blind and Visually Impaired Center of Monterey County offers a wide variety of services to its clients, and works to cater these services to each individual’s needs. With such programs as Daily Living Skills and Braille Instruction, information and referral services, accessible technology, support groups, and an Orientation and Mobility Instruction course, this center offers much to the communities of Monterey County. Last year, the Blind”, and Visually Impaired Center provided direct services to three hundred forty-eight clients from twenty-two towns, cities, and villages. The clients live throughout Monterey County, from the coastline at Pebble Beach to the farm communities of Greenfield and King City.

I am proud to honor the work of the dedicated staff and volunteers at the Blind and Visually Impaired Center of Monterey County. The thirtieth anniversary of the center offers an opportunity to pay tribute to the hope of its founders and the diligence of those who work there. I look forward to their continued success.

NATIONAL PAYROLL WEEK

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. ISRAEL. Mr. Speaker, I would like to take this opportunity to recognize the tireless efforts of payroll employees of this nation. September 3–7 is National Payroll Week. In honor of this week, we should all thank the more than 130 million payroll professionals who work tirelessly to ensure that workers receive their wages and federal employment taxes and worker earnings are reported.

Company payroll departments prepare over 4 billion paychecks each year. In addition to paying workers accurately and on time, payroll professionals play a key role in crucial government programs including the enforcement of fair labor standards, child support deductions and payments, unemployment insurance, Social Security taxes and benefits, and Medicare.

Payroll professionals deserve our thanks for helping maintain this nation’s system of preserving funds for the American community. Regular efforts are made to educate ordinary workers about the payroll tax withholding system. Nationwide, 20,000 members of the American Payroll Association organize outreach programs for their communities.

Mr. Speaker, I hereby ask you and our colleagues to join with me in thanking the payroll employees who are indeed, “Working for America” and proclaim September 3–7, 2001, National Payroll Week.

VIOLENCE PREVENTION WEEK

HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. ORTIZ. Mr. Speaker, I rise today to commend the community of Brownsville, Texas, for reminding our children about the values we cherish by commencing “Violence Prevention Week” as the new school year begins.

Each year, parents, students and educational professionals begin the school with more trepidation than we ever did, for today the worst-case scenario is not that our children will get in a fight, but that they will be a victim of gun violence.

Here in Texas, we know that if the central component of these tragedies were merely the existence of guns, the level of school violence we see today would have always been so. It is much more: the responsibility that family teaches (including gun safety and proper storage); the faith and tolerance taught by family, churches, synagogues and mosques; the entertainment our children see; and the everyday examples of behavior to which young people are exposed.

In short, it is many things. Our society at large is far less to blame for the incidents of violence we have seen in communities across the country than are the individual families and communities whose job it is to be a good example every day. We should teach responsibility, emphasize faith, and offer age-appropriate entertainment and examples of behavior to children.

Brownsville is taking an important step in speaking to the issue of school violence by planning Violence Prevention Week, sponsored by the Brownsville Independent School District, the local law enforcement agencies, the Brownsville Chamber of Commerce and the local church community.

Events throughout the week include: a formal proclamation and efforts to bring up the subject around the dinner table, essay contests to make the subject pertinent to students, a “Violence Prevention Fair” at a local mall, school addresses by Dana Scott, sister of Rachel Scott, who was killed at Columbine, and the incorporation of topics relating to violence prevention into the school curriculum.

Events will culminate in a LIFE (Laborers in Fields of Education) breakfast for educators and community leaders on Saturday, Sept. 8. The guest speaker will be Darrell Scott, father of Rachel Scott, whose story of refusing to deny her faith at her killer’s request inspired millions around the world.
HIGHLIGHTS

Senate passed Export Administration Act.
The House and Senate held a joint meeting to receive His Excellency, Vicente Fox, President of the United Mexican States.

Senate

Chamber Action

Routine Proceedings, pages S9129–S9204

Measures Introduced: Four bills were introduced, as follows: S. 1408–1411. Page S9197

Measures Reported:

S. 543, to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits, with an amendment in the nature of a substitute. (S. Rept. No. 107–61)

S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission.

S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products, with an amendment in the nature of a substitute. Page S9197

Measures Passed:

Export Administration Act: By 85 yeas to 14 nays (Vote No. 275), Senate passed S. 149, to provide authority to control exports, after agreeing to the committee amendment in the nature of a substitute, and taking action on the following amendments proposed thereto: Pages S9130–46, S9160–81

Adopted:

Thompson Amendment No. 1527, to redefine the concept of foreign availability. Page S9132

Kyl Amendment No. 1529, to provide for post-shipment verification. Pages S9133–34

Sarbanes Amendment No. 1530, to clarify, correct, and improve certain provisions of the bill. Pages S9135–37

Section 245(i) Extension Act: Senate passed H.R. 1885, to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, after agreeing to the following amendment proposed thereto: Pages S9190–92

Reid (for Lott) Amendment No. 1532, in the nature of a substitute. Pages S9191–92

Olympic Truce Observance: Senate agreed to S. Res. 126, expressing the sense of the Senate regarding observance of the Olympic Truce. Pages S9192–93

Asia Pacific Parliamentary Forum Support: Senate agreed to S. Con Res. 58, expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum. Page S9193

Commerce, Justice, State Appropriations—Agreement: A unanimous-consent agreement was reached providing for consideration of H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, on Monday, September 10, 2001; and that once the bill is reported the Majority Manager or his designee be recognized to offer the text of the Senate Committee reported bill as a substitute amendment, that the amendment be considered agreed to as original text for the purpose of further amendments, provided that no points of order be waived by this agreement. Page S9192

Executive Communications:

Executive Reports of Committees:

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Statements on Introduced Bills:

Additional Cosponsors:

Amendments Submitted:

Pages S9195–97

Pages S9197

Pages S9194

Pages S9194–95

Page S9195

Page S9198

Pages S9197–98

Pages S9202–03
Conference Record: Additional Statements: Pages S9193–94
Authorization for Committees: Pages S9203–04
Record Votes: One record vote was taken today. (Total—275) Page S9163
Adjournment: Senate met at 10:30 a.m. and adjourned at 8:29 p.m., until 11 a.m., on Monday, September 10, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S9204.)

Committee Meetings

(Committees not listed did not meet)

Authorization—Defense

Committee on Armed Services: Committee met in closed session to continue markup of proposed legislation authorizing funds for fiscal year 2002 for military activities of the Department of Defense, but did not complete action thereon, and will meet again on Friday, September 7.

Authorization—Defense

Committee on Armed Services: Subcommittee on Strategic met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2002 for military activities of the Department of Defense.

Budget Review

Committee on the Budget: Committee concluded hearings to examine the Office of Management and Budget mid-session review and the budget and economic outlook, after receiving testimony from Mitchell E. Daniels, Jr., Director, Office of Management and Budget.

Space Shuttle Safety

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space held hearings to examine workforce and safety issues facing the National Aeronautics and Space Administration’s (NASA) space shuttle program, receiving testimony from William F. Readdy, Deputy Associate Administrator, Office of Space Flight, National Aeronautics and Space Administration; Allen Li, Director, Acquisition and Sourcing Management Team, General Accounting Office; Michael James McCulley, United Space Alliance, Houston, Texas; Richard D. Blomberg, Dunlop and Associates, Inc, Stamford, Connecticut, on behalf of the Aerospace Safety Advisory Panel; and Bryan D. O’Connor, Futron Corporation, Washington, D.C., on behalf of the National Research Council Committee on Space Shuttle Upgrades.

Hearings recessed subject to call.

Nomination

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the nomination of Brian Jones, of California, to be General Counsel, Department of Education, after the nominee, who was introduced by Senators Hatch and DeWine, testified and answered questions in his own behalf.

Business Meeting

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission;

S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products, with an amendment in the nature of a substitute; and

The nominations of Sharon Prost, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, Reggie B. Walton, of the District of Columbia, to be United States District Judge for the District of Columbia, and Deborah J. Daniels, of Indiana, to be an Assistant Attorney General, and Richard R. Nedelkoff, of Texas, to be Director of the Bureau of Justice Assistance, both of the Department of Justice.

Authorization—Intelligence

Select Committee on Intelligence: Committee met in closed session and ordered favorably reported an original bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.
House of Representatives

Chamber Action

Bills Introduced: 24 public bills, H.R. 2844–2867; and 6 resolutions, H.J. Res. 60, and H. Con. Res. 217–221, were introduced. Pages H5454–55

Reports Filed: Reports were filed as follows:

H.R. 434, to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California (H. Rept. 107–201). Page H5454

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shimkus to act as Speaker pro tempore for today. Page H5409

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Roy Mays III, Southland Christian Church, Lexington, Kentucky. Page H5409

Recess: The House recessed at 10:07 a.m. and reconvened at 12:21 p.m. Agreed that the proceedings had during the recess be printed in the Record. Page H5410

Address by His Excellency, Vicente Fox, President of the United Mexican States: The House and Senate held a joint meeting to receive His Excellency, Vicente Fox, President of the United Mexican States.

The following members of the House and Senate escorted President Fox into the House Chamber: Armey, Watts of Oklahoma, Cox, Hyde, Ballenger, Kolbe, Dreier, Wilson, Bonilla, Barton of Texas, Cannon, Gephardt, Bonior, Frost, Menendez, DeLauro, Pastor, Lantos, Lowey, Reyes, Roybal-Alard, Rodriguez, Napolitano, Baca, Ortiz, Serrano, Becerra, Gutierrez, Underwood, Velázquez, Hinojosa, Sanchez, Gonzalez, Acevedo-Vilá, Solís, and Senators Daschle, Reid, Kerry, Rockefeller, Murray, Durbin, Boxer, Kennedy, Hollings, Biden, Leahy, Lott, Nickles, Hutchinson, Craig, Frist, Domenici, Helms, Lugar, Gramm of Texas, and Brownback. Page H5410


Extension of Nondiscriminatory Treatment to the Products of Vietnam: The House passed H.J. Res. 51, approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam. The joint resolution was considered pursuant to the order of the House of Sept. 5, 2001. Pages H5427–40

Meeting Hour—Monday, Sept. 10: Agreed that when the House adjourns today, it adjourn to meet on Monday, Sept. 10 at 12:30 p.m. Page H5441

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Sept. 12. Page H5441

Referrals: H.R. 1448 was re-referred to the Committees on Resources and the Judiciary. Pages H5440–41

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of the House today and appears on pages H5426–27. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:42 p.m.

Committee Meetings

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia approved for full Committee action the District of Columbia appropriations for fiscal year 2002.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction approved for full Committee action the Military Construction appropriations for fiscal year 2002.

GENETIC NONDISCRIMINATION

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on “Genetic Non-Discrimination: Implications for Employer Provided Health Care Plans.” Testimony was heard from public witnesses.

PRICE-ANDERSON ACT REAUTHORIZATION

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing on the reauthorization of the Price-Anderson Act. Testimony was heard from Francis Blake, Deputy Secretary, Department of Energy.
CONSUMER RENTAL PURCHASE AGREEMENT ACT

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit began markup of H.R. 1701, Consumer Rental Purchase Agreement Act.

TOWARD A TELEWORK-FRIENDLY GOVERNMENT WORKPLACE

Committee on Government Reform: Subcommittee on Technology and Procurement Policy held a hearing on “Toward a Telework-Friendly Government Workplace: An Update on Public and Private Approaches to Telecommuting.” Testimony was heard from Bob Robertson, Director, Education, Workforce, and Income Security Issues, GAO; Teresa Jenkins, Director, Office of Workforce Relations, OPM; David Bibb, Deputy Associate Administrator, Office of Government-wide Policy, GSA; and public witnesses.

AGRICULTURAL ACT; AUSTRALIAN AND U.S. ALLIANCE ANNIVERSARY RESOLUTION

Committee on International Relations: Ordered reported, as amended, H.R. 2646, Agricultural Act of 2001. The Committee also adopted a motion urging the chairman to request that the following resolution be considered on the Suspension Calendar: H. Con. Res. 217, recognizing the historic significance of the fiftieth anniversary of the alliance between Australia and the United States under the ANZUS Treaty, paying tribute to the United States-Australia relationship, reaffirming the importance of economic and security cooperation between the United States and Australia, and welcoming the state visit by Australian Prime Minister John Howard.

CHILD CUSTODY PROTECTION ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 476, Child Custody Protection Act. Testimony was heard from public witnesses.

COALBED METHANE RESOURCES

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on “The Orderly Development of Coalbed Methane Resources from Public Lands.” Testimony was heard from the following officials of the Department of the Interior: Gene Whitney, Supervisor Geologist, U.S. Geological Survey; and Tom Fulton, Deputy Assistant Secretary, Lands and Minerals; Dennis Hemmer, Director, Department of Environmental Quality, State of Wyoming; and public witnesses.

NSF’S MAJOR RESEARCH FACILITIES

Committee on Science: Subcommittee on Research held a hearing on NSF’s Major Research Facilities: Planning and Management Issues. Testimony was heard from the following officials of the NSF: Rita R. Colwell, Director; Anita K. Jones, Vice Chair, National Science Board; and Christine C. Boesz, Inspector General; and a public witness.

DOD’S PROCUREMENT POLICIES

Committee on Small Business: Held a hearing on the Department of Defense’s procurement policies. Testimony was heard from Col. Curtis A. Wright, USAF, Acting Director, Small and Disadvantaged Businesses, Department of Defense; and public witnesses.

FEDERAL PROTECTION SERVICE REFORM ACT

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on H.R. 307, Federal Protection Service Reform Act. Testimony was heard from Representative Traficant; Joseph Moravec, Commissioner, Public Buildings Services, GSA; and public witnesses.

VETERANS’ LEGISLATION

Committee on Veterans’ Affairs: Subcommittee on Health held a hearing on the following bills: H.R. 2792, Disabled Veterans Service Dog and Health Care Improvement Act of 2001; H.R. 1435, Veterans’ Emergency Telephone Service Act of 2001; and H.R. 1136, to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medication to veterans for prescriptions written by private practitioners. Testimony was heard from Representatives Capps, Weldon of Florida and Wicker; Anthony J. Principi, Secretary of Veterans Affairs; and representatives of various veterans organizations.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 7, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: closed business meeting to continue markup on proposed legislation authorizing appropriations for fiscal year 2002 for military activities of the Department of Defense, 9:30 a.m., SR–222.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine the national health crisis regarding teen and young adult suicide issues, 9:30 a.m., SD–430.
Committee on the Judiciary: to hold hearings to examine the historical opportunity for U.S.-Mexico migration discussions, 10 a.m., SD–106.

House

No Committee meetings are scheduled.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold a joint briefing to examine research data on domestic violence and the extent to which governments, particularly law enforcement authorities, have fulfilled their responsibilities to protect individuals from such abuse, focusing on U.S. models for providing services to victims of domestic violence, including the response of faith-based communities, 10:30 a.m., 2200 Rayburn Building.

Joint Economic Committee: to hold hearings to examine the employment-unemployment situation for August, 9:30 a.m., 1334 Longworth Building.

CONGRESSIONAL PROGRAM AHEAD

Week of September 10 through September 15, 2001

Senate Chamber

On Monday, at 12 noon, Senate will begin consideration of H.R. 2500, Commerce, Justice, State Appropriations Act.

During the balance of the week, Senate expects to resume consideration of H.R. 2500, Commerce, Justice, State Appropriations Act, and any other cleared legislative and executive business, including other appropriation bills when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: September 12, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine stem cell research issues, 9 a.m., SD–106.

Committee on Armed Services: September 13, to hold hearings on the nomination of General Richard B. Myers, USAF, for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade of general, 2:30 p.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: September 11, to hold hearings to examine issues relating to the failure of Superior Bank, FSB, Hinsdale, Illinois, 10 a.m., SD–538.

September 12, Full Committee, to hold oversight hearings to examine the Administration’s national money laundering strategy for 2001, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: September 12, Subcommittee on Communications, to hold hearings to examine E–911 issues, 2 p.m., SR–253.

September 13, Full Committee, to hold hearings to examine Corporate Average Fuel Economy (CAFE) Standards, 9:30 a.m., SR–253.

September 13, Subcommittee on Science, Technology, and Space, to hold hearings to examine digital divide issues, 2 p.m., SR–253.

Committee on Energy and Natural Resources: September 12, with the Committee on Indian Affairs, to hold joint hearings to examine legislative proposals relating to the development of energy resources on Indian and Alaska Native lands, including the generation and transmission of electricity, 2:30 p.m., SD–366.

Committee on Environment and Public Works: September 10, Subcommittee on Transportation, Infrastructure, and Nuclear Safety, to hold oversight hearings to examine the implementation of the Intelligent Transportation Systems program, 3:30 p.m., SD–406.

September 13, Subcommittee on Fisheries, Wildlife, and Water, to hold oversight hearings to examine the utilization of available water and wastewater infrastructure funding, 10 a.m., SD–406.

Committee on Finance: September 12, to resume hearings to examine the role of tax incentives in energy policy, 10:30 a.m., SD–215.

September 12, Subcommittee on Social Security and Family Policy, to hold hearings to examine S. 685, to amend title IV of the Social Security Act to strengthen working families, 2 p.m., SD–215.

Committee on Foreign Relations: September 11, Subcommittee on African Affairs, to hold hearings to examine human rights, labor rights, and anti-corruption eligibility requirements for African Growth Opportunity Act benefits, 2:30 p.m., SD–419.


Committee on Governmental Affairs: September 12, to hold hearings to examine the security of critical governmental infrastructure, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: September 10, to hold hearings to examine contraceptive insurance coverage issues, 3 p.m., SD–430.

September 11, Full Committee, to hold hearings to examine early learning as an investment for children and the future, 10 a.m., SR–325.

September 12, Full Committee, business meeting to consider S. 952, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; S. 928, to amend the Age Discrimination in Employment Act of 1967 to require, as a condition of receipt or use of Federal financial assistance, that States waive immunity to suit for certain violations of that Act, and to affirm the availability of certain suits for injunctive relief to ensure compliance with that Act; and the nomination of Brian Jones, of California, to be General Counsel, Department of Education, 9:30 a.m., SD–430.
September 13, Full Committee, to hold hearings to examine issues concerning protection against genetic discrimination and limits of existing laws, 10 a.m., SD–430.

September 13, Subcommittee on Public Health, to hold hearings to examine the protection of human subjects in research, 2 p.m., SD–430.

Committee on Indian Affairs: September 12, with the Committee on Energy and Natural Resources, to hold joint hearings to examine legislative proposals relating to the development of energy resources on Indian and Alaska Native lands, including the generation and transmission of electricity, 2:30 p.m., SD–366.

Committee on the Judiciary: September 11, to hold hearings on the nomination of John P. Walters, of Michigan, to be Director of National Drug Control Policy, 10:30 a.m., SD–226.

September 12, Subcommittee on Immigration, to hold hearings to examine S. 1265, to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children, 9 a.m., SD–226.

September 12, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine S. 1055, to require the consent of an individual prior to the sale and marketing of such individual’s personally identifiable information, 2 p.m., SD–226.

September 13, Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

House Chamber

To be announced.

House Committees

Committee on Appropriations, September 11, Subcommittee on Foreign Operations, Export Financing and Related Programs, on Global AIDS and Health Trust Fund, 2 p.m., 2359 Rayburn.

September 13, Subcommittee on Commerce, Justice, State and Judiciary, on OxyContin, 9:30 a.m., 2359 Rayburn.

Committee on the Budget, September 13, hearing on The Imperative to Reform: Addressing the Unsustainability of Social Security, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, September 11, hearing on “The Nursing Shortage: Causes, Impact and Innovative Remedies,” 2 p.m., 2175 Rayburn.

September 12, hearing on “Over Identification Issues within the Individuals with Disabilities Education Act and the Need for Reform,” 2 p.m., 2175 Rayburn.

September 13, Subcommittee on Education Reform, hearing on Improving Education Through Research, 10 a.m., 2175 Rayburn.

September 13, Subcommittee on Select Education, hearing on Prevention and Treatment of Child Abuse and Neglect: Policy Directions for the Future, 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, September 11 and 14, Subcommittee on Energy and Air Quality, hearings on Electric Transmission Policy, with emphasis on Siting, Incentive Rates, and Reliability, 2 p.m., 2322 Rayburn on September 11, and with emphasis on Regional Transmission Organizations, Open Access, and Federal Jurisdiction, 9:30 a.m., 2123 Rayburn on September 14.


Committee on Financial Services, September 12, Subcommittee on Financial Institutions and Consumer Credit, to continue hearings on deposit insurance reform, focusing on the views of the Chairman of the FDIC, 10 a.m., 2128 Rayburn.

Committee on Government Reform, September 11, Subcommittee on National Security, Veterans’ Affairs and International Relations, hearing on the Standard Procurement System (SPS): Can the DOD Procurement Process be Standardized? 10 a.m., 2247 Rayburn.

September 13, full Committee, hearing entitled “The Need for Congressional Oversight of the Justice Department,” 10 a.m., 2154 Rayburn.

Committee on International Relations, September 11, Subcommittee on Africa, hearing on Chad-Cameroon Pipeline: A New Paradigm for Energy Development, 2 p.m., 2172 Rayburn.

Committee on Resources, September 11, Subcommittee on National Parks, Recreation and Public Lands, hearing on H.R. 2388, National Heritage Areas Policy Act of 2001, 10 a.m., 1334 Longworth.

September 12, full Committee, to mark up the following bills: H.R. 107, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War; H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site; H.R. 1161, to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia; H.R. 1230, Detroit River International Wildlife Refuge Establishment Act; H.R. 1384, Navajo Long Walk National Historic Trail Study Act; H.R. 1456, Booker T. Washington National Monument Boundary Adjustment Act of 2001; H.R. 1576, James Peak Wilderness, Wilderness Study, and Protection Area Act; H.R. 1814, Metacomet-Monadnock-Sunapee-Mattabesett Trail Study Act of 2001; H.R. 1929, Fisheries Conservation Act of 2001; H.R. 2062, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission; H.R. 2114, National Monument Fairness Act of 2001; and H.R. 2385, Virgin River Dinosaur Footprint Preserve Act; and to consider other pending business, 10 a.m., 1334 Longworth.

September 13, Subcommittee on Energy and Mineral Resources, hearing on H.R. 1913, to require the valuation of non-tribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, 2 p.m., 1334 Longworth.
September 13, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on the Hydrographic Services Improvement Act of 1998, and other National Ocean Service programs, 10 a.m., 1324 Longworth.

Committee on Small Business, September 12, hearing on recent proposals to increase the minimum wage under the Fair Labor Standards Act of 1938, 10 a.m., 2360 Rayburn.

September 13, Subcommittee on Regulatory Reform and Oversight, hearing titled “Removing Red Tape from the Department of Labor’s Apprenticeship Approval Process,” 10 a.m., 2360 Rayburn.

Committee on Ways and Means, September 11, Subcommittee on Health, hearing on H.R. 2768, Medicare Regulatory and Contracting Reform Act of 2001, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, September 11, executive, hearing on the Fiscal Year 2002 TIARA/JMIP Budget, 10 a.m., H–405 Capitol.

September 12, executive, hearing on Fiscal Year 2002 NEIP Budget, 3 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: September 12, to hold hearings to examine U.S. policy toward the Organization for Security and Cooperation in Europe and review the implementation of OSCE human rights commitments, 2 p.m., SR–485.
Next Meeting of the SENATE
11 a.m., Monday, September 10

Senate Chamber

Program for Monday: After the recognition of two Senators for speeches and the transaction of any routine morning business (not to extend beyond 12 noon), Senate will begin consideration of H.R. 2500, Commerce, Justice, State Appropriations Act.

Program for Monday: To be announced.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Monday, September 10

House Chamber

Extensions of Remarks, as inserted in this issue

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