

(1) the Tennessee Valley Authority; or
 (2) any other agency or branch of Federal, State or local government.

SEC. 10. SAVINGS PROVISION.

Nothing in this Act shall affect section 15d(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4(b)), providing that bonds issued by the Tennessee Valley Authority shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States.●

By Mr. WYDEN:

S. 2571. A bill to provide for the liquidation or reliquidation of certain entries of athletic shoes; to the Committee on Finance.

DUTY DRAWBACK FOR ENVIRONMENTAL RECYCLING

Mr. WYDEN. Mr. President, I am introducing legislation today to help retain a unique environmental recycling program launched by Nike, a home-grown Oregon business, which involves recycling running shoes rather than dumping them in a landfill. The bill would resolve an issue on which the U.S. Customs Service has taken inherently conflicting positions: whether a duty drawback can be claimed on an item that has no commercial value and is no longer an item in United States commerce but which is recycled rather than destroyed. I believe recycling should be promoted and not punished, and that is what this legislation does.

Under existing U.S. Customs law, an importer is entitled to import duty drawback on products that are returned to the importer because they are defective. The point of this provision is to safeguard against an import duty being imposed on a product that does not end up in United States commerce. Customs law and regulation ensures that a product will not end up in U.S. commerce by requiring that the product be completely destroyed to the extent that the product has no commercial value, or that it be exported from the United States. In certain cases Customs has allowed duty drawback: for example, alcohol salvaged from destroyed beer and malt liquor which was sold as scrap rather than dumped as waste was accorded duty drawback.

Consistent with Customs' requirements, for a number of years Nike destroyed the shoes and placed them in a landfill. This amounted to thousands of tons of non-biodegradable shoes being dumped in landfills. Because shoes are not biodegradable, Nike developed a new, more environmentally-sustainable way to dispose of the defective shoes by chopping them into small pieces, called "re-grind," and giving the regrind without charge or compensation to manufacturers of sport surfaces. The re-grind became part of playground, basketball and other surfaces that was used primarily for charitable purposes in poor urban centers around the country. The program,

called the "Re-Use A-Shoe," is one of the many initiatives Nike has undertaken to incorporate environmental sustainability into its operations.

The issue Customs has been grappling with is whether the re-grind is "destroyed with no commercial value" so as to qualify the destroyed shoes for duty drawback treatment. For several years Customs granted the re-grind shoes duty drawback, but a Customs audit team recently determined that the re-grind was not "destroyed," as it had commercial value for court manufacturers and Customs recommended retroactive denial of Nike's drawback claims, totaling \$11.6 million. Because Customs had already refunded the drawback, the audit team recommended that Nike repay the \$11.6 million to Customs.

It is clear from Customs' decisions that an article is considered destroyed when it has been rendered of no commercial value and is no longer an article of commerce. In this case, the defective footwear, once shred, is valueless and of no commercial interest to anyone. Even when the shredded material is subsequently processed by Nike to recover some material of limited use, the recovered material is not saleable to anyone and therefore has no commercial value.

Mr. President, it seems to me that the position taken by the Customs audit team is not consistent with the intent of the duty drawback provision. There is no commercial value to Nike in the re-grind; the shoes have been destroyed. Nike gives the product to the manufacturer without charge or compensation, and the manufacturers have confirmed they would not pay for the material. I have copies of letters from each of the manufacturers attesting to the fact that they would not pay for the re-grind and that it is not commercially viable. It appears that the Customs audit team believes a more desirable outcome is to have Nike dump some 2 million pairs or 3.5 million pounds of shoes into a landfill rather than recycle the destroyed material. The outcome is the same: the shoes no longer have commercial value, nor are they a product in U.S. commerce. It would seem to me there is no public policy benefit in forcing Nike to dump the shoes in a landfill; but that there is much to be gained from recycling millions of pairs of shoes that would otherwise be dumped in a landfill.

The legislation I am introducing today resolves the question in favor of recycling, in favor of the environment and in favor of a rational duty drawback policy. I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 2571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221-0590991-9
 221-0890500-5 through 221-0890675-5
 221-0890677-1 through 221-0891427-0
 221-0891430-4 through 221-0891537-6
 221-0891539-2 through 221-0891554-1
 221-0891556-6 through 221-0891557-4
 221-0891559-0
 221-0891561-6 through 221-0891565-7
 221-0891567-3 through 221-0891578-0
 221-0891582-0
 221-0891584-8 through 221-0891587-1
 221-0891589-7
 221-0891592-1 through 221-0891597-0
 221-0891604-4 through 221-0891605-1
 221-0891607-7 through 221-0891609-3

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

ADDITIONAL COSPONSORS

S. 63

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 63, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 85

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 1007

At the request of Mr. JEFFORDS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs

of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1102

At the request of Mr. GRAMS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1102, a bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment.

S. 1237

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1237, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month".

S. 1565

At the request of Mr. SARBANES, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1565, a bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes.

S. 1638

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from West

Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and re-

lated support services to individuals and families with HIV disease, and for other purposes.

S. 2357

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2413

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2415

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2415, a bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2463

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2463, a bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented.

S. 2510

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2510, a bill to establish the Social Security Protection, Preservation, and Reform Commission.

S. 2539

At the request of Mr. REID, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2539, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. CON. RES. 60

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

At the request of Mr. KERRY, his name was added as a cosponsor of S. Con. Res. 60, *supra*.

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. Con. Res. 60, *supra*.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. COVERDELL), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

S. J. RES. 44

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

AMENDMENT NO. 3146

At the request of Mr. ROBB, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of Amendment No. 3146 intended to be proposed to S. 2521, an original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

SENATE CONCURRENT RESOLUTION 113—EXPRESSING THE SENSE OF THE CONGRESS IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE FREE AND FAIR ELECTIONS IN BURMA AND THE URGENT NEED TO IMPROVE THE DEMOCRATIC AND HUMAN RIGHTS OF THE PEOPLE OF BURMA

Mr. MOYNIHAN (for himself, Mr. MCCONNELL, Mr. LOTT, Mrs. BOXER, Mr.

FEINGOLD, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. HELMS, Mr. LUGAR, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. WELLSTONE, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 113

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are "involved in the drug business or are paid to allow the drug business to be conducted by others", conditions which pose a direct threat to United States national security interests; and

Whereas despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have

continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethnic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

Mr. MOYNIHAN. Mr. President, the Senator from Kentucky and I rise today to submit, along with several of our distinguished colleagues, a resolution commemorating the 10th anniversary of free and fair elections in Burma.

On May 27, 1990, the National League for Democracy (NLD), led by Daw Aung San Suu Kyi, won a majority of the parliamentary seats in the elections. This was a great victory for the champions of democracy and human rights in Burma. However, the Burmese military arbitrarily annulled the results and arrested Aung San Suu Kyi and hundreds of NLD members. Others were forced to flee, and the people's freedoms of assembly, speech and the press were severely restricted.

Today, the steady erosion of human rights continues under the heavy hand of the military regime known as the State Peace and Development Council (SPDC). This resolution calls upon the SPDC to guarantee basic freedoms to its people; accept a political dialogue with the NLD and other Burmese political leaders; and to comply with human rights agreements and resolutions emanating from such bodies as the United Nations General Assembly, the European Union, and the International Labor Organization.

The struggle in Burma is not over. The 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer as political