

current law, at the conclusion of a section 301 investigation, USTR must determine whether the foreign country under investigation has engaged in conduct requiring or warranting responsive action. Under this bill, if that determination is affirmative, USTR will be required to make an additional determination, to wit: whether there is reason to believe that the conduct at issue involves anticompetitive conduct by any person or persons. If the latter determination is also affirmative, USTR will be required to refer the matter to the Department of Justice.

Upon referral of a matter from USTR, the Department of Justice will be required to undertake an investigation to determine whether there is reason to believe that any persons have violated the Sherman Antitrust Act. That investigation ordinarily will have to be completed within 180 days. An affirmative determination will require the Department either to commence an enforcement action against the alleged violators or explain to Congress its reasons for declining to do so.

The third gap in current law is the lack of any express penalty for foreign non-cooperation in the gathering of evidence relevant to an investigation of market access barriers. In recent years, there have been several instances in which a foreign government refused to cooperate with USTR in the conduct of a section 301 investigation or the enforcement of a bilateral trade agreement. In certain cases, these attempts to obstruct the conduct of an investigation extended even to refusing to meet with Cabinet-level and other senior Administration officials. These actions prevent the United States from developing a factual basis to understand and resolve important trade problems and issues and, in addition, contradict longstanding norms of diplomatic behavior.

The Trade Enhancement Act of 1999 begins to fill the third gap by creating a deterrent to non-cooperation in investigations of market access barriers. USTR will be authorized to draw an inference adverse to the interests of a foreign respondent in the event of non-cooperation in the provision of relevant evidence. The adverse inference would be limited to the issues on which the foreign government refused to cooperate. This sanction is modeled on discovery sanctions that courts and administrative bodies in the United States commonly apply.

Mr. Speaker, it is important that the agencies working to open foreign markets to U.S. goods, services, and capital be equipped with modern tools to address modern problems. It has been over a decade since these tools were last upgraded. In that time, the nature of foreign trade-impeding activity has changed. It has become more sophisticated. The tools used to defend U.S. rights ought to be equally sophisticated. Accordingly, I urge my colleagues to support this bill, and I urge that it receive serious consideration by the committees of jurisdiction and by the full House.

#### TRIBUTE TO TOM SOUTHALL

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 1999*

Mr. McINNIS. Mr. Speaker, I would like to recognize a man who has been an inspiration to hundreds of young men and a legend amongst his colleagues within his own profession. Mr. Speaker, I am talking about Tom Southall, Steamboat Springs High School basketball coach and a recent inductee to the Colorado High School Activities Association Hall of Fame.

Tom is known as one of the best coaches in Colorado, as the facts clearly attest. He is the all-time winningest coach in the history of Colorado. While Tom is known to be a great coach, he is also known for being a man of great character and imparts his knowledge to his players. A mark of a good coach is the ability to make his players better. While Tom certainly fulfills that role, he also makes his players better people and teaches them about what it means to do things the right way.

While being the winningest coach in the history of Colorado is more than impressive, Tom not only understands sports as a coach, but also was a great athlete in his day. He was a four-year letterman in football, basketball and track. He was on a state championship team in football as the star running back. In track, he was a three time state champion. Besides his athletic prowess, Tom was also an intelligent student, member of the student council and participated in the school band. Mr. Speaker, Tom Southall should be used as a role model of what being a good coach and doing things the right way is all about.

PRESIDENT ABDURRAHMAN WAHID TAKES IMPORTANT STEPS TO STRENGTHEN DEMOCRACY AND CIVIL SOCIETY IN INDONESIA

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 1999*

Mr. LANTOS. Mr. Speaker, this past week His Excellency Abdurrahman Wahid, the newly elected President of Indonesia, paid a brief visit to Washington, where he met with President Clinton and other officials of our government.

This was an important visit, Mr. Speaker, because it reflected the desire to strengthen Indonesia's relations with the United States. President Wahid—both in private in conversations with President Clinton and publicly in statements to the press and to friends of Indonesia who welcomed him to Washington—affirmed Indonesia's desire, as he said "to make sure that we are still great friends of the United States." I am pleased that President Clinton affirmed our friendship with Indonesia and emphasized our interest in a stable, prosperous, and democratic Indonesia.

Mr. Speaker, I want to reaffirm my own commitment to strengthening our nation's rela-

tions with Indonesia. Indonesia is the fourth largest nation in the world, and it is a country that has recently taken the first important steps in the direction of greater democracy. The Indonesian elections held last June were an important step forward, the first democratic elections in Indonesia in nearly half a century. The next important step in strengthening democracy was the action of the Indonesian parliament just three weeks ago in voting to elect Abdurrahman Wahid as President of the country.

Mr. Speaker, in the few short weeks since President Wahid has been in office he has taken a number of important steps to strengthen democracy in his country. There are still difficulties ahead, but he has started out on the right foot, and it is in our interest to support his efforts.

The President has announced an effort to fight corruption, which has been one of the serious and persistent problems that faced Indonesia under its previous authoritarian leaders. Questions have been raised about certain actions of three members of President Wahid's cabinet. The President has announced that if the Attorney General finds evidence of corruption, the ministers will be investigated, charged, and relieved of office. That kind of integrity and moral leadership is what is required, and I believe President Wahid has these qualities.

Mr. Speaker, President Wahid has also sought to establish civilian control over the military—an important democratic principle. The President appointed a civilian as his Minister of Defense, the first civilian to hold such a position. Democratic control of the military has been a serious matter of concern in Indonesia. The military has played an important role in the integration of Indonesia, but it has also acted outside the control of elected officials, as was particularly evident in the mishandling of the referendum in East Timor. Decades of the precedent of the military acting independently and abusing the human rights of Indonesians will be difficult to reverse overnight, but the direction taken by the President is clearly the right one.

The President also has indicated his intention to speed the return of East Timorese refugees to their home. It is estimated that some 180,000 refugees from East Timor remain in Indonesian-controlled western Timor, but they have been unable or unwilling to return because of fear for their lives. The President's intention to see the return of these refugees reflects his pragmatic and principled interest in resolving this difficult issue.

President Wahid has also taken steps in the foreign policy area that reflect his desire to involve Indonesia more positively in the world. He has indicated his intention to establish trade relations with the State of Israel. Indonesia is the world's largest Muslim nation, and such a decision reflects a serious interest to change past practice in the face of considerable opposition. President Wahid has the authority and credibility to make such a decision, since his is a highly respected Muslim religious leader.

Mr. Speaker, I invite my colleagues to join me in welcoming the enlightened leadership of Indonesia's new President. In the few short weeks that he has been in office, he has

November 16, 1999

taken a number of important steps to strengthen democracy, to improve economic conditions, to restore the rule of law, and to deal with the difficult problems of his country. President Wahid assumes the leadership of this important country with integrity and a commitment to democratic values that we here in the United States admire and share. We wish him well in the challenges he faces, and we should work with him in meeting them.

---

THE WORLD MUST NOT FORGET  
SIKH POLITICAL PRISONERS IN  
INDIA

---

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 1999*

Mr. TOWNS. Mr. Speaker, India frequently boasts about its democratic institutions, so the world pays little attention to the abuses of human rights that go on there. Yet it has recently come out that there are thousands of political prisoners being held in "the world's largest democracy."

These political prisoners are being held in illegal detention for their political opinions. Some have been held without charge or trial for 15 years. One known case is an 80-year-old man. Yes, India is holding an 80-year-old man in illegal detention for his political opinions.

What have these Sikhs done? They have spoken out for freedom for their people and an end to the violence against their people. They have spoken out against the repression and tyranny that have killed 250,000 Sikhs since 1984. In India, this is apparently a crime.

Other minority nations have also seen substantial numbers of their members taken as political prisoners by the democratic government of India. In addition, the Indian government has murdered over 200,000 Christians in Nagaland since 1947. Tens of thousands of people in Manipur, Assam, Tamil Nadu, and other areas have also died at the hands of the Indian government.

Mr. Speaker, why should the people of the United States support a government like this? The answer is that they shouldn't. Yet India remains one of the largest recipients of U.S. aid. That aid should be ended, Mr. Speaker. Perhaps then India will understand that it must respect human rights.

We should also make clear our strong support for the movement of self-determination for the minority peoples and nations of South Asia, such as the Sikh homeland of Punjab, Khalistan; the heavily-Muslim Kashmir; and Christian-majority Nagaland. Only by conducting a free and fair vote can real freedom come to the peoples and nations of South Asia.

I call on the President to press these important issues when he visits India next year. This is the only way to bring real stability, peace, freedom, and dignity to South Asia.

**EXTENSIONS OF REMARKS**

IN TRIBUTE TO THE HONORABLE  
THOMAS M. FOGLIETTA

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 1999*

Mr. WOLF. Mr. Speaker, I want to bring to our colleagues' attention news about our former colleague, the Honorable Thomas M. Foglietta of Pennsylvania, who now serves as the U.S. ambassador to Italy. On November 9, he was presented a South Korean human rights award for supporting democracy and human rights in that country.

The annual award was presented in Seoul, South Korea, by the Korean Institute for Human Rights, founded in 1983 by South Korean President Kim Dae-jung. Ambassador Foglietta established a relationship with Kim Dae-jung in the mid-1980's when he served in Congress. Kim was in exile in the United States at that time. Ambassador Foglietta accompanied him back to his beloved South Korea and the two were assaulted at the airport.

This year, the City of Philadelphia presented its prestigious Liberty Medal to President Kim. Ambassador Foglietta campaigned for almost a decade to have this award made to Kim Dae-jung.

Mr. Speaker, I submit for the RECORD a recent article from The Philadelphia Inquirer about this award.

We offer our congratulations to our former colleague.

[From the Philadelphia Inquirer, Nov. 2, 1999]

FOGLIETTA TO GET RIGHTS AWARD IN S. KOREA—THE AMBASSADOR TO ITALY WILL BE HONORED FOR SUPPORTING DEMOCRACY IN THAT ASIAN NATION

(By Jeffrey Fleishman)

ROME—U.S. Ambassador Thomas M. Foglietta will receive a South Korean human-rights award next week for supporting democracy in a country where he was beaten 15 years ago as he traveled with a leading political dissident.

The dissident, Kim Dae Jung, is now South Korea's president. The award from the Korean Institute for Human Rights—to be presented Nov. 9 in Seoul—is a testament to a friendship that endured through a long battle against dictatorships and corrupt politics.

"Knowing Kim has been one of the high points of my life. He has been one of my great teachers," said Foglietta, the former Philadelphia congressman who is now ambassador to Italy. "Kim has always been so determined to bring democracy to his country. This award is a great honor for me."

Kim and Foglietta met in November of 1984 when Kim was a political exile receiving medical treatment in the United States. Before leaving South Korea, Kim had been imprisoned and tortured for years and was reviled by the government of Chun Doo Wan, an army general who had seized power in 1979. During a 3½-hour meeting, Kim told Foglietta that he wanted to return to his country.

Fearful of assassination, he asked Foglietta to accompany him.

"My first thought was that the military regime would try to kill Kim upon his re-

29893

turn," said Foglietta. "It was only months earlier that [opposition leader] Benigno Aquino was assassinated when he returned to the Philippines. I told Kim this and he said, 'They won't try anything if you go with me.' I called the television networks. I told them to be in Seoul at this time and date. I figured the Korean government wouldn't harm Kim in front of TV cameras."

On Feb. 8, 1985, Kim, Foglietta and a small American delegation, including television crews, arrived at Seoul's Kimpo Airport. Military police had blocked roads, preventing thousands of Kim's supporters from reaching the airport. Inside the terminal, 50 to 75 security police pulled Kim and his wife, Lee Hee Ho, from the entourage and corralled them toward an elevator.

Foglietta and others in the delegation, including U.S. Ambassador Robert White, were manhandled by police as Kim was carried away.

Kim endured this arrest as he had the others, and in 1997, after 40 years of protests, failed assassination attempts, six years in jail and 55 house arrests, Kim was sworn in as president in South Korea's first peaceful transition of power. Foglietta stood on the stage as Kim took his oath.

"When I stood at Kim's inauguration, I remembered that day when we were punched, kicked and bloodied," said Foglietta, who over the years has helped Kim with campaigns and democratic reforms. "I guess I always knew he'd be president of South Korea."

Last July, at Foglietta's urging, Kim was awarded Philadelphia's Liberty Medal during a ceremony at Independence Hall.

---

THE 66TH ANNIVERSARY OF THE  
UKRAINIAN FAMINE

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 1999*

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 66th anniversary of the Ukrainian Famine of 1932 to 1933, a tragedy that claimed the lives of at least seven million Ukrainians.

Too often, we have seen the horrors of famine in all parts of the world. Famine usually brought about by prolonged wars, droughts, floods or other natural occurrences. Rarely have we seen such famine brought on by the repressive actions of a government.

In 1932 to 1933, leaders of the former Soviet Union used food as a weapon against the innocent people of Ukraine. Seeking to punish Ukraine for its opposition to Soviet policies of forced collectivization of agriculture and industrialization, Joseph Stalin unleashed the horror of the Ukrainian Famine on the people of Ukraine. Estimates of the number of innocent men, women and children who died reach over 7 million, and even today the Ukrainian population has not yet fully recovered.

This year marks the 66th year since this man-made, artificial famine in Ukraine. I rise today, as a co-chair of the Congressional Ukrainian Caucus, to join in commemorating with the Ukrainian-American community the tragedy of 66 years ago.

The Ukrainian community's main commemorative observance will be held on Saturday,