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 represented 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 story, Your strength is sufficient.

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 Your 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.

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 dealing 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 for his service 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. Arroyo);
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. Dreier);
The gentleman from New Mexico (Mrs. Wilson);
The gentleman from Texas (Mr. Bonilla);
The gentleman from Texas (Mr. Barton);
The gentleman from Utah (Mr. Cannon);
The gentleman from Missouri (Mr. Gephardt);
The gentleman from Michigan (Mr. Bonior);
The gentleman from Texas (Mr. Frost);
The gentleman from New Jersey (Mr. Menendez);
The gentleman from Connecticut (Ms. Delauro);
The gentleman from Arizona (Mr. pastor);
The gentleman from California (Mr. Lantos);
The gentleman from New York (Mrs. lowey);
The gentleman from Texas (Mr. Reyes);
The gentleman from California (Ms. Roybal-Allard);
The gentleman from Texas (Mr. Rodriguez);
The gentleman from California (Mrs. Napolitano);
The gentleman from California (Mr. Baca);
The gentleman from Texas (Mr. Ortiz);
The gentleman from New York (Mr. Serrano);
The gentleman from California (Mr. Bucella);
The gentleman from Illinois (Mr. Gutierrez);
The gentleman from Guam (Mr. Underwood);
The gentleman from New York (Ms. Velazquez);
The gentleman from Texas (Mr. Hinojosa);
The gentleman from California (Ms. Sanchez);
The gentleman from Texas (Mr. Gonzales);
The gentleman from Puerto Rico (Mr. Acevedo-Vila); and
The gentleman 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 Marchalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat 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.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY VICENTE FOX, PRESIDENT OF THE UNITED MEXICAN STATES

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

September 6, 2001
President FOX. Thank you. The applause in this room welcoming me has been heard by 100 million Mexicans, in the name 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 together our principles and interests, our traditions, our history. The meeting of our two countries at the dawn 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 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 previous experiences with a political regime governing Mexico which for the most part was regarded as undemocratic and untrustworthy.

Our countries, thus, cautiously distanced themselves from one another to pursue this frame of mind; but circumstances have changed. We are now close together, whether in trade or tourism, economic or family ties. Our links are countless and ever growing. No two nations are more important to the immediate prosperity and well-being of another than Mexico and the United States.

That is why our two great nations must go forward together to establish wider and deeper forms of cooperation and understanding. In this task, trust will be the benchmark in achieving our goals. We must, therefore, leave behind the suspicion and indifference that have so often in the past been the source of misunderstandings between our two peoples, for it is only by engaging more fully as neighbors and partners that we can make a difference to our societies, and we have the historic opportunity to achieve this end which has proved so elusive in the past.

We intend to be forthright in our friendship and unwavering in our commitment. For as long as states so simply and truly, it is required that those who have been given a trust must prove faithful. The relationship between Mexico and the United States has changed in one fundamental way. True democracy in Mexico, for decades an unfulfilled dream, is now a reality. As a result of last year’s vote, Mexico now has a legitimate and truly democratic leadership. This has meant a change in government, but it is also a reflection of a profound change in the values and aspirations of Mexican society. I am, therefore, determined to make democracy and tolerance the principles that guide all government actions, and to ensure that public institutions in the guarantors of the rights and highest aspirations of citizens.

I have also 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, which itself must be reformed in order to end impunity and to consolidate the rule of law throughout the country.

I am convinced that it is time to bring Mexico up to date on all fronts, both within and beyond our borders. It is a time to bring Mexico up to date in its relations with the United States. Both of our nations now fully share, without qualification, the fundamental values of freedom and democracy. Thanks to those democratic changes inaugurated in Mexico last year on July 2, the time has come for Mexico and the United States to trust each other.

Simple trust, that is what has been sorely absent in our relationship in the past, and that is what is required for us to propel and strengthen our relationship in the days, weeks, and years to come. Let us foster trust between our societies. Let us build trust along our common borders. Let us take the road less traveled by and build confidence every step of the way. Only trust will allow us to constructively tackle the challenges our two nations face as we undertake to build a new partnership in North America.

Take, for example, our common struggle against the scourge of drugs. 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 beyond its borders. 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 U.S. authorities. We have arrested key drug kingpins and extradited drug traffickers wanted by the United States Justice Department.

However, much more needs to be done. Trust will be crucial to enhance intelligence and information sharing between both governments. We are committed to becoming a full partner with the United States in the fight against drugs. But trust requires that one partner not be judged unilaterally by the other.

Members of this honorable Congress, give trust a chance. Give both governments a chance. The bill to suspend drug certification for 3 years, S. 219, will allow us to move forward. In the fight against drugs, cooperation is not a nicety; it is a necessity.

We ask that you demonstrate your trust in us by passing this legislation as a gesture of your faith and confidence in this new country that we are working so hard to build.

We must also trust each other if we are to deal successfully with the issue of migration. In recent months, President George Bush and I have already shown our willingness to trust each other by agreeing to discuss this most complex matter.

As the history of this country shows, migration has always rendered more economic benefits to the United States than the costs it entails. Let us also not forget that migrants invariably enrich cultural life and that they receive them. Many among you have a parent or a grandparent who came into this country as an immigrant from another land.

Therefore, allow me to take this opportunity to pay homage to those brave men and women who in the past took on the challenge of building a new life for themselves and for their families in this country.

And let me also salute the Mexican migrants living in this country and say to them, Mexico needs you. We need your talent and your entrepreneurship. We need you to come home one day and play a part in building a strong Mexico.

When you return, when you retire, we hope to be able to convince other Mexicans that the future lies in a prosperous and democratic Mexico. My dear countrymen, Mexico will not forget you and will support you. We will not fail you.

Let us cherish the fact that we must not lose sight of. Migration flows that respond to deep underlying economic incentives are all but impossible
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 the two countries, the negotiation of which this Nation will lead.

That is why trust in dealing with migration entails reaching common ground to address the status of Mexican migrants already working and living in the United States, already contributing to which this Nation. Let me be clear about this: regularization does not mean rewarding those who break the law. Regularization 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 stay in the United States, so that they can enter the United States safely and legally. Additionally, the agreement would require 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 we know this is our responsibility, to 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 all our citizens, leaving a lasting legacy of well-being to their people.

Mexico and 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.

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 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. That is why 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.

The 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 all 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.

□ 1145

Honorable Members of the U.S. Congress, the political change currently under way in Mexico is the most powerful reason why we are now able to establish new forms of friendship and cooperation with the United States. We are ready to turn this change into the seed of a better future for both of our countries.

I hope that the United States will embrace this historic opportunity to build a new era of prosperity and understanding between our peoples. It requires will, as well as vision, to take advantage of this favorable turn in history and forge a new friendship between Mexican and Americans.

This legislative body, along with its peers in Mexico, can play a decisive role in bringing our two countries together. You are a key partner in fostering trust between our two peoples.

Today, the United States Congress faced a difficult decision and chose to vote in favor of a greater integration with Mexico through the North American Free Trade Agreement.

The partnership between Mexico and the United States is incomplete. There remain many unresolved issues that must be dealt with in order to achieve our common goals as partners.

One of these goals is an issue which this great body will soon consider and which entails an important obligation under NAFTA: it is the issue of access to the United States for Mexican trucks. For this, as in many other items of our common agenda, we need your trust. Trust will allow both countries to comply responsibly and maturely with their obligations to one another.

The overarching question is not, then, whether we can afford to trust each other, but whether we can afford not to. The growing convergence of our nations can lead to shared responsibility and prosperity and to the strengthening of those values that we have in common.

Let us begin anew, as those who founded our modern nations once did, remembering on both sides that there can be no friendship without trust and no trust without true commitment.

When history comes knocking on our doors, as it has done now, bold decisions are required. Let us make one today. Let us decide to trust one another.

John F. Kennedy believed in new beginnings. In accepting his party's nomination as President he spoke of a New Frontier. "We stand today on the edge of a New Frontier... the New Frontier of which I speak is not a set of promises—it is a set of challenges." That was in 1960.

Today, at the dawn of a new century, our two great nations face new challenges. But we do so with new opportunities, unimaginable even a few years ago.

Our new frontier will be conquered not by confrontation, but through cooperation; not by threats, but by common aspirations; not by fear, but by trust.

To our friends, let us pledge today to create a new special partnership between the United States and Mexico for the benefit of our two great peoples.

Senora y senores:
Viva Mexico!
Viva Estados Unidos!
Viva nuestro futuro en comun!
[Applause, the Members rising.]

At 11 o'clock and 51 minutes a.m., the President of the United Mexican States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.
Accordingly, at 11 o’clock and 52 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:15 p.m.

PRINTING OF PROCEEDINGS HAD DURING 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 the unanimous consent of the House to begin discussions, as President Fox stated yesterday at the White House, 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 one of the top priorities of the House. I ask for the unanimous consent of the House to begin 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 rooted in free trade, to 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.

Mr. TREAGARDT. Madam Speaker, I yield the time to the gentleman from New Jersey.

H.R. 2833

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

SECTION I. 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.

TITTE 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. 211. Assistance.

Sec. 212. Assistance.

Sec. 221. United States Public Diplomacy

Sec. 222. Radio Free Asia transmissions to Viet Nam

Sec. 231. United States educational and cultural exchange programs with Viet Nam

Sec. 241. Annual report.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Congress finds the following:

CONGRESSIONAL RECORD—HOUSE 16477
Hao village, to conduct traditional religious life. Hoa Hao believers who do not recognize activity, particularly at the Hoa Hao village, are forbidden to participate in religious activities except under circumstances rigidly defined and controlled by the government.

(A) In 1999 the Government issued a Decree Concerning Activities Prohibited in Religious Life formalized in pertinent part that "[a]ll activities using religious belief 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 attack the healthy culture of our nation, as well as superstitious activities, will be punished in conformity with the law.

(B) The Unified Buddhist Church of Viet Nam (UCBV), the largest religious denomination, has been declared illegal by the Government, and over the last twenty-five years its clergy have often been imprisoned and subjected to other forms of persecution. The Montagnard Buddhist Church, 85-year-old Most Venerable Thich Huyen 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 bringing Most Venerable Thich Huyen Quang to Saigon for medical treatment.

(C) The Hoa Hao Buddhist Church was also declared to be illegal in 1999, when the Government established an organization which purports to govern the Hoa Hao. According to the United States Commission on International Religious Freedom, "[t]his organization is made up almost entirely of Communist Party members and apparently is not a true religious group, but a majority of Hoa Hao...[n]evertheless, this government-sponsored organization] has sought to control all Hoa Hao religious activities, including by the Hoa Hao village, which is the center of Hoa Hao religious life." Hoa Hao believers who do not recognize the legitimacy of the government organization are denied the right to visit the Hoa Hao village, to conduct traditional religious celebrations, or to display Hoa Hao symbols. Many have been arrested and subjected to administrative detention. Several Hoa Hao have been sentenced to prison terms for protesting these denial of religious freedom.

(D) Independent Protestants, most of whom belong to minority groups, are subjected to particularly harsh treatment by the Government of Viet Nam. According to the United States Commission on International Religious Freedom, such treatment includes "police raids on homes and house churches, detention, imprisonment, confiscation of religious and personal property, physical and psychological abuse, and fines for engaging in unapproved religious activities (such as collective worship, public religious expression and distribution of religious literature, and performing baptisms, marriages, or funeral services) ..." In addition, it is reported that ethnic Hmong Protestants have been forced by local officials to agree to abandon their faith.

(E) Other religious organizations, such as the Catholic Church, are formally recognized by the Government but are subjected to pervasive and varied threats to their freedom of religion. For instance, the Catholic Church is forbidden to appoint its own bishops without Government consent, which is freely granted to seminarians, without specific official permission, and to profess Catholic doctrines which are inconsistent with Government policy. A Catholic priest, Father Nguyen Van Do, was arrested in March 2001 and remains in detention after submitting written testimony to the United States Commission on International Religious Freedom.

(F) The Government has also confiscated numerous churches, temples, and other properties belonging to religious organizations. The vast majority of these properties—even those belonging to religious organizations formally recognized by the Government—have never been returned.

(G) The Government of Viet Nam has persecuted veterans of the Army of the Republic of Viet Nam and other Vietnamese who had opposed the Viet Cong insurgency and whose families are of South Viet Nam. Such persecution typically included substantial terms in "re-education camps", where detainees were often subjected to torture, degrading and inhuman physical abuse, and in which many died. Re-education camp survivors and their families were often forced into internal exile in "New Economic Zones". Many of these former allies of the United States, as well as members of their families, continue until the present day to suffer various forms of harassment and discrimination, including denial of basic social benefits and exclusion from higher education and employment.

(H) The Government of Viet Nam has been particularly harsh in its treatment of members of the Montagnard ethnic minority groups of the Central Highlands of Viet Nam, who were the first line in the defense of South Viet Nam against invasion from the North and who fought courageously beside United States military personnel during the Viet Nam war and whose Hmong Buddhist refugees are among those recognized by the Government.

(I) The Government of Viet Nam also engages in or condones serious violations of the rights of workers. In August 1997, the United Nations Children's Fund (UNICEF) reported that child labor exploitation is on the rise in Viet Nam with tens of thousands of children under 15 years of age being subjected to such exploitation. The Government's official labor export program also has subjected workers, including children, to involuntary servitude, debt bondage, and other forms of abuse, and the reaction of government officials to worker complaints of such abuse has been to threaten the workers with punishment if they do not desist in their complaints.

(J) United States refugee resettlement programs for Vietnamese nationals, including the Orderly Departure Program (ODP), the Resettlement Opportunities for Returning Vietnamese (ROVR) program, and resettlement boat programs throughout Southeast Asia, were authorized by law in order to rescue Vietnamese nationals who have suffered persecution on account of their wartime associations with the United States, as well as those who currently have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

(K) 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 these programs and in others by United States personnel who imposed 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.

(L) The Government of Viet Nam systematically jams broadcasts by Radio Free Asia, an independent broadcast service funded by the United States in order to provide news and information to the people of countries in Asia whose governments deny the right to freedom of expression and of the press.

(M) In 1995 the Governments of the United States and Viet Nam announced the "nor-
then-President Clinton waived the application 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 1990 the Government of Viet Nam stated in its response to the 'Jackson-Vanik Amendment' that it was 'as a statement of approval or complacency with the United States and because they share our values—and 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.

TITLE I—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.

(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 30 days after 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 ending on the date of the certification; and

(B) for fiscal year 2003 unless not later than 30 days after the date of the enactment of this Act the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 241 that the requirements of paragraphs (A) through (D) of paragraph (2) have been met during the 12-month period covered by the report.

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

(A) the Government of Viet Nam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention;

(B) the Government of Viet Nam has made substantial progress toward respecting the right of citizens to seek redress of grievances, including the right to participate in religious 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;

(D)(i) neither any official of the Government of Viet Nam nor any agency or entity wholly or partly owned by the Government of Viet Nam has been implicated in a severe form of trafficking in persons; or

(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 to the provision of United States nonhumanitarian assistance for any program or activity for which such assistance was provided to the Government of Viet Nam for fiscal year 2001 in an amount not to exceed the amount so provided for fiscal year 2001.

(2) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Viet Nam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a)(2) for each fiscal year if the President determines that the provision to the Government of Viet Nam of increased United States nonhumanitarian assistance would promote the purposes of this Act or otherwise in the national interest of the United States.

(3) EXERCISE OF WAIVER AUTHORITY.—

(A) IN GENERAL.—The President may exercise the authority under paragraph (2) with respect to—

(i) all United States nonhumanitarian assistance to the Government of Viet Nam;

(ii) one or more programs, projects, or activities of such assistance;

(b) DEFINITIONS.—In this section—

(1) SEVERE FORM OF TRAFFICKING IN PERSONS.—The term "severe form of trafficking in persons" means any activity described in section 103(a)(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106-386; 114 Stat. 1470; 22 U.S.C. 7102(a)(8)).

(2) UNITED STATES NONHUMANITARIAN ASSISTANCE.—The term "United States nonhumanitarian assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine; and

(iii) assistance for refugees; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

SEC. 202. MULTILATERAL NONHUMANITARIAN ASSISTANCE.
The President shall ensure that section 701 of the International Financial Institutions Act (U.S.C. 2020), relating to human rights, is carried out with respect to Viet Nam.

Subtitle B—Assistance to Support Democracy in Viet Nam

SEC. 211. ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations that promote human rights and nondiscriminatory democratic change in Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out subsection (a) $2,000,000 for each of the fiscal years 2002 and 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 provide 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 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 to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

Subtitle D—United States Refugee Policy

SEC. 222. 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 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 authorized to be appropriated to the Department of State for Migration and Refugee Assistance for each of the fiscal years 2001, 2002, and 2003, such sums as may be necessary are 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 implementation of the policy set forth in section 222 and with section 102 of the Policy Provisions Act of 1996 regarding paragraph (2) have been met, if applicable.

(b) THE DETERMINATION OF THE PRESIDENT UNDER SECTION 201(b)(2), IF APPLICABLE.

(2) 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).

(3) 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.

(4) STEPS TAKEN TO CARRY OUT THE POLICY SET FORTH IN SECTION 221.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 5, 2001, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).
Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2833.

The SPEAKER pro tempore. 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 myself such time as I may consume.

Madam Speaker, first of all, let me thank my good friend, the gentleman from California (Mr. LANTOS), and other cosponsors of this important human rights legislation for their strong support for this measure that is before the body today.

Madam Speaker, to hear some of our colleagues talk, we would think that the Vietnamese Government is on the road to being a human rights success story. Unfortunately, this is simply not the case. Just this week, a Buddhist monk in Danang committed suicide by self-immolation to protest the increasingly harsh repression of the Unified Buddhist Church of Viet Nam.

Just yesterday, the Hanoi security cadres arrested two prominent reform advocates, retired Colonel Phan Que Duong and writer Hoang Minh Chinh. Their only crime appears to have been asking permission to start a non-governmental organization that would expose corruption and promote transparency in government.

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

It is true that there have been some improvements since the dark days of the late 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 government of Viet Nam has substantially increased the frequency and the severity of its human rights violations.

Viet Nam Speaker, on the Government of Viet Nam systematically denies the fundamental right to freedom of religion. Although some freedom of worship is permitted, believers are forbidden to participate in religious activities except under circumstances rigidly defined and controlled by the government.

In 1999, the government issued a Decree Concerning Religious Activities which declared, in pertinent part, “All activities of religious belief 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 go against the healthy culture of our Nation, as well as superstitious activities, will be punished in conformity with law.”

The Unified Buddhist Church of Viet Nam, Madam Speaker, the largest religious denomination in Viet Nam, has been declared illegal by the government, and over the last 25 years its clergy have been imprisoned and subjected to other forms of persecution.

The Patriarch of the Unified Buddhist Church, 83-year-old Most Venerable Thich Huyen Quang, has been detained for 21 years in a ruined temple in an isolated area of central Vietnam. Most Venerable Thich Quang Do, the leader of the Unified Catholic 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 most Venerable Thich Huyen Quang to Saigon for medical treatment. For that, he was punished.

The Hoa Hao Buddhist Church was also declared to be illegal until 1999, when the government established an organization which purports to govern the so-called “Hoa Hao, but is dominated by the government and Communist cadres, which is not acceptable to the believers. Several 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 Vietnam. According to the United States Commission on International Religious Freedom, such treatment includes police raids on homes and house churches, detention, imprisonment, confiscation of religious and personal property, physical and psychological abuse, and fines for engaging in unapproved religious activities such as collective worship, public religious expression, the distribution of religious literature, and performing baptisms, marriages, and funeral services. In addition, the U.S. Commission’s report goes on to say, it is reported that ethnic Montagnards 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. He has been held for 20 days without submitting written testimony to the United States Commission on International Religious Freedom. For that, this great trading partner of the United States, this man, this priest, was arrested: subjecting him to an official organ, a function of the United States Government that investigates religious persecution.

The arrest of Mr. Chinh and Colonel Duong are just the latest episode in that awful story. Madam Speaker, I want to also call attention to the active involvement of officials and entities of the Vietnamese Government in severe forms of trafficking in persons. There is evidence that the government’s official labor export program has subjected workers, many of whom are women, to involuntary servitude, debt bondage, and other forms of abuse. In the recent case of several hundreds of workers who were trafficked by Vietnamese-owned corporations to the Daewoosa factory in American Samoa, the reaction of government officials and entities of the Vietnamese Government 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 Vietnamese Government. The Government of Vietnam also pursues a policy of harassment, discrimination, intimidation, 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 episode in that awful story. Madam Speaker, the Human Rights Act for Vietnam will ensure that putting an end to those egregious abuses remains central to U.S. foreign policy toward Vietnam. It will not restrict trade in any way, but it uses other forms of leverage to construct a human rights program that is comprehensive yet reasonable and flexible.
September 6, 2001  
CONGRESSIONAL RECORD—HOUSE  
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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 freedom of speech, religion, association, and belief, 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. It tells the truth about the fact that Congress and the American people are united in their determination that expansion of trade relations should not be construed as approval or complacency or complicity about human rights violations, and that the promotion 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 Vietnam, to the freedom of religious belief and Communist Party officials are open to people who share our values in U.S. cultural and exchange programs and supported by Radio Free Asia. It is amazing to me thatjamming every day the broadcast comes out of Radio Free Asia. It is amazing to me that right now, as we are about to approve a bilateral trade agreement, they are jamming every day the broadcast coming out of Radio Free Asia.

I would like to identify myself with the statements made by the gentleman from New Jersey with respect to the specific acts of religious and ethnic persecution which we noted. None of us here should be under any illusion about the nature of the Vietnamese Government. According to the State Department's Human Rights Report, the Vietnamese Government is an unrepentant authoritarian regime. True political opposition in that country is not allowed. Freedom of expression does not exist, and Vietnamese are put in prison for good for simply expressing political opinions the government does not approve of. The Vietnamese Government places the most severe restrictions on the expression of religious beliefs, particularly beliefs in Buddhism, as my good friend and colleague so eloquently outlined.

Madam Speaker, today the House will approve the U.S.-Vietnam bilateral trade agreement. I support that agreement, but it is critical that we send a signal to Hanoi that the U.S. continues to care about the human rights and the religious freedom situation in Vietnam, not just trade. Passage of the Smith legislation will indicate to the administration and to the Vietnamese Government that the Congress expects to see true progress on the human rights front, and we have not forgotten those Vietnamese who are being persecuted for their religious beliefs or their political views. The legislation that we are considering will ensure that there is not a rollback in our trade and aid relationship with Vietnam, only a cap on the level of our aid to Vietnam unless decent human rights conditions are created.

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 thank my good friend and champion of justice in Vietnam, 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 violations of human rights in Israel. The timing of this legislation, as it comes before us, could not be more opportune. Thank you.
Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. Tom Davis).

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 passage 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 religious figures and ethnic minorities including the Montagnards and other people associated with the U.S.-Vietnamese Priests Abroad, an open letter to the international community condemning the vicious repression of religious freedoms.

I have decided that the only way I can protest is by setting my body on fire in protest of our country's proud traditions of democracy and freedom 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 by the Vietnamese government. It requires periodic reports on efforts by the U.S. government 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 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 meet the statutory criteria for the Orderly Departure Program and other refugee programs, but who were incorrectly deemed ineligible for such programs or who, for reasons beyond their own control including being placed in refugee programs that have not complied with the requirements of the United States, 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 provide such persons with 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 towards the release of political and religious prisoners, and an end to religious persecution, respect 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. SMITH) and his staff for their hard work and commitment in bringing attention to this important issue.

Mr. LANTOS. Madam Speaker, I yield as much time as she may consider to the gentlewoman from California (Ms. LOFGREN) who has been a persistent and outspoken champion of human rights.

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

Madam Speaker, last weekend many of our colleagues 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 Human Rights Commission of 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, a letter to the international community condemning the vicious repression of religious and other basic human rights in Vietnam. This letter, dated August 15, was signed by 144 Catholic priests and nuns and calls upon freedom-loving governments to defend the values of human rights which are being trammeled on in Vietnam."
We, the undersigned Vietnamese priests abroad, want to express our great concern about the present urgent situation of Vietnam's religious life in general, and the life of the Vietnamese Catholic Church in particular.

Though living and serving away from the Fatherland, we as Vietnamese and as priests remain conscious that our people and country are also to be strictly respected and protected. We always pray for our people to be truly free and for our country to be prosperous, in which every Vietnamese is loved and respected in accordance with his or her human dignity.

As for religious life in Vietnam, we are convinced that religious freedom is absolutely a basic and spiritual need for man and society. For the future of Vietnam, religious freedom is not only a legitimate demand but also a prerequisite of rights that needs to be urgently solved. Vietnam will lose an opportunity to declare its position regarding several urgent religious situations.

We demand that the Vietnamese Communist Government do not have a right to truly religious freedom. At the same time, we appeal to the international human rights organizations to defend the values of human rights, which are being trampled on in Vietnam, especially the right to religious freedom according to the Universal Declaration of Human Rights, as declared in Washington, D.C., on the Fifteenth of August, 2001.

Solemnity of the Assumption of the Blessed Virgin Mary, Body and Soul, into Heaven.

Signed by the following Vietnamese priests abroad:

Rev. Msgr. Dominic Mai-Thanh-Lê, Archbishop of New Orleans, USA
Rev. Peter Phaˆm-Vân-Chinh, Archbishop of Richmond, Virginia, USA
Rev. Joseph Nguyễn-Nguyễn-Phù-An, Archbishop of Camden, New Jersey, USA
Rev. Joseph Toan-Thiêng-Le, Archbishop of Dallas, Texas, USA
Rev. Joseph Phaˆm-Thabh-Long, Bishop of Richmond, Virginia, USA
Rev. Joseph Nguyễn-Hến-Duy, O.P. Canada
Rev. John Ninh-Xuan-Minh, Bishop of Mainz, Germany
Rev. Joseph Phaˆm-Xuân-Thiêng, Bishop of Philadelphia, USA
Rev. Joseph Nguyễn-Nguyễn-Phù-An, Archbishop of Camden, New Jersey, USA
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Rev. John Ninh-Xuan-Minh, Bishop of Mainz, Germany
Rev. Joseph Phaˆm-Xuân-Thiêng, Bishop of Philadelphia, USA
Rev. Joseph Nguyễn-Nguyễn-Phù-An, Archbishop of Camden, New Jersey, USA
Rev. Joseph Toan-Thiêng-Le, Archbishop of Dallas, Texas, USA
September 6, 2001

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 these heroes are able 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 in any way. It does not limit humanitarian aid to Vietnam. It remembers by name those who have been persecuted because of their beliefs. It is important for 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. ROMRACKER).

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. LANROS) 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 gentleman from California (Mr. LANROS) and the gentleman from New Jersey (Mr. SMITH) have because America truly could save the world if we had that kind 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 communists understand what is going on with the debate here. In fact, some people in Hanoi may understand this debate more than some of our colleagues who are not paying attention to this debate right now. They prepared for this debate by what? What happened in Vietnam?

Well, two prominent elderly dissidents were arrested one simply after he applied to set up an anti-corruption body in Vietnam to try to deter corruption in Vietnam. Think about that.

The Vietnamese government, the regime, the dictators in Vietnam, have been in constant contact with us. This week, let us take a look at what has happened. The Vietnamese communists understand what is going on with the debate here. In fact, some people in Hanoi may understand this debate more than some of our colleagues who are not paying attention to this debate right now. They prepared for this debate by what? What happened in Vietnam?

We will go ahead and discuss human rights in Vietnam. They start arresting dissidents. The British Broadcasting Corporation reports that
Mr. LANTOS. Madam Speaker, I am delighted to yield as much time as she might consume to my good friend and distinguished colleague, the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Madam Speaker, I thank the gentleman from California (Mr. LANTOS), my colleague, for being such a defender and proponent of human rights, not just in this debate 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 our 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, the 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 aid to Vietnam's progress on human rights. While encouraging economic revitalization of Vietnam, it will require a climate of freedom and democracy.

At this point, the Vietnamese Government has not made sufficient progress. In fact, in the 4 years, now 5 years that I have been in Congress, very little progress has been made. When we held human rights hearings 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 through such 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 supposed to meet with six of the leading dissidents on human rights in Vietnam. Unfortunately, two were unable to make it because of that constant watch and the ability to stop them.

The four that I did meet with, Professor Nguyen Thanh Giang, General Tran Do, Mr. Pham Que Duong and Mr. Hoang Minh Chinh, discussed the restrictions. They talked about the rising fear that they have because of this government oppressing them in particular, and they continue to speak out on human rights.

The Government of Vietnam systematically deprives its citizens of the fundamental right to freedom of religion. Numerous respected religious leaders, including the Most Venerable Thich Huyen Quang and the Most Venerable Thich Quang Do, Father Ly, all of these have been under house arrest in the last few years. The Venerable Thich Quang Do, 26 of our colleagues in this House and I signed a letter to the Nobel peace prize people because of the work he has done on behalf of trying 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, if the law is to ask 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 collective bargaining, 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 is making 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 end that religious persecution. Vote yes on H.R. 2833.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 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. During my trip, I paid a visit to the Venerable Thich Quang Do, who was imprisoned there under house arrest, and in the latter of the 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 and under surveillance, Thich Quang Do nevertheless welcomed my visit.

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 I think the Vietnamese Government 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 by the American Government and 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 tepid 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 rated a success.” That is what 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 today is a good one. The legislation links human rights as a condition to nonhumanitarian 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. interests. Radio Free Asia is a step in the right direction. The Vietnamese service airs important programs on issues like democracy and press freedoms, and it tells the Vietnamese people what the world is saying about their repressive government. It gives critical moral support to Thich Quang Do and Le Quang Liem.

I 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 might 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 Vietnamese Government 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 SPEAKER pro tempore (Mrs. BIGGERT), who has been an eloquent champion of human rights legislation, who has been a forceful advocate for human rights worldwide, including Vietnam, and is one of the cosponsors of this legislation.

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 and that 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 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 Ms. JACKSON-LEE, the gentlewoman from Texas (Ms. JACKSON-LEE), who has been an eloquent champion of human rights across the globe.

Ms. JACKSON-LEE of Texas. 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 those of us who have the opportunity raised around the question of human rights and the right kind of human rights.

Let me thank the gentleman 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 thank the gentleman for assisting his family, though we know that he is still incarcerated and his family, of course, is suffering greatly in my 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 good 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 instances of the U.S. vote to deny multilateral non-humanitarian aid to the U.S. Executive Director of specific international financial institutions to use U.S. humanitarian assistance to Vietnam unless the President determines and certifies to Congress that such requirements have been met. It authorizes U.S. assistance for the support of individuals and organizations for human rights and nonviolent democratic change in Vietnam. It sets forth U.S. policy with respect to overcoming the jamming of Radio Free Asia by Vietnam, U.S. educational and cultural exchange programs to promote freedom and democracy in Vietnam, and the offer of refugee resettlement to Vietnam nationals.

It is crucial that we do whatever is possible to ensure that Vietnam complies with human rights, particularly in connection with its guarantee of the freedom of religion, association and expression and its treatment of prisoners. 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 Ly and of religious leaders from the United States of America.

Madam Speaker, I rise in support of the Vietnam Human Rights Act. Madam Speaker, last year the United States signed a sweeping bilateral trade agreement with Vietnam. The World Bank estimates that this world increase U.S. imports from Vietnam by $800 million from last year—a gain of 60 percent.

Madam Speaker, the U.S. State Department's year 2000 review of human rights in Vietnam noted that Vietnam has made improvements in its human rights record. Despite these improvements, the State Department still rated Vietnam as “proof” overseas on human rights. The State Department noted that the Vietnam Government continues to repress basic political freedoms, is intolerant of dissenting viewpoints, and selectively represses the religious rights of its citizens. In protest of Father Ly's arrest and in an effort to disapprove normal trading relations with Vietnam prior to the recession. By doing so, I did not seek to disparage the gains Vietnam has made in re-engaging the world. Rather, I hoped my vote would cause this body to seek a consistent balance between our trade priorities and our values.

We cannot continue to hold ourselves out as a nation of laws and turn our back on our convictions at every economic opportunity. Therefore, I am supportive of the provisions of H.R. 2368, because it brings promise for human rights reform that is needed in Vietnam. This bill establishes a Congressional-Executive Commission on Vietnam to monitor the acts of the Government of Vietnam which reflect compliance with or violation of human rights, in particular those contained in the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights, the rule of law in Vietnam and the development of U.S. programs and activities and private organizations to increase the interchange of people and ideas between the United States and Vietnam.

The bill also prohibits U.S. non-humanitarian assistance to the Government of Vietnam unless the President determines and certifies to Congress that the Government of Vietnam has complied with certain human rights requirements. The bill requires the Secretary of the Treasury to instruct the U.S. Executive Director of specified international financial institutions to use the U.S. vote to deny multilateral non-humanitarian assistance to Vietnam unless the President determines and certifies to Congress that such requirements have been met. It authorizes U.S. assistance for the support of individuals and organizations for human rights and nonviolent democratic change in Vietnam. It sets forth U.S. policy with respect to overcoming the jamming of Radio Free Asia by Vietnam, U.S. educational and cultural exchange programs to promote freedom and democracy in Vietnam, and the offer of refugee resettlement to Vietnam nationals.

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 concluded between the United States and Viet- nam. Vietnam's record on human rights has remained poor, with very few real improvements. Government crackdowns on religious groups and political dissidents continue today. In a recent 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 United States Army Special Forces in the war in the North. Do not give up the fight for them now.

Mr. SMITH of New Jersey. Madam Speaker, I yield 5 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN) for her kind comments and strong support and advocacy for human rights in Vietnam.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her kind comments and strong support and advocacy for human rights in Vietnam.

This is an issue, especially with the trade bill pending later on this afternoon, where we have to make a strong, cogent statement on behalf of those who are persecuted. We must stand with the oppressed and not the oppressor. I know some people, and I think it is naive, but some people honestly believe if we just engage in trade, somehow that will mitigate, and some day end, these egregious abuses. The evidence would suggest otherwise.

Having said that, we have in this legislation some very significant milestones that we can call upon the Government of Vietnam to achieve. Among these are the release of political and religious prisoners, an expansion of a provision of religious freedom which allows these Buddhist and Evangelical Christians, and so many others being persecuted at this particular time, to engage freely in the exercise of their religion; and stop the repression of ethnic minorities, especially the Montagnards, who have suffered a cruelty that many of us would find absolutely appalling.

Finally, on the issue of trafficking, Members may recall I was the prime sponsor last year of the Victims of Trafficking and Violence Protection Act of 2000. Vietnam has a trafficking problem. There is some complicity on the part of the government.

This bill calls upon our own government to make a finding as to whether or not and to what extent the Government’s complicity in trafficking is real or whether or not there has been progress in ending trafficking. Hopefully, the victims who have been abused in modern slavery-like conditions, we will see an end to this abuse of women and children.
Madam Speaker, as we come to a close of the debate on this legislation, I want to especially thank my good friend and my former staff director on the Subcommittee on International Operations and Human Rights which I used to chair, Grover Joseph Rees, who has done an extraordinary job in helping to shape this legislation. He has done great work getting the facts for all of us. We study with facts, no hyperbole, no exaggeration. What is the situation on the ground right now? What is the prognosis for reform, and how do we get there?

I want to thank Peter Yeo on the Democratic staff of the Committee on International Relations who not only serves the gentleman from California (Mr. LANTOS) so well, but serves the entire committee so well, and I want to thank him for his contributions.

I want to thank Tom Davis, who is the office of the gentleman from Virginia (Mr. Tom Davis) who weighed in and helped. Also thank to Tom Mooney, the staff director of the full International Relations Committee, for all the work that he has done. This has been a true team effort. This is a bipartisan effort. The government of Vietnam should be very clear that we go on record today with the support of human rights organizations, the support of the American Legion, who submitted an effective letter, which I will include as part of the RECORD, from Steve Robertson, the director of the National Legislative Commission of the American Legion.

I just want to say again how important this legislation is and, hopefully, it will pass with a vote as close to unanimous as humanly possible.

Those who vote against this are saying that human rights do not matter, that we should not do anything to influence the behavior of the Vietnamese government in this regard. This legislation has a provision that gives the President the ability to decide whether or not to waive a provision, a sanction, if you will, in the national interest.

So I strongly support this legislation. It is a bipartisan product.


Dear Representative Smith: The American Legion thanks you for authoring H.R. 2368, the Vietnam Human Rights Act of 2001. The American Legion fully supports this important legislation which seeks to promote freedom in Vietnam. The American Legion opposes Normal Trade Relations (NTR) with Vietnam based on what we believe is less-than-full cooperation by the Vietnamese government in regard to the accounting of the over 1,900 Americans still missing from the Vietnam War. The current state of human rights in Vietnam, which, if not more, attention than normalized trade relations.

Currently, Vietnamese authorities are targeting many ethnic groups who were faithful allies of U.S. forces during the Vietnam War, and denying them their basic human rights. The Montagnards of the Central Highlands are just one example. We believe H.R. 2368 will help ensure that the U.S. maintains a strong and substantive presence in Vietnam.

Although trade may be increasing between both countries, the American Legion does not believe this will, in any way, guarantee Vietnam's speedily transition to democracy. Continued pressure needs to be applied to the Vietnamese government to treat their citizens in a fair and equitable manner.

Once again, The American Legion fully supports H.R. 2368, the Vietnam Human Rights Act of 2001. The American Legion appreciates your continued leadership in addressing the issues that are important to veterans and their families.

Sincerely,

STEVE A. ROBERTSON, Director, National Legislative Commission.

Madam Speaker, I yield any remaining time to the gentleman from Virginia (Mr. Wolf).

Mr. WOLF. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. Wolf), my good friend. (Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I rise in strong support of H.R. 2833, the Vietnam Human Rights Act, and I encourage my colleagues, as did the gentleman from New Jersey (Mr. Smith) 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 Members 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 also tries to address the issue of the complicity of the Vietnamese government in severe forms of trafficking in human beings. In June of this year, the Congressional Human Rights Caucus chaired by the gentleman from California (Mr. LANTOS), held a hearing on the trafficking of women and children into sex markets around the world. One of the expert witnesses showed covertly filmed negotiations of girls as young as 7 and 8 years old being sold into sex markets in Vietnam, 7 and 8 years old. So we members come here to talk about the opportunities for trade in Vietnam, think in terms of these young girls, 7 and 8 years old. Governments who tolerate or participate in this type of cruel and inhumane behavior should never qualify for foreign aid or expect to enjoy Normal Trade Relations with the United States.
It is my hope that the passage of the Viet Nam Human Rights Act will send a strong message to the government in Hanoi that continued abuses of its citizens will not lead to an expansion of trade, increases in aid, or normal relations with the United States or the rest of the Free World. I encourage my colleagues to protect the innocent in Vietnam by voting for H.R. 2833. I am sure the gentleman from New Jersey and the gentleman from California will ask for a rollcall vote on this, I would assume. But hopefully, hopefully there will be no negative votes against this so that the message goes into Hanoi of the United States Congress and the people of the United States Congress, and so that the people in Hanoi and the people in Vietnam who will wake up tomorrow and find out that the Congress has passed this legislation, take hope because of the overwhelming vote.

So again, I want to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS). I hope this bill passes with 435 votes or, if there is somebody missing, 434 to nothing, because if we really want to open up the gulags of Vietnam and allow the Catholic priests and the bishops and the monks and the Montagnard people to be heard, and stop the sexual trading that has gone on in the past, the passage of this bill will really not be it.

Mr. SMITH of New Jersey. Madam Speaker, will the gentleman yield? Mr. WOLF. I yield to the gentleman from New Jersey. Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Commerce, Justice, and the Judiciary, for his very, very strong statement. We both got elected back in 1981; and I want to thank, today and in other places in Asia. He has been all hardworking and committed personally 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; more. 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. They are repressing 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, who do suffer 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 then signed. I hope this administration 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. GERHARDT), the Democratic leader in the House, and all 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 enormous talent and the government has not handled them 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, press freedom, none of which they enjoy at the moment. This legislation attempts to address those issues.
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,

P. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. OXLEY, Madam Speaker. I rise today on 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. BERRETER) 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.

HOUSE OF REPRESENTATIVES
COMMITTEE ON FINANCIAL SERVICES
WASHINGTON, DC, SEPTEMBER 6, 2001

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 banking 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 my committee. Therefore, I have no objection to allowing the Committee on Financial Services to be discharged from the 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 jurisdiction of the Committee on International Relations during any House-Senate conference that may be convened on this or related legislation.

Thank you for your assistance in this matter.

Sincerely,

MICHAEL G. OXLEY
Chairman.

Mr. GILMAN, Madam Speaker, I want to commend Chairman Smith for crafting this important bill. I also wish to commend Com-
So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WATTS of Oklahoma. Madam Speaker, the Republican chaired conference will withdraw as cosponsor from H. Con. Res. 335.

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

Mr. HAYES. Madam Speaker, I was unavoidably detained.

Mr. WATTS of Oklahoma. Madam Speaker, I was unable to be present for rollcall vote 335 due to my recovery from hip surgery. Had I been present, I would have voted "yea" on rollcall 335.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 144

Mr. PICKERING. Madam Speaker, I ask unanimous consent that my name be withdrawn as cosponsor from H. Con. Res. 144.

The SPEAKER pro tempore. The gentleman from Mississippi?

There was no objection.

APPROVING EXTENSION OF NON-Discriminatory TREATMENT WITH RESPECT TO PRODUCTS OF THE SOCIALIST REPUBLIC OF VIETNAM

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.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 51 is as follows:

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 asks for its immediate consideration.

The Clerk read the title of the joint resolution.

It is a trade agreement that will allow us to continue to improve the relationship 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 approve the extension of nondiscriminatory, i.e., normal trade relations for the products of Vietnam (NTR), treatment for the products of Vietnam. The Administration has consistently supported 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 accounting of POW/MIA's from the Vietnam War. U.S. engagement also gives hope for producing gains in respect for human rights as well.

The Administration supports H.J. Res. 51, which would approve the extension of nondiscriminatory treatment for products of Vietnam. The Administration continues to work with Vietnam to incrementally normalize our bilateral political, economic, and consular relationship. U.S. engagement helps facilitate important bilateral engagements and a range of important U.S. policy goals.

The BTA'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."

H.J. Res. 51—Approving the Extension of Normal Trade Relations Status for Vietnam

Statement of Administration Policy

This statement has been coordinated by OMB with the concerned agencies

H.J. Res. 51—Approving the Extension of Normal Trade Relations Status for Vietnam

Any law that would reduce receipts is subject to the pay-as-you-go requirements of the Balanced Budget and Emergency Deficit Control Act of 1985. Any proposal that would reduce revenues, will be subject to the pay-as-you-go requirements. The Administration will work with Congress 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 objectives to reduce the debt, fund priority initiatives, and grant tax relief to all income tax paying Americans.
Madam Speaker, the U.S.-Vietnam Bilateral Trade Agreement marks a milestone in the strengthening of our bilateral relations. This agreement is a sensible and necessary step. Vietnam, 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 got off the plane in Vietnam and sense immediately the profound changes that interacted with the world at large 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 embargoes and a myriad of economic sanctions. One of those relates to the country’s inability to participate in U.S. credit and guarantee programs, which today I also oppose at this time. Approval of this resolution would allow Vietnam to be eligible to receive normal trade relations status, or NTR, on an annual basis similar to what China had for the last 20 years.

I also believe, Madam Speaker, that this debate is about something 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 being recovered. 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 a few weeks ago, I believe the remains of five more American military personnel were identified. They will be formally repatriated in the next few weeks. Two of the identified are unilaterals 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 1970, my brother, Bill, HM-3 William 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 died. What we had, Madam Speaker, was some closure. I can only imagine what the family of an MIA has 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.

There is 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 no longer about the limited issue of whether Vietnam should be eligible to participate in U.S. credit and guarantee programs, which I also oppose at this time. Approval of this resolution would allow Vietnam to be eligible to receive normal trade relations status, or NTR, on an annual basis similar to what China had for the last 20 years.

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

Madam Speaker, I rise in opposition 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.

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September 6, 2001 CONGRESSIONAL RECORD—HOUSE 16493
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, Pete Peterson, I believe 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 of OPIC, of the AFL-CIO, of 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 in part because of that there was a Memorandum of Understanding that was reached with the Vietnam Government that provided for technical assistance, including by the ILO regarding labor market issues.

However, there are provisions for technical assistance. 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 saying the following: "Since 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 to advance the issue of labor standards 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 for Vietnam to take additional 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 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 and House Members to Mr. Zoellick in April 9, 2001. It is just one example of how labor market issues are relevant to the trade and competitive equation. I quote from this letter. "We are concerned about imports from Vietnam of an Asian-type catfish in the U.S. farm-raised catfish in the U.S. and world market.

"Most of the fish from Vietnam are grown in floating cages under the fishermen’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 the Vietnamese 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 relationship with Cambodia. It talks about this negotiation, about the efforts by Cambodia to adopt a labor code with the help of the AFL-CIO 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 in substantial 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 associate, to represent themselves, and to get a piece of the action.

So this is what I want to make clear:

"As we sit in this Congress, as we sit in the Jordan agreement, as was done in the CBI agreement, it is important that labor market issues be part and parcel of trade negotiations.

"There is going to be an annual review of Vietnam, as I want us to have an annual review, so that everybody know that for myself and many, many other members, we will be watching this administration. 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 can be basis for disagreement but not whether it is relevant.

So I urge support within that statement, within these circumstances for this agreement, while I also indicate that we have to be vigilant. As we are in human rights through the agreement or the resolution we just passed, 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 that 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 this body of 48 to 1 recommending 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 a 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 either frivo- lous or lying about our commitment to human rights.

It also is a disheartening factor for people who live under tyranny, because those people 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 and Congress open talks, the Communist regime has actually increased its brutal repression of religious clergy, advocates of democracy and ethnic tribal minorities,
CONGRESSIONAL RECORD—HOUSE 16495

September 6, 2001

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. It is to subsidize and guarantee the businesses over there which will produce goods that will compete with the jobs of American workers. To be taxed in order to subsidize and guarantee loans to American businessmen who want to build factories in Vietnam to exploit the near slave labor there and the lack of labor rights that they have in Vietnam, whether or not those American businessmen will be eligible for taxpayer subsidies or loan guarantees so that they can build factories over there, literally putting American workers out of work and setting up factories to exploit the near 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 supported by the taxpayer.

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 businessman who want to 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 agreement will at least take that into consideration. So we are extending American tax dollars to subsidize and insure the businesses going into a Communist dictatorship.

This is bad business, for one thing, because they need the government to guarantee, meaning our tax dollars, to guarantee their investments over there is that it is a risky propo-

sition 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 in a dictatorial regime, they can have 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 going to be using 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 it will not be with non-democratic countries. And by insuring these loans and insuring this type of an incentive for American businessmen to go use 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 a truly democratic system because of corruption there. But there are honest 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 communists of the world do not believe us when we pass 410–1, a resolution that we care about 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 Sante, 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 believe in good faith cooperation to 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 over 200 Americans last seen 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 talked 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, how many people were kept 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 Communists 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. Why would 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 and the 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 that they have had in 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 really take 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 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. 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 very 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 of 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 I 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 one gets up to stand and express to be 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 the present 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 has a lot 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 this is the beginning of a whole 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.

A no vote on this particular measure, House Joint Resolution 51, would be a vote against allowing Americans, consumers, business people, to bring Vietnamese goods into the United States. I think it is only appropriate to have a tax-free relationship with the products that are going to be imported into the United States.

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

Our farmers want for our farmers in Washington, lower tariffs and better transparency rules will reduce the red tape that has caused us great trouble in finding markets abroad, 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 toward pressing 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 that we no longer view Vietnam simply as a war. We have got to begin seeing 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 illegal dumping of their products 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. Under current law, we have no mechanism to stop trade agreements that are not fair to American workers and families in rural America, and especially in Mississippi.

Where I come from in rural Mississippi, some of our trade agreements, like NAFTA, have failed our rural communities. The result has been factory shutdowns and job losses 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. Factory shut 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 and families, and to fix the problems from unwise trade agreements. Today I stand in opposition to extending normal trade relations with Vietnam.
California (Mr. Thomas) has 19 1/2 minutes, the gentleman from Michigan (Mr. Levin) has 17 minutes remaining and the gentleman from New York (Mr. McNulty) has 25 minutes remaining.

Mr. ROHRABACHER. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, let us, as this debate goes on, remember that Vietnam as it is today does not have an independent judiciary. It does not have opposition parties, does not have freedom of the press, not to mention all the political prisoners they have thrown in jail, et cetera, and the persecution of religion. But without courts, without opposition parties, without freedom of the press, what does that mean normally? What it means is exactly what you have got in Vietnam, a corrupt system.

We may try to say, well, we have already given these loan guarantees and these subsidies to the Jackson-Vanik waiver already passed by this House. The fact is, this vote freezes that into place. This vote freezes those loan guarantees and those subsidies into place that we put into place over my objection with the passage of the Jackson-Vanik waiver.

We should not in a situation, in an environment where there are no courts or opposition parties or freedom of the press, expect that our businessmen are going to go over there and find anything available to them without a bribe. What they are going to find, and that is what is happening there, our businessmen are faced with bribes, they are faced with a corrupt regime they are not used to.

And then what happens? The American taxpayer, because we have given these subsidies and loan guarantees, has to pick up the check when these businessmen close up their operation and flee back to the United States of America.

This is a bad deal. It is bad business. Not only is it bad in terms of American values, in terms of human rights and freedom, but it is just a bad deal all around, having the taxpayers subsidize loans and guarantee these loans in order to go into this corrupt environment where you do not even have a court system that can operate independently and provide judgments there, when you have people asking for bribes, et cetera, et cetera.

This is not what we should be doing. It is bad business and contrary to our values.

Mr. THOMAS. Madam Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. Watkins), a member of the Ways and Means.

(Mr. Watkins of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. WATKINS. Madam Speaker, I stand in support of H.J. Res-olution 51. Let no one be fooled. What this basically does is normalize the trade relationship with Vietnam. We are trying to have a bilateral trade relationship with Vietnam, with the Chairman from Oklahoma, 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 basically there that has a presence, but we have an office 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 are 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 there and the Chairman 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 gentleman from Alabama (Mr. 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 and all of my colleagues who 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 have to talk to our own administration and the only way to have them change is if they do it 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, 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 and do it immediately, or else they are going to be facing my wrath when the 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 involved in the creation of 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 for 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 play 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. We are laying down the rules now so that would be a real possibility.

Mr. MCNULTY. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. MILLER. Madam Speaker, I urge my colleagues in the House to vote for this legislation.

Mr. SPEAKER. I urge my colleagues in the House to vote for this legislation to establish a bilateral trade relationship with Vietnam. This agreement will be 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 are not at this point worried about 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 most passionate supporters of 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 American 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 multinationals involved in production of oil and gas and the manufacture of sports wear; Vietnam is also 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, which is the 12th largest population in the world and plays a key role in the political and economic security of South-east 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 efforts, 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 legislation, is not about the past; it is about the future relations of our government and our economies.

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

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 opposition to House Joint Resolution 51, which extends temporary most favored nation status to the Kingdom of Thailand. The Vietnam-U.S. bilateral trade agreement is unwarranted until Vietnam demonstrates tangible progress in addressing its human rights and the moving forward to a more market-oriented economy.

Free trade does not mean trade at any cost. In the case of Vietnam, certain conditions should be met, to have long-term, 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 decades, and they, the majority of these people, 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. Duc Vi Hoang, a former Vietnamese businessman who fled Vietnam recently to escape persecution. His situation is emblematic of the anti-democratic policies of the Vietnamese regime. His persecution is unwarranted until Vietnam demonstrates tangible progress in addressing its human rights and the moving forward to a more market-oriented economy.

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in addition to the usual money you have to pay these people to supervise what was going on with Than Th My. He would give this money to get good government reviews and not have any problems with the government. Finding out that a change in the government supervision over Than Th My was going to occur, was going to be an excuse for the government to come in and bring somebody to try to find incriminating evidence against him. Mr. Hoang took his family and fled Vietnam leaving the entire business behind. He currently is residing in southern California while he awaits his political asylum hearing.

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, 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. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. EVANS), a very distinguished colleague who has had a very long and deep interest in this issue.

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

The vote today is really about how we best achieve change in Vietnam, and I believe the record speaks for itself. We have achieved progress by engagement: by encouraging Vietnamese cooperation on important issues such as human rights, immigration and political and economic reform.

I can speak about this personally. I have been involved and seen the work of the Joint Task Force-Full Accounting, our military presence in Vietnam tasked with looking for our missing servicemen and women. I have visited these young women and men, and they are among the bravest and most motivated soldiers I have ever seen. Every day, from the searches of jungle battle sites to the excavation of crash sites on precarious mountain summits, they put themselves in harm’s way to recover our missing. In talking with them, it made it clear to me that they were performing a mission that they truly believed in.

On April 7 of this year, that danger became all too real. On that date, seven American members of the joint task force-Full Accounting, Vietnamese, lost their lives in a helicopter crash as they were on their way to a recovery mission. This tragedy was a huge blow for our recovery efforts, as we lost both Americans and Vietnamese who help us in finding our missing. We should remember our deceased Americans are heroes who gave their lives in pursuit of a mission they believed to be a high honor and a sacred duty.

The only way we can carry out this mission effectively is to have a presence in Vietnam. To maintain the brave American men and women who are still searching for our missing in the rice paddies and mountains of Vietnam.

The opponents of this argument or the opponents of this agreement will say that the Vietnamese Government has a terrible record on human rights, that they do not deserve normal trade arrangements with our Nation. I will not defend the Vietnamese human rights record. It needs serious improvements. We should focus on obtaining basic freedom for all Vietnamese. But former Ambassador and colleague here in the House of Representatives, Mr. Pete Peterson, demonstrated that we can achieve progress on human rights and a number of other issues that are important to our Nation by encouraging cooperation from the Vietnamese.

As our first ambassador to this nation since the war, his stewardship led to tangible and dramatic progress on issues that have changed the lives of North Americans and Vietnamese for the better.

By continuing this policy, the families of POWs and MIAs will get the answer about their missing, Vietnamese emigres will also be reunited with their families, and our country will have benefited from the fruits of Agent Orange. We can risk all this if we turn our backs on this successful policy. Voting against this agreement would do just that.

Mr. Speaker, earlier this year the House overwhelmingly supported a waiver of the Jackson-Vanik amendment restrictions on Vietnam. This is the fourth year in a row that the House, with growing and overwhelming support, voted for better relations with Vietnam.

I believe that we should follow this course. Let us support the Joint Task Force for Full Accounting, and let us support our Nation’s bipartisan policy that has only furthered our goals towards a more cooperative and open Vietnam. Please vote for this resolution.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we have learned that the Vietnamese catfish industry is having a very detrimental impact on families who were involved in producing catfish for the American table. Yet also, at least I suggested, and I have not heard anything to the contrary, that what we are doing is laying down the economic ground rules so that we can subsidize, through American taxpayer subsidy or loan guarantees, the Vietnamese, and set up other businesses in order to do the current businesses of the United States what the catfish industry from Vietnam did to the catfish industry here.

This does not make any sense to me. 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 needed to hear about are the businesses 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.

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 have already put all these people who grow catfish, we put them out of work. What is the next industry that we want the Vietnamese slave labor forces to be able to put out of work with the subsidy from American taxpayers? What industry is that? How about refrigerators, radios, clothing? I do not know what factories these people want to open. Probably I would guess it would be tennis shoes. We believe in free trade. People who oppose this particular trade legislation, it does not mean they are opposed to free trade. I believe in free trade between free people. When we sort of set the same rules with vicious dictatorships as we do with democratic countries, surprise, surprise, we are going to bolster the strength of the clique, 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. Mr. Speaker, I thank the gentleman for yielding time to me.

I thank the gentleman again for yielding time to me.

Mr. Speaker, I have been very interested in what my colleagues have said about Mississippi, and the leadership he has shown with his committee on so many trade issues this year. This is just one of them.
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 of the committee and the gentleman from Mississippi have made clear earlier, what this is and what this is not. This is not a 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 other countries throughout 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, would require 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 that 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 10 years.

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

Today, the cities of Ho Chi Minh, or Saigon, with five-star hotels, with very upscale restaurants and shops catering to foreign shoppers, high-rise buildings and a skyline that is beginning more to resemble Hong Kong than the somnolent high-rise buildings and a skyline that shops catering to foreign shoppers, with very upscale restaurants and Minh, or Saigon, with five-star hotels, where in Vietnam at that time.

But today, this 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 can help the country see the benefits of developing a society that is based upon 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.

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 is the most important aspect of this legislation.

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. 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 administrative law judge, 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 on 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 persecutions, and unconsular office denials. I have heard the testimonies of these 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 dissenters.

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 firsthand about 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, but the situation in Vietnam is 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. 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 criminal regimes 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 governments who pirate, and not only pirate but repress 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 make agreements 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 served 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, this 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 can help the country see the benefits of developing a society that is based upon the rule of law.

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CONGRESSIONAL RECORD—HOUSE 16501

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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 U.S. 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 if or when the 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, and they had a government that would not 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 taxpayers 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 are our big 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. That is not progress at all.

What we still have are no opposition parties, or independent parties 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 people do not invest unless 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 when instead we should be seeking to encourage people to invest in democratic countries like the Philippines or in our own country to protect our own people?

Last but not least, 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 in Vietnam. I have been to Vietnam on numerous occasions 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 trying to have an accounting for those Americans who were seen alive in captivity before the return.

There were over 200 of those Americans who were in captivity; we knew they were there, they were not returned at the end of the war. We want to find out what happened to those people. We do not want to have this obfuscation. We do not want this issue sugar-coated or candy-coated.

They show pictures of this issue, of our people there digging for bones. Yes, digging for some of those bones will bring closure to some people, but we want truth. We want to establish the truth. If they kept those people and they murdered them later on, let us hear about it, and we can close this chapter of the book. But let us not let them get away with the same falsehood they have been using on their own people.

I would ask for my colleagues to join me in opposition to this trade deal. It is contrary to America's interests. It is a bad deal. It is contrary to our values and will not bring a close to the Vietnam era. It will just leave this corrupt dictatorship thinking they put one chapter of the book. But let us not let them get away with the same falsehood they have been using on their own people.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in allowing me to speak on this important legislation.

I agree with one thing from the comments of my colleague from California, and that is that this is a chapter closer, a chapter in American history. But I think, most important, it represents opening a new era in relationships between the United States and Vietnam.

We have heard people talk on this floor about our experience. And I think there is no question why people feel so strongly and passionately about it. This was a chapter in our history where traditional measures simply do not apply.

Traditional concepts are of winning or losing a war, for example. Certainly the American public has lost over the course of the last third of a century. Certainly we paid heavily in economic terms, costing billions of dollars and throwing our economy into chaos.

Families lost. We all know people who have 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 everyone, more than any other war in American history. 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 and troubled and, in some cases, homeless veterans who returned seared 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 this country, including not just its economy and human rights, but reintegration 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 McCARTHY, Senator KERRY, and our own former colleague on the floor of this House and ambassador to Vietnam, Peter 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, lately, 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, 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 our two countries, but particularly for Vietnamese Americans, 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 our two countries, but particularly for Vietnamese Americans, who are hungry for reconciliation with divided families.
I think we need to both engage and pressure Vietnam. 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.

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 we have wrestled with, with other countries, we would apply, if we were negotiating or approving an agreement with another industrialized democratic.

So with this, I close, hoping that we will pass this within the framework that I have suggested and I believe so many of my colleagues agree with.

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

Mr. McNULTY. 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. I will close 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 thing I do is 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. Sam Johnson) and Pete Peterson and Senator McCain 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.

So today, Mr. Speaker, based upon the comments that I made earlier and the comments of my colleagues, and on behalf of all 1,474 Americans who are still missing in Vietnam, I ask my colleagues to join me, the American Legion, the Veterans of the Vietnam War, the National Vietnam Veterans Coali-
improve not only the labor areas that the gentleman from Michigan (Mr. LEVIN) has indicated he has a concern about, but the intellectual property rights area that has caused so much pain by the copying around the world. Of course, the key to that is the transparency in the transactions. This will be a good test of the Government of Vietnam to see if they can be trust-worthy.

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. He indicated that notwithstanding the democratic title of the country over a number of years, it was far more authoritarian than 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 move us much 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 Communist Republic of Vietnam.

All of those facts laid bare on the table, House Joint Resolution 51, introduced by the gentleman from Texas (Mr. ARMY), 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 Missouri (Mr. GILMAN), is warranted by 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, our trust 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 exist 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, faced 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 issues of peace, 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 both for the Vietnamese and 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 injured, 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 nations and a trade regime that is more robust.

On the last night of our trip, I spoke to the general 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. There is a hunger not to forget but to use the war as a springboard for healing and reconciliation. It is a hunger to use the war not as a cautionary tale to keep us from making the same mistakes in the future, but as a springboard for healing and deeper 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 longstanding 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 small and medium enterprises, beginning in 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
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 market, and improved access for industrial and agricultural goods, services, intellectual property rights, and investment, while requiring greater transpa-

tency.

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 Viet-

namese government also advances key U.S. foreign policy objectives, including the fullest possible accounting of Prisoners of War/Missing in Action (POW/MIA), freedom of emigra-
tion, increased U.S. business opportunities in Vietnam, and promoting Asian regional sta-

bility.

Former Vietnamese Ambassador to the United States, James J. H. Baker, Jr., noted the positive influence that continued engagement has had on the Vietnamese people. He said that since we first reestablished diplomatic ties, the Vietnamese people have changed their attitudes toward Americans from “the bit-
terness of war to a love of America.” In such a fresh and positive atmosphere, our values in other key areas 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 the wounds of war in a way that respects our global obligations.

Mr. Speaker, disapproval of this resolution will only harm U.S. businesses from operating in Vietnam, arm Soviet-style hardliners with the pretext to clamp down on what eco-

nomic 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 ad-

vance U.S. economic interests and, more im-

portantly to our regional interests in Asia, fur-

ther integrate Vietnam into the global econ-

omy. I urge my colleagues to support this res-

olution.

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 Viet-

nam.

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” over-

all on human rights, highlighting continued government repression of basic political free-

doms. The State Department also noted that the Vietnam Government is intolerant of dis-

senting 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. Speak-
er, 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 a new direction, and one that I applaud. By dis-
cussing trade with Vietnam in the same con-
text as its human rights situation, we are fi-
nally moving in a more comprehensive direc-
tion that respects our global obligations.

As the leader of the free world, we have an obligation to those who have died or were captured in service of our nation to have the opportunity to vote in favor of free trade while respecting our commitment to Human Rights.

Mr. Speaker, today this House goes a long way toward reconciling the concerns of all par-
ties interested in global trade and its con-
sequences. Passage of H.J. Res. 51 ensures that American products will be given fair ac-
cess to the Vietnamese marketplace. By com-
bining the extension of this trade with the rec-
ognition 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. Simp-
son). 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 to be taken up.

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.
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, H.R. 1448, and that the bill be 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.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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 announcement 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 or 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, Hamas, 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.

So I think the move by President Bush today, working through the good efforts of Secretary Powell, appointing Senator Danforth will really make a tremendous difference. It is the greatest opportunity we have had in years to bring about a just and a lasting peace.

This puts a tremendous burden on the Khartoum government and both sides having to come together whereby the people of the south and the people of the north can live in peace.

This has been a very difficult time because with the revenue, over $700 million this year of oil revenues, they are using that revenue to buy weapons and helicopter gun ships to kill the people in the areas where they have discovered and are now drilling for oil.

This is an opportunity.

I want to also thank all of the groups, and I will submit 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 submit with it their 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. Tancredo) and the gentleman from New Jersey (Mr. Payne) and the gentleman from California (Mr. Lantos) and other Congressmen who have been to the region that are working on this, also, a group of all denominations from throughout America that are participating and because of their efforts this day has taken place.

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 PresidentBush for this action, those on the President's staff who helped put this together; also Secretary Powell for his actions and those who work at the State Department that are involved in this very, very important issue. Perhaps they will all be like Esther: they are being called just for a time like this, to bring about peace, whereby the people in the south and the north can live together.

Mr. Speaker, I rise to thank and congratulate President George W. Bush and his administration for naming former Senator John Danforth of Missouri as the United States Special Envoy to Sudan. Earlier today, in a beautiful and powerful ceremony in the Rose Garden at the White House, President Bush, supported by Secretary of State Colin Powell, expressed to Sudan and the world that the United States is deeply committed to helping resolve the conflict in Sudan that has claimed an estimated 2 million lives during the last 18 years of civil war. This is a conflict that has also driven another 4 million from their homes, threatens 2 million additional innocent victims with starvation, has witnessed deliberate aerial bombings of schools and churches by the government of Sudan, and has even tolerated the disgrace of slavery in the 21st century.

It was noted today, that the degree of difficulty in bringing an end to the suffering in Sudan is very high, but if there is even a chance of success, then the United States must accept this role of peacemaker in this struggle. I applaud Senator Danforth for stepping forward and accepting this most challenging position of trust. I believe he has the experience, character and reputation around the world to succeed in this job.

Everyone who has been involved in bringing an end to the suffering in Sudan acknowledges that this job will not be easy. This effort will require the United States government to speak as one voice. It will require the desire for peace by the combatants in this war, the government of Sudan and the SPLA. It will require the support of the United States and neighboring countries of Sudan, such as Egypt, Kenya and others. And it will require the support of non-government organizations, religious leaders and citizens of the world. I firmly believe that if successful in bringing a just peace to Sudan, Senator Danforth should win the Nobel Peace Prize.

Today's ceremony announcing Senator Danforth as Special Envoy to Sudan was a long time in coming. It came after many long hours and hard work by many individuals and groups around our country. The bright blue skies and bi-partisan crowd in the Rose Garden reflected the perfect backdrop for this ceremony today and signal bright hope for tomorrow for the people of Sudan.

As I mentioned earlier, many individuals and organizations are responsible for helping shape the administrative policy with regard to Sudan. I applaud the bi-partisan efforts of members of Congress in supporting the appointment of a high-level Special Envoy to Sudan. Representatives Dick Armey, Tom Tancredo, Don Payne, Ed Royce, Spencer Bachus, J.C. Watts, Cynthia McKinney, Chris Smith, Tony Hall, former Congressmen Walter Fauntroy and
Harry Johnston as well as Senators SAM BROWNBACK and BILL FRIST all have played critical roles in seeing that this day finally arrived and they deserve special mentioning.

Many in the administration also deserve mentioning for their efforts in making this day happen. Assistant Secretary of State Richard Armitage, National Security Adviser, Condozzella Rice, Karl Rove at the White House, Andrew Natsios, the director of USAID, Roger Winter, USAID, Elliot Abrams, former chairman of the U.S. Commission on International Religious Freedom, Assistant to the President at the National Security Council, Walter Kansteiner, Assistant Secretary for African Affairs, and Ted Dagwe of the Congressional Research Service have all played pivotal roles in shaping U.S. policy.

Religious leaders and organizations around our country have also provided unbounding support for the peace process in Sudan. I would be remiss if I didn’t mention the late Cardinal John O’Conner, Father Michael Perry of the United States Catholic Conference, Faith McDonald of the Institute of Religion and Democracy, as well as, the Presbyterian, Roman Catholic, Protestant and Jewish colleges across our country have all contributed as well.

Finally, many outside of government have steadfastly beat the drum calling for action in Sudan. I would be remised if I didn’t mention a few of them as well. Nina Shea and Rabbi David Saperstein, both commissioners on the U.S. Commission on International Religious Freedom, Roger Robinson and Adam Penner of the Casey Institute, Michael Horowitz, Professor Eric Reeves of Smith College, Chuck Colson and Mariam Bell of Prison Fellowship, radio personality Joe Madison of WOL-Am in Washington, D.C., Steven Morrison of the Center for Strategic and International Studies, Jerry Fowler of the U.S. Holocaust Museum, and Charles Jacobs of the American Anti-slavery group are just a few of the patriots for justice who have continued the efforts that led to today. I believe they were always the right path and I would like to thank them for their efforts.

Today is a great day of hope for those who speak of the need to make Sudan and innocent of Sudan who have suffered for too many years. But, today is just the beginning of the efforts that are hoped to bring a just peace to the in-sanity that has taken place in Sudan for the past two decades.

Today, President Bush described the war taking place in Sudan as brutal and shameful. He said it deserves the attention and compassion of the world if it is to end. Senator Danforth noted that the U.S. can encourage the peace, but can not make it happen on our own. He will need much help in successfully carrying this effort forward.

It is my hope that through much prayer and hard work, both sides in this conflict will resolve to bring an end to the suffering of so many innocent people and end this war for ever. I thank and applaud President Bush, Secretary Powell, Senator John Danforth and everyone involved in making this day happen. I encourage you to keep a close watch on this situation and to keep an eye on the issues. I pray for the people of Sudan that today will mark the beginning of peace in your country.

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. Mr. Speaker, I have taken 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 short-comings 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 fiat money, not only 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, as has been the case with every 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 faced too complacent about the seriousness of the current economic crisis. They remain oblivious to the significance of the U.S. dollar’s fiat 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 devaluations has become commonplace and is used as a form of protectionism. This has been going on ever since the world-wide acceptance of fiat money 30 years ago. Although some short-term advantage may be gained for certain manufacturers and some countries by such currency manipulation, it only adds fuel to the economic and financial instability inherent in a system of paper money.

Paper money helps the strong and hurts the weak before it self-destructs 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 deficit. We further benefit from the confidence bestowed on the dollar by our being the economic and military powerhouse of the world, thus postponing the day of reckoning. This permits our extravagant living today 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 more suffering than anyone has anticipated.

The monetary inflation of the 1990s produced welcomed profits of $1.15 billion for the NASDAQ companies over the 5 years between 1996 and 2000. Astoundingly, this entire amount was lost as the past year ended. We do 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 fails to see the connection between the bubble economy and the monetary inflation generated by the Federal Reserve.

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. Tying the dollar to gold makes sound money and balanced budgets 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 deflation 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 aggressiveness, just as many others over the centuries believed they could plan domestically, ignoring the fact that all efforts at socialization have failed. Modern day globalists would like us to believe they invented globalism. Yet all they are offering is 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 socialization have failed.

The day of reckoning for all this mischief is now at hand. The dollar is weakened, and despite all the arguments for its continued strength. Economic law is overruling political edicts. Just how long will the U.S. dollar and the U.S. taxpayers be able to bail out every failed third-world economy or help support the whole 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 dislocations of the past 30 years of mismanagement and misallocation of capital and chaotic money.

Flat money has been around for a long time off and on throughout history, but never has the world been so enthralled with the world economy being artificially structured with paper and gold rather than the recognition 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 meeting 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 been steadily 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 eroded the dollar’s value 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 generally working for a soft landing, or at least trying to convince 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 even trying to prevent a recession only postpones the day the economy can return to sustained growth. This is a problem the United States had in the 1980s 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 one in the 1980s due to the artificial nature of modern globalism with world leaders and agencies deeply involved in the economy of every nation. We have witnessed the current and recent bailouts of Mexico, Argentina, Brazil, 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 George Bush’s defeat in the 1992 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 reductions, 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 inflows of new capital, 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 consumer credit expansion, but 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 consumer credit expansion, but these loans have crashed to a rate of minus 5 percent.

The special nature of 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, under the current 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 manufacturing. In a little over a year, 1 million industrial jobs were lost, while savings and investment in the United States 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 savings. 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, chalked 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 aloft in contrast to the more logical slowdowns in hotel and office construction. This spending through the GSEs has also 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 $130 billion worth of United States GSE securities.

The Fed holds only $20 billion worth, but the implication is clear: Not only will the Fed support the GSEs, if necessary, since the line of credit is already in place, but if necessary, Congress will surely accommodate with appropriations as well, just as they did during the savings and loan crisis of the 1970s.

But the Fed has indicated to the world that the GSEs are equivalent to U.S. Treasury bills, and foreign central banks have enthusiastically accommodated, sometimes by purchasing more than one-fourth 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 as GSEs acquired these assets by borrowing without restraint to subsidize new mortgages, record sales and refinancing. It is no wonder the price of houses are rising to record levels.

Refinancing especially helped consumer spending, providing the 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, leaving 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 going forever.

Concerned Federal Reserve economists are struggling to understand how the wealth effect of the stock market and real estate bubbles affect economic activity and energy. 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 is fast approaching. A weak dollar 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. If the dollar were to decline, the GSEs would lose the entire market value of their instruments. This is the fundamental cause of why they are unable to get a line of credit from the Fed and why the GSEs are equivalent to the 1970s.

The weakening dollar will usher in the international planners pretend to solve the impending financial crisis will result from fiat money, is actually the agency that grants permission for tariffs to be applied when complaints of dumping are levied.

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 first to 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. But the member, the member, the member of the people. The deficit, 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 finan- cial 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 purposely continued to mislead the people by spouting 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 MZM. This fact is ignored.

The deception regarding price increases is supported and may do so for a while. The Fed never admits it, and the Congress disregards it out of ignorance, 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 be so serious that the dollar will never be able to recover, and the Congress will be forced to place protective tariffs on imports, dumping are levied.

The Federal Reserve Board’s goal of stable prices, economic growth and interest rates, through centralized economic planning, by manipulating

September 6, 2001 CONGRESSIONAL RECORD—HOUSE 16509
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 wealth is inextricably 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 can 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 it, even if ill-advised government 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 military 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 have 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, one change that we have to be rejection is that created the crisis, but rejecting old ways that Congress and the people are addicted to is not easy. Many people believe that government programs are free. The clarion 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 problem governor of Illinois’ effort to armament policy had created the problem in the first place, drives this seductive system of centralized planning that ultimately undermines prosperity. A realization that we cannot continue our one-size-fits-all system of run-away 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 could do to a society. These are the words of James Madison. He says, “The extension of the prohibitions 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, and on the character of republican government, constitutes an enormous debt against the States chargeable with this ill-advised measure.”

**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 gentleman 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. Udall; the gentleman from Illinois (Mr. EVANS); the gentleman from New Mexico (Mr. SKEELEN); the gentleman from Colorado (Mr. MARK...
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 earmarked for Parkinson’s disease research, but this is only year 1 funding of the NIH’s 5-year plan for Parkinson’s disease research.

Leading scientists describe Parkinson’s as the most curable neurological disorder. That is 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 Parkinson’s has advanced to a stage where greater management and coordination of the federally funded research effort will accelerate the base of scientific progress dramatically. I ask all of my colleagues to support the NIH research agenda by fully funding the $143 million increase for fiscal year 2002 in the Labor-HHS appropriations bill.

Secondly, we must continue to fund the U.S. Army’s Neurotoxin Exposure Treatment Research Program. This research not only strives to improve the treatment of neurological diseases, but also aims to identify the causes of diseases and prevent them. I am heartened by the scientific progress being made. We are very close to a cure for this disease.

As my colleagues may know, this is a personal issue for many of us. Some of my colleagues are struggling with Parkinson’s or have family members who are living with this terrible disease. My own father has been afflicted by Parkinson’s, and I have seen the impact of this disease firsthand and have spoken to the experts. Professionals at NIH have said that this disease is curable within as little as 5 years, and I hope that our government will be part of making this research happen.

Mr. Speaker, an important part of curing Parkinson’s 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 to Washington, D.C., to meet with 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 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, and the League of Women Voters 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 I simply told them that to empower themselves is 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 constituencies, 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 educational 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 a base to run for office.

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. We are 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 and 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 the 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 outrageous insult 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 international Conference Against Racism is really all 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 of consensus presented 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 Consensus for 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 sanctioned slavery for hundreds of years, completely devastating the lives of generations and generations of Africans in America. It is long past time that this 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.
7. The United States should be leading the world in efforts to discuss strategies to eliminate racism, xenophobia, sexism, hate crimes, religious intolerance, and other forms of intolerance.

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 this 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 world community in addressing this? We should.

However, the manner in which the United States has addressed the World Conference Against Racism is really all disgrace. It is a slap in the face to millions of Americans who have been affected by past United States policies that this miscalculated and callous decision to abandon the conference will once again leave the United States out of serious international dialogue.

We are a country with a human rights commitment, and in the House Committee on International Relations and 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 gentlemens 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, South Africa, with the Congressional Black Caucus. 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 plight, as the child of African American descent, a Member of Congress, it is embarrassing
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 this 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, but it also left generations to come without the hope to look ahead with clarity. We seek a future without the pain of suffering from the indignities and intolerances spawned by the involuntary seizure of a people from the very continent on which we stand today.

The Congressional Black Caucus stands with the participating nations asking for a healing that will repair the broken and make them whole. But first our country must recognize its past mistakes and own up to them.

It is disingenuous for critics to harp on the theme that the past is the past, which they had nothing to do with, and now we must fast-forward to the future. It loses sight of the psychological and sociological damage remaining from the harsh and unjust treatment of 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 not only an apology, but could with a series of meaningful discussions held in the United States that acknowledge and see a future without the pain of suffering from the indignities and intolerances of the past.

PARKINSON'S DISEASE

One way my father chose to deal with Parkinson's was to make light of it. 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, hisappendix burst, he got polytonitis, 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 19th century, a man of great humor, great kindness, and great generosity, and the kind that your son, Mo Udall, and his colleagues of Parkinson's information clearinghouse for support of research and education.

Mr. Speaker, the Udall 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.

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.

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. UPTON), the gentleman from Illinois (Mr. EVANS), and the gentleman from New Mexico (Mr. SKEEKEN) they have been on the front lines in fighting for research dollars and holding various projects accountable for the wise use of these funds. But it is not enough to give researchers the necessary funding and support to combat this debilitating and ruthless disease. That is why we need to act.

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 today and giving Members an opportunity to join in honoring the late Morris Udall and in observing the fourth anniversary of the Morris K. Udall Parkinson's Research Act.

Mr. Speaker, Parkinson's disease and related disorders afflict approximately 1 million Americans. Sixty thousand more are diagnosed each year with Parkinson's disease. Approximately 40 percent of those afflicted are under the age of 60. This is a devastating disease, and its incidence probably actually is underreported. Because it is not contagious and it does not have to be reported, we probably underestimate the extent of this devastating disorder. It is estimated that Parkinson's disease costs society $25 billion or more annually.
We appreciate what the gentleman from Colorado is doing today and appreciate especially his sharing the story of his father with us and reminding us of the importance of carrying on this work, which we do in his name.

Mr. UDALL of Colorado. I thank the gentleman for expressing those sentiments, and I know everyone in my family appreciates the affection and respect that the gentleman has acknowledged that exists for my father.

I would add to the comments that the gentleman made that I think Parkinson’s disease should truly be characterized as the most common uncommon disease. And by that I mean, the researchers tell us only about a million Americans have the disease. But I guarantee that if we were to walk out on the streets outside the Capitol here and we were to talk to four or five people, but if we would get to the fifth person, they will know somebody in their immediate family or a friend who has Parkinson’s disease and who is battling it valiantly.

They would also, I think, be excited to know that we are so close to not only finding ways to combat the disease but to actually identify a cure, and that is why it is so important to reauthorize this act and continue the momentum that has been generated over the past 30 years.

Mr. PRICE of North Carolina. That is absolutely true. The number of families affected by this disease directly 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 when I was the Democratic Party chairman in North Carolina, we were fortunate enough to line up Mo Udall as 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 the great good humor to politics. He had an uncanny ability to make people laugh. 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 and to carry out this path-breaking research in Mo Udall’s name.

The gentleman, of course, is quite accurate also in depicting the promise of this research. We have now across the country 11 Morris K. Udall Parkinson’s Research Centers. One of those is at Duke University in my part of North Carolina. Also, the Morris K. Udall Center at Duke University, where a research team is using several state-of-the-art methods to find genes that may contribute to the etiology of Parkinson’s disease and to distinguish the genes that do not contribute to familial Parkinson’s from those involved in sporadic cases. That is path-breaking research, typical of what is going on in these research centers.

The Udall program also has expanded basic and clinical research at institutions across this country. It has established the Morris K. Udall awards to encourage innovative research, and supported the creation of Parkinson’s data banks and information clearinghouses in support of research and education.

So this is a landmark statute and the programs that it has spawned are ongoing and are full of promise. It is very, very important not only to observe this fourth anniversary of the Udall Act’s passage, but also to pledge here and now that we are going to continue this work and build on this work.

We must double the NIH’s budget over these 5 years, and I hope and believe we are on the way to doing that this year’s appropriations cycle. NIH has developed, under the directions laid down by the Udall Act, a 5-year Parkinson’s disease research agenda. Last year, Congress funded the first year of that plan, so within NIH it is vitally important to continue that specific research program.

The Udall Act has gotten us started, and it has provided the framework for the comprehensive research that we simply must undertake as a Nation on Parkinson’s disease. And I would say to the gentleman that I hope, in having this Special Order today and observing this fourth anniversary, that this can be an occasion for all of us, all of our colleagues, to resolve to continue to build upon the vital and necessary work that the Udall Act has gotten under way.

Mr. UDALL of Colorado. If I might add an additional comment, I am confident that our colleagues on both sides of the aisle will join us in this important effort to reauthorize this piece of legislation. Parkinson’s is not a Republican or a Democrat or a Green Party or Libertarian Party disease. It affects people across our country and across the world that has been made possible. 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 research that this takes place has 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, working with 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 get 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.

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. 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 the fine tradition of strong commitment to public service.

Mr. Speaker, I rise today to honor the fourth anniversary of the passage of the Morris K. Udall Parkinson’s Research Act and to stress the vital importance of expanding support and research for treatment of Parkinson’s disease. Named for Arizona Representative Mo Udall, the Parkinson’s Research Act expands basic and clinical research on Parkinson’s disease and establishes Morris K. Udall Centers for awards for excellence in Parkinson’s disease research.

Since its introduction, this landmark legislation has received overwhelming congressional support. In the 106th Congress, the Morris K. Udall Parkinson’s Research Act garnered 255 cosponsors, and in the 106th Congress it passed the Senate by a nearly unanimous vote of 95 to 3.

I am proud that Congress embraced this innovative, as patient people suffer from Parkinson’s disease than multiple sclerosis, muscular dystrophy and Lou Gehrig’s disease combined.
But our work is far from over. About 60,000 Americans are diagnosed with this disease each year, that is one person every 9 minutes, and more than half a million living with Parkinson’s disease today.

Fortunately, there may be some hope on the horizon. Parkinson’s disease is one of the many diseases for which stem cell research offers significant promise. 

On this anniversary of the Morris K. Udall Parkinson’s Research Act, I urge my colleagues to follow through on our commitment to double the budget of the National Institutes of Health, increase funding for the Morris K. Udall Center, and break down the barriers to unprecedented, life-saving stem cell research. Until we have conquered Parkinson’s, our work is not complete.

Mr. UDALL of Colorado, Mr. Speaker, I thank my colleague for taking the time to come speak on this important issue; and I want to associate myself with his comments on stem cell research.

Stem cell research is an important part of understanding Parkinson’s disease and eventually finding a cure. I look forward to working with the gentleman in the days and months and years to come to see that that promise is fulfilled. I thank the gentleman for taking the time to join us today.

Mr. Speaker, I yield to the gentlewoman from the State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas, Mr. Speaker, I thank the gentleman from Colorado (Mr. UDALL), one, for his vision, for his family, and for this very special legislation of the day to honor the authorization, the fourth anniversary of the authorization and passage of the Morris K. Udall Parkinson’s Research Act. This is an important anniversary.

Throughout our tenure in Congress there are ups and downs. What I consider an up is an opportunity to meet with people 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 a chord 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 legislation, of course, was passed through the leadership of Senator WELLSTONE in terms of adding an amendment and adding additional dollars. We now come to a time where 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 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 and hard work on 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. SKEEK), the gentleman from Illinois (Mr. EVANS), and the gentlewoman from New York (Mrs. MALONEY) for the way that they have worked on behalf of all the people and all the families who suffer from 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 affects 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 invaluable resource in the Parkinson’s disease. They have provided state-of-the-art training facilities for new researchers and the resulting work has greatly increased our understanding of the disease.

We have an opportunity and an obligation today to rededicate 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. SKEEK, Mr. Speaker, I commemorate today the 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 and my colleagues.

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. This 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 Anniversary hits . . . 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. I am proud to have been a member of the Appropriations Committee that recommended the bill. And today, we have the honor of recognizing the need to continue funding Parkinson’s Disease research by $143 million. I am hopeful that the Appropriations Committee will continue to fund this important research.

Udall, who will lead the charge to see this legislation through, will be joined by Mo’s son, Congressman Mark Udall of Colorado. His great grandfather, Senator Thomas Udall, will also be present. We are joined by the former colleagues, the late Mo Udall, who served in this House for nearly three decades. Despite his Parkinson’s Disease, he was a committed public servant. He was known for his humor, his commitment to serving this nation well. Despite his Parkinson’s Disease, he was a beloved member of this House. Coupled with his good humor, was a commitment to serve this nation well. Parkinson’s Disease is on the horizon—that it could be the most disabling disease of the next generation. We must act now to prevent this from happening.

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 in the world. 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 research efforts are being funded through the National Institutes of Health, which has recognized the importance of Parkinson’s Disease research. The NIH funded research are leading the world in the path to a cure. I encourage my colleagues to support these programs.

RACISM IN SOUTH AFRICA

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman 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 conference to its rightful place in history. What is that place? The place of reconciliation.

After I returned to the United States, part of the Udall Center and the NIH funded research are leading the world in the path to a cure. I encourage my colleagues to support these programs.

and cast aspersions, but more importantly, perpetuated violent acts. This world is riveted by ethnic, religious, and racial divide. The conference was successful if the right people take charge, and I will continue to work for peace and 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 80 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. appropriation 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 gentleman 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 you remember. 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 itself out, that was sometime in November. It was held over in order to get the vehicle to carry other appropriations that had had difficulty getting out of committee.

So here we had the spectre 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 smallest appropriation was being held to carry gigantic appropriations like HHS over.

I am deeply grateful that the gentleman from Illinois (Mr. HASTERT) helped me get 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) did was done so as to be 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 certainly will not be 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 he would assume 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. KNOLLENBERG) looked at a project we in the District and I here in the House and with Members of the Senate for a couple of years now have been working on.

Since home rule, there have been riders willy-nilly put on the District of Columbia’s appropriation that went to operations and went to finances. Many of these are redundant of Federal law. They are redundant of District law. They are so out of date of some of them that if they were, in fact, to be acted on they could cause a catastrophe.

What happens is they kind of stay on. The White House, seeing them on, carries them over from year to year; and so there are attachments to the District’s appropriation that I think will embarrass this House because they 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 supposed to do 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 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 KNOLLENBERG.

I regret to say that there are controversies, 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 hundreds of jurisdictions in the United States of America do not regard as riders at all because they have deprecated 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. KNOLLENBERG), 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 for a very long time, that was one. So we got the Congress to decide to pay for the health benefits of his partner if the person worked for the District government.

Hundreds of jurisdictions allow that all across the United States. Many more private corporations allow it. It is a matter of when you 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, riders allowing the local jurisdiction to pay for abortions for poor women out of its own funds.

Respecting the fact that this body has said you cannot pay for abortions out of Federal funds can be used, and they say so for these two items; and they have said so for other matters in the past.

Everybody who votes for it knows it is wrong. They know it flies in the face of Federalism, not to mention devolution. We will continue to fight those. We know that the chairman of the Subcommittee on the District of Columbia, the gentleman from Michigan (Mr. KNOLLENBERG), was in no position to do anything about anything. Everything in the District is on us to convince this body.

We accept that burden and we must find a way out of that dilemma so that we are treated in exactly the same way as every other jurisdiction in the United States.

I am a fourth generation Washingtonian. I can trace my American ancestry back to virtually the beginning of
The 19th century. The fact that before slavery some of them believed they would find a better life in the District of Columbia and walked off the plantation only to find that today the District of Columbia has fewer rights than any other local jurisdiction and that nobody in my family for four generations has had the same rights as every other Member of this body. I take it personally. And, of course, I take it as my obligation to do something about it for 600,000 people who live in the District of Columbia.

I want to also pay tribute to the gentleman from Florida (Mr. Young), the chair of the Committee on Appropriations. Every year the gentleman from Florida tries to help the District of Columbia get its appropriation out. Again, he is simply doing his duty as chairman. He wants to get his appropriations through. He has a well-known desire not to have riders cloud up his various subcommittee appropriations, and he does whatever he can to ward them off and try to facilitate Members in getting their bills through.

I appreciate that the gentleman from Florida has met every year with our new Mayor, actually he is in his third year now, who has done so well in our city, Tony Williams, and tried to help us to design a way to get our appropriation in and out. It ought to be the fastest and the easiest of all other appropriations. It is not your money; it is ours. When it comes to the hard work the Members do here, and they do work very hard, you would think that coming to the D.C. appropriation would be a rest period for the Members of this body. Instead, it has tended to be among the most controversial when it affects nobody in this body. I want to say not only that Speaker Hastert has been very helpful to this city in trying to make it easier, but the gentleman from Florida has been very helpful as well.

Finally, I must say a word about the gentleman from Pennsylvania (Mr. Fattah), who is the ranking member of the Subcommittee on the District of Columbia. This is the first time that the gentleman from Pennsylvania has been on the Committee on Appropriations at all. He is so clever that he managed to get himself a chairmanship straight off because of the way the bidding is done. But what marvelous good fortune it is for the District of Columbia because the gentleman from Pennsylvania comes from a jurisdiction much like our own. He is the first big-city Mayor to serve in such a position on our committee since Julian Dixon, the much revered chair of the Subcommittee on the District of Columbia for 14 years who died last year.

The gentleman from Pennsylvania not only from a similar jurisdiction just a few hundred miles up the East Coast, but he comes from a jurisdiction that has been through exactly what the District of Columbia went through about 5 years ago when it had to get a control board. So what we have is a ranking member who was the prime mover in getting a control board for the city of Philadelphia—which is where Mr. Fattah came from as a result of it. Now the District of Columbia has sprung back as a result of both the work of the control board and of our Mayor and city council. We have a ranking member who has a deep understanding of big cities, their finances and their educational systems in particular.

What the gentleman from Pennsylvania brings to the Subcommittee on the District of Columbia is almost instinctive understanding of what should pertain here for this city, an instinctive empathy with residents who live and have to watch as the Congress of the United States doubles back over what its own Mayor and city council 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. Klobuchar), 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.
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 p.m.), under its 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:

3496. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the Commission's final rule—Security Zone; Vieques, PR and Adjacent Territorial Sea (CGD07–01–33) (RIN: 2115–AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment and Operation of Class E airspace, Poplar, MT (Airspace Docket No. 00–ANN–22) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3498. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL (CGD07–01–002) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3499. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulations; Ouachita River, Iowa and Illinois (CGD08–01–015) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3500. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—2001–2002 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1080–AG58) 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—Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 2001 Fishing Year; Federal Register; [Docket No. 01061122–1797–02; I.D. 031910C] (RIN: 0656–AN76) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3502. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulations; Ouachita River, LA (CGD08–01–007) (RIN: 2115–AE47) 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—Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL (CGD07–01–002) (RIN: 2115–AE47) 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—Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL (CGD07–01–002) (RIN: 2115–AE47) 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—Fisheries; Recreational Measures for the 2001 Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 2001 Fishing Year; Federal Register; [Docket No. 01061122–1797–02; I.D. 031910C] (RIN: 0656–AN76) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3506. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulations; Ouachita River, LA (CGD08–01–007) (RIN: 2115–AE47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3507. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulations; Ouachita River, LA (CGD08–01–007) (RIN: 2115–AE47) 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—Regulations; Ouachita River, LA (CGD08–01–007) (RIN: 2115–AE47) 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—Regulations; Ouachita River, LA (CGD08–01–007) (RIN: 2115–AE47) 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—Safety Zone; Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, AK (CGD07–01–002) (RIN: 2115–AA97) 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 Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL (CGD07–01–002) (RIN: 2115–AE47) 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 Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL (CGD07–01–002) (RIN: 2115–AE47) 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 Department’s final rule—Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL (CGD07–01–002) (RIN: 2115–AE47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3514. A letter from the Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration, transmitting the Department’s final rule—Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL (CGD07–01–002) (RIN: 2115–AE47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3515. A letter from the Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration, transmitting the Department’s final rule—Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL (CGD07–01–002) (RIN: 2115–AE47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3516. A letter from the Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration, transmitting the Department’s final rule—Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL (CGD07–01–002) (RIN: 2115–AE47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. George Miller of California and Mr. Vitter.
H.R. 28: Mr. Goodlatte and Mr. Peterson of Minnesota.
H.R. 116: Mr. Thompson of California, Mr. Wynn of Simmons, and Mr. Wu.
H.R. 168: Mr. Smith of New Jersey.
H.R. 220: Mr. Weldon of Florida.
H.R. 274: Mrs. Capps.
H.R. 301: Mr. Boucher.
H.R. 306: Mr. Clayton.
H.R. 308: Ms. McCollum.
H.R. 303: Mr. Brady of Pennsylvania.
H.R. 325: Mr. Filner and Mr. Borski.
H.R. 458: Mr. Weldon of Florida.
H.R. 476: Mr. Forbes.
H.R. 488: Mrs. Roukema.
H.R. 504: Mr. Baldacci, Mrs. Capps, Mr. Stupak, and Ms. Eshoo.
H.R. 537: Mr. Owens.
H.R. 570: Mr. Rohrabacher and Mr. Berman.
H.R. 580: Mr. Towns, Mr. Capuano, Mr. Crowley, Mrs. Capps, Mr. Stark, and Mr. Owens.
H.R. 597: Mr. Meeks of New York.
H.R. 599: Mr. Crowley, Mr. Levin, and Mr. Doyle.
H.R. 600: Mr. John.
H.R. 630: Mr. Walsh and Mr. Wicker.
H.R. 662: Mr. Kerns, Mr. Thune, and Mr. Pascrell.
H.R. 677: Ms. Carson of Indiana.
H.R. 702: Mrs. Mink of Hawaii.
H.R. 744: Ms. Escho and Mr. Weller.
H.R. 771: Mr. Schiffer and Mr. Ross.
H.R. 817: Mr. Taylor of Mississippi.
H.R. 822: Mr. Holt, Mr. Lewis of Kentucky, Mr. Cramer, Ms. Hoeley of Oregon, Mr. Smith of New Jersey, Mr. Pallone, and Mr. Souder.
H.R. 826: Mr. Weldon of Florida.
H.R. 827: Mr. Abercrombie.
H.R. 946: Mr. McDermott, Mr. Berman, Mrs. Capito, Mr. Price of North Carolina, Mr. Larson of Connecticut, and Mr. Barrett.
H.R. 876: Mr. Delahunt.
H.R. 902: Mrs. Thurman.
H.R. 938: Mr. Hilliard and Mr. Meeks of New York.
H.R. 968: Mr. Sam Johnson of Texas.
H.R. 975: Mr. Larson of Connecticut, Mr. Costello, and Mrs. McCarthy of New York.
H.R. 991: Ms. Bart.
H.R. 1084: Mr. McGovern.
H.R. 1089: Mr. Langworthy, Mr. Greenwood, and Mrs. Thurman.
H.R. 1143: Mr. Rothman, Mr. Cummings, Mr. Costello, Mr. Delahunt, Mr. Brady of Pennsylvania, Mrs. McCarthy of New York, and Mr. Serrano.
H.R. 1161: Mr. Leach and Mr. Lantos.
H.R. 1170: Mr. Menendez.
H.R. 1194: Ms. Rivers.
H.R. 1201: Mr. Meeks of New York and Mr. Owens.
H.R. 1202: Mrs. Bono, Mr. Rodriguez, Mr. Brown of Ohio, Mr. McIntyre, Mr. Bachu, Mr. Matheson, Mr. Price of North Carolina, and Mr. Crandall.
H.R. 1219: Mr. Kellner.
H.R. 1220: Mr. Peterson of Pennsylvania.
H.R. 1254: Ms. Woolsey.
H.R. 1306: Mr. Jenkins.
H.R. 1556: Mr. Trafficant, Mr. Pence, Mr. Berman, and Mr. Osborne.
H.R. 1594: Mr. Frank, Mr. McNulty, and Ms. Eshoo.
H.R. 1597: Mr. Meeks of New York.
H.R. 1604: Mr. Costello and Mr. Peterson of Minnesota.
H.R. 1624: Mr. Hatworth, Mr. Luther, Mr. Hunter, Mr. Fink, Mr. Knollenberg, Mr. Postman, Mr. Castle, Ms. Ros-Lehtinen, Ms. Kaptur, Mr. Bachu, Mr. Inslee, Mr. McIntyre, Mr. Lucas of Kentucky, and Mr. Callahan.
H.R. 1700: Mr. Mughta, Mr. Mascara, Mr. Meeks of New York, Mr. Stark, Mr. Gilman, Ms. Jackson-Lee of Texas, Mr. Smith of New Jersey, Mr. Bishop, Mrs. Roukema, Mr. Andrews, Mr. Wexler, Ms. Napolitano, Mr. Bono, Mr. McIntyre, Mr. Costello, Mr. Diaz-Balart, Mr. Nader, Mr. Hinchey, Mr. Gordon, Mr. Doyle, Mr. Gillmor, Ms. Isakson, and Mr. McCollum.
H.R. 1707: Mr. Nethercutt.
H.R. 1709: Mr. Otter.
H.R. 1711: Mr. Nethercutt.
H.R. 1717: Mr. Wexler.
H.R. 1731: Mr. Weller, Mr. Kerns, and Mr. Otter.
H.R. 1734: Mr. Sawyer.
H.R. 1750: Ms. Schakowsky.
H.R. 1751: Ms. Schakowsky.
H.R. 1766: Mr. Forbes.
H.R. 1767: Mr. Forbes.
H.R. 1779: Mrs. Wynn, Mr. Markley, Mr. Rothman, and Mr. Davis of Illinois.
H.R. 1784: Mr. Blagovichev, Mr. Cummings, Mr. Rangel, Ms. Roybal-Allard, Mr. Price of North Carolina, Mr. George Miller of California, and Mr. Oliver.
H.R. 1795: Mr. Rothman, Mr. Matsui, and Mr. Costello.
H.R. 1798: Mrs. Mink of Hawaii, Mr. Abercrombie, Mr. Boucher, and Mr. McIntyre.
H.R. 1806: 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. Kildee.
H.R. 1950: Mr. Peterson of Pennsylvania.
H.R. 1961: Mr. Bryant, Mr. DeFazio, Mr. Boyd, and Mr. Holden.
H.R. 1986: Mrs. Clayton and Mr. McIntyre.
H.R. 2015: 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.
Ms. Pelosi, Mr. Radanovich, Ms. Sanchez, Mrs. Tauscher, Ms. Watson, Ms. Woolsey, and Mrs. Capps.

H.R. 2614: Mr. Weiner.

H.R. 2615: Mr. Kerns, Mr. Hefley, Mr. Barr 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. 2640: Mr. Frost, Mr. McNulty, Mrs. Meeke of Florida, Ms. McKinney, and Mr. Owens.

H.R. 2641: Mr. McGovern.

H.R. 2662: Mr. Johnson of Illinois.

H.R. 2663: Mr. Hansen.

H.R. 2667: Mr. Kennedy of Minnesota.

H.R. 2673: 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. Faleomavaega, Mr. Phelps, and Mrs. Tauscher.

H.R. 2739: Mr. Hyde.

H.R. 2747: Mr. Nethercutt, Mr. McGovern, Mr. Klinezka, 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. Herger and Mr. Manzullo.

H.R. 2795: Mr. Goode and Mr. Gutknecht.

H.R. 2800: Mr. Tancredo and Mr. Dooley.

H.R. 2802: Mr. Sessions.

H.R. 2805: Ms. Hartz, Mr. Dooley, Mr. Pence, Mr. Shows, and Mr. Starns.

H.R. 2806: Mr. Frost.

H.R. 2830: Mr. Rangel, Mr. Frank, Mr. Owens, Ms. Norton, and Mr. Faleomavaega.

H.R. 2833: Mr. Tom Davis of Virginia, Ms. Lofgren, Mr. DeLay, Ms. Sanchez, Mr. Rohrabacher, Ms. Ros-Lehtinen, Mr. Wolf, Mr. Royce, Mr. Souder, Mr. Lantos, Mr. Ballenger, Mr. Clay, and Mr. Hyde.

H.R. 2836: Mr. King.

H.J. Res. 8: Mr. Visclosky.

H.Con. Res. 20: Mr. Osborn.

H.Con. Res. 23: Mr. Weldon of Florida and Mr. Kerns.

H.Con. Res. 38: Mr. Walsh.

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. 164: Mr. Baca and Mr. LoBiondo.

H.Con. Res. 184: 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 G. Miller of California.

H.Con. Res. 214: Mr. LoBiondo, Mr. Tancredo, Mr. Ramstad, Mrs. JoAnn Davis of Virginia, Mr. Schrock, and Mr. Calvert.

H.Con. 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.R. 2586

OFFERED BY: Mr. Scott

AMENDMENT No. 1: At the end of title XXXV, add the following:

SEC. . USE OF CONVEYED NDRF VESSELS.

Section 3603(a) of the Strom 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 from 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.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore.

The Senate reconvenes.

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 Grass 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 amendment, 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 be able then 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 that 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 our understanding, there will be two letters from both advocates and opponents of legislation that 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. I would add my thanks and appreciation for all the hard work, particularly of Senator THOMPSON and Senator K YL and their staffs and Senators in today’s RECORD.)

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, I ask unanimous consent to proceed with 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 assertions that trade is 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 uncontrollable, or controls are meaningless due to the availability of the same technology for 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 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 the American people upon the free flows 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 a 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 forego 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 produced in 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 priority 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 a 60-day time extension to review 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 were also 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 Germany to construct a world-class navy. 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 embargomed them, but 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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, JEFF THOMAS, 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 pro

ORDERED.

The CONGRESSIONAL RECORD—SENATE September 6, 2001

The CONGRESSIONAL RECORD—SENATE September 6, 2001

September 6, 2001
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 or limiting unnecessarily their marketplace, if those same products will simply be provided by our foreign competitors.

The observation is made, well, what about unique American technology? This legislation takes that into account. It allows for strong limitations 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 interest with our 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.

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 exportation. As we may have to learn the hard way that winking at the 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. I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from South Dakota.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. THOMPSON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 1527
Mr. THOMPSON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. THOMPSON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The 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 they 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 is 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 ensure 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 susceptible 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 we are claiming they can 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.

Thank you 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.

Mr. SARBANES. Madam President, I thank the Senator from Tennessee for his contribution 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. Is there any question 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.

First of all, 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, who may or may not have 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 reported. We should 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 in our National Laboratories to the deemed export requirements. There were hardly any deemed export notifications or licenses issued by our laboratories. Our laboratories contain
Mr. KYL. Madam President, I have an amendment I send to the desk and ask for its immediate consideration. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1529.

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 determines that the 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 controlled item for which a determination 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 who worked 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; we don't want you to take this item and put it in your defense facility or a nuclear weapons facility, 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 lithotriptor which, with a high-energy beam, lithotriptor, the 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 is an item in it 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 want to be careful about the export of items that are available on the market. Any hospital can buy a lithotriptor if they have enough money. They are available. By now I am sure there are more companies than just the one German company that makes 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 says 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. This 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 the same kind of provision and say 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 can make it marginally better.' So down with 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. It says: If the country in which the end user is located refuses to allow post-shipment verification of controlled items, 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 controlled item for which a determination has not been made pursuant to section 211 to all end users in that country 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 end user. According to the 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 with respect to some items on the control list, 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 1998, very recently, China agreed 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 these verifications really occur.

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’s report discusses a number of weaknesses in the agreement as it relates to the export of high-performance computers. The Commission issued its report and deemed the terms of the agreement wholly inadequate, from the U.S. point of view, to ensure that these verifications really occur.

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CONGRESSIONAL RECORD—SENATE

September 6, 2001

Mr. SARBANES. Certainly.

Mr. THOMPSON. Madam President, this has to do with commodity classification. We have had some concern that with the new Executive order on commodity classification there is more flexibility to react to events in a way to proceed.

The executive branch has traditionally dealt with this issue through interagency agreements. We think they need to be updated. The existing agreement is 11 years old and needs to be updated to create an increased role for the Departments of Defense and State. Both the opponents and supporters of this legislation will send a letter to the administration requesting the issuance of a new Executive order on commodity classification to ensure the participation of the National Security Agency. We believe that with regard to many of these issues, as the administration is trying to staff up and with our discussions with them and among each other, we have realized just how outdated the existing agreement is. We are going to send a letter to them to bring this to their attention further, and suggest they issue an Executive order.

We assume this will be done in an appropriate manner, and we will not take additional action. That option, of course, is always there. Pending that, we think this is an appropriate way to proceed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Tennessee again for his emphasis. He had made it important that there be updates on the different procedures, particularly the ones that are done through memos of understanding between the agencies.

We appreciate the willingness of the Senator from Tennessee to allow so that it can continue to be done that way so there is more flexibility to react to current crises under that kind of ability. We have prepared a letter to that effect, and we will be sending it. I thank the Senator.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, one final note. We have had some discussion prior to this hearing concerning the possibility of an amendment that would create a so-called blue ribbon commission to address additional concerns as to how our export policies might be affecting national security. I believe at this point it is fair to say, not having heard from my other colleagues on this issue, that we have not been able to reach agreement with regard to that.

Without a doubt, we will continue to work together among ourselves to try to agree on the composition of such a commission. I think we all agree the concept is a good idea, and that we ought to take a long impassioned look at what we are doing. We will continue 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 the amendment.

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. 1530

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 1530.

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 183, 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 manufactured goods’’. On page 222, line 6, strike ‘‘Crime’’ and insert ‘‘In order to promote respect for fundamental human rights, crime’’. On page 223, line 3, strike ‘‘The’’ and insert ‘‘Except as hereinafter provided, the’’. On page 223, line 9, after the period, insert the following: ‘‘The provisions of subsection (c), to the supply of respect to exports of any of the items identified in subsection (c),’’.

On page 223, between lines 9 and 10, insert the following:

(3) With respect to the provisions of this subsection (c), to the supply of respect to exports of any of the items identified in subsection (c), to persons, (i) there is more flexibility to react to national security concerns, as the administration is trying to staff up and with our discussions with them and among each other, we have realized just how outdated the existing agreement is. We are going to send a letter to them to bring this to their attention further, and suggest they issue an Executive order.

We assume this will be done in an appropriate manner, and we will not take additional action. That option, of course, is always there. Pending that, we think this is an appropriate way to proceed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Tennessee again for his very positive and constructive contributions throughout.

The amendment is as follows: On page 183, 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 manufactured goods’’. On page 222, line 6, strike ‘‘Crime’’ and insert ‘‘In order to promote respect for fundamental human rights, crime’’. On page 223, line 3, strike ‘‘The’’ and insert ‘‘Except as hereinafter provided, the’’. On page 223, line 9, after the period, insert the following: ‘‘The provisions of subsection (c), to the supply of respect to exports of any of the items identified in subsection (c),’’.

On page 223, between lines 9 and 10, insert the following:

(3) With respect to the provisions of this subsection (c), to the supply of respect to exports of any of the items identified in subsection (c), to persons, (i) there is more flexibility to react to national security concerns, as the administration is trying to staff up and with our discussions with them and among each other, we have realized just how outdated the existing agreement is. We are going to send a letter to them to bring this to their attention further, and suggest they issue an Executive order.

We assume this will be done in an appropriate manner, and we will not take additional action. That option, of course, is always there. Pending that, we think this is an appropriate way to proceed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Tennessee again for his very positive and constructive contributions throughout.

The amendment is as follows: On page 183, 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 manufactured goods’’. On page 222, line 6, strike ‘‘Crime’’ and insert ‘‘In order to promote respect for fundamental human rights, crime’’. On page 223, line 3, strike ‘‘The’’ and insert ‘‘Except as hereinafter provided, the’’. On page 223, line 9, after the period, insert the following: ‘‘The provisions of subsection (c), to the supply of respect to exports of any of the items identified in subsection (c),’’.

On page 223, between lines 9 and 10, insert the following:

(3) With respect to the provisions of this subsection (c), to the supply of respect to exports of any of the items identified in subsection (c), to persons, (i) there is more flexibility to react to national security concerns, as the administration is trying to staff up and with our discussions with them and among each other, we have realized just how outdated the existing agreement is. We are going to send a letter to them to bring this to their attention further, and suggest they issue an Executive order.

We assume this will be done in an appropriate manner, and we will not take additional action. That option, of course, is always there. Pending that, we think this is an appropriate way to proceed.
The managers' amendment makes three changes: it (1) clarifies the investigations referred to are those carried out by Department of Commerce officials; (2) ensures that penalties on violators are imposed in accordance with the agreement of the violators' employing agency; and (3) allows violators to be denied further access to confidential information and to be removed from office.

Section 603: The next provision adds a technical provision relating to the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA). TSRA established restrictions on sanctions dealing with agricultural commodities, medicine, and medical devices. The managers' amendment adds a new Section 603 that is intended to hold TSRA harmless by (1) ensuring that no authority in this Act may be exercised contrary to TSRA; (2) clarifying the limitations on national security controls; and (3) clarifying the application of TSRA procedures to foreign policy controls. Senators Ronklle and Dayton were instrumental in crafting this language, and worked with bill managers to perfect the text. Section 702: This provision corrects a technical reference in Section 702 (technical and conforming amendments). As drafted, the reference would have affected the Forest Resources Conservation and Shortage Relief Act of 1980. The managers' amendment removes the reference and thus any inadvertent impact on the Forest Resources Act.

Section 702: The next provision corrects a drafting error in Section 702 (technical and conforming amendments). 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 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.

September 6, 2001

CONGRESSIONAL RECORD—SENATE
BOND, MURRAY, and ROBERTS expressed particular interest in addressing this problem.

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. An embargo that 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 literally may fall out of the sky, 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 El-Al plane into an Amsterdam apartment complex. All 4 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. manufacturers’ countries.

Under current law, the administration has some flexibility to allow flight safety exports to nations such as Sudan and Syria. However, exports to Iran or Iraq require a presidential waiver—a process that takes years and is rarely invoked. The difficulty of obtaining such a waiver has meant that U.S. manufacturers cannot provide critical flight safety parts or information to those nations.

The managers’ amendment addresses this humanitarian issue while retaining the integrity of the embargo. It provides that aircraft equipment exports to comply with safety requirements for commercial passenger aircraft may be authorized on a case-by-case basis. It is tightly circumscribed: it applies only to parts for civil aircraft used in 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? If not, the question is on agreement 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.

The motion to lay on the table was agreed to.

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 JOHNSON 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 an understatement to say that we would not be 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 not seen a Senator into the Senate 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. It sets a new standard for what a Senator ought to be 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 support 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 and 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 produce and sell them because the country that develops new technology creates new jobs and creates the best jobs.

So, while we want to be the world leader in that technology, we have a conflicting goal in wanting 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 this controlled 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 some 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 propose. I am not asking 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 be divided equally between the majority and minority for morning business, with the exception of 8 minutes prior to the 4:00 p.m. vote, which will allow Senators Enzi, Gramm, Barrasso, 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 misread 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; that the committee substitute, as amended, 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, Barrasso, and Thompson, each allowed to speak 2 minutes prior to the vote on the bill.

Mr. THOMPSON. Mr. President, reserving the right to object, I do believe it would be appropriate to divide the final 8 minutes equally as 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 proponents of the passage of the legislation be divided equally.

Mr. THOMPSON. Further, I want to take a few minutes right now in morning business or as a part of this UC, either one.
Mr. REID. I say to my friend that will be certainly appropriate. We will get this unanimous consent request 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 committee 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.

Mr. SPECTER. Mr. President, I rise today in support of the Export Administration Act of 2001 and urge its passage.

Congress has not reauthorized the Export Administration Act on a permanent basis since 1996, and for close to a decade the export of dual-use goods—items with both civilian and possible military applications—have been governed in an ad hoc way by the President using Executive orders under the International Emergency Economic Powers Act and without a comprehensive regime in place to monitor exports.

Such an approach creates obvious problems in trying to assure that the proper balance is struck between the need for U.S. businesses to be competitive in the international economy and the need to prevent sensitive technologies that have military implications, improve the export control process, and enhance national security.

The major provisions of the Export Administration Act of 2001 will:

Give the President the power to establish and conduct export control policies, and direct the Secretary of Commerce 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 Commerce, with the concurrence of the national security agencies and departments, to identify items to be included on a National Security Control List. This strengthens the hand of the national 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 items that could contribute to the proliferation of weapons of mass destruction.

Authorize the President to set aside "foreign availability" or "mass-market" 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 determinations.

Establish procedures for the referral and processing of export license applications, and establish an interagency dispute resolution process to review all export license applications that are the subject of disagreement.

Declare that the U.S. will seek and participate in existing multilateral export control regimes that support U.S. national security interests, and to seek to negotiate and enter into additional multilateral agreements. Given the importance of the world dual-use items, multilateral agreements are critical to assure that they do not fall into the wrong hands.

Establish new criminal and civil penalties for knowing and willful violations of the export procedures.

By streamlining and bringing transparency to the licensing process this legislation, then, strikes a good balance between assuring that the export licensing process is good for trade, the U.S. economy, and 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 National 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 Administration Act.

Mr. SPECTER. Mr. President, I think it is important to state my reasons for voting against S. 149, the Export Administration Act. I do so because I think there is too much deference to commercial interests at the expense of export controls which may threaten national security.

I cast my vote late in the rollcall when there were 77 votes in favor of the bill, which eventually turned out to be an 85 to 14 vote, so that I knew the bill was going to pass by overwhelming numbers.

Legislation on this subject is of great importance and is long overdue. I was tempted to vote in favor of the bill on the proposition that the best frequently is the enemy of the good. Had my vote been decisive so that it might have been a matter of having a bill which vastly improved the current situation, which is the absence of legislation. But I voted differently. I think the number of negative votes are important as a protest signal that this subject should be monitored closely and perhaps reviewed sooner rather than later.

These concerns about the elevation of commercial interests over potential national security risks are illustrated by the foreign availability and mass market status this Act provides controlled items. The foreign availability component of the act would make the U.S. Government unable to control the sale of items that are also manufactured by other countries. Such lack of control would allow U.S. firms to sell one example of this Saddam Hussein because of anthrax's dual-use in vaccine production. Additionally, the mass-market status in this bill would enable export of controlled items without a license if the item was mass produced for different industrial uses. An example of this mass-market status would be glass and carbon fibers that can be used in the manufacture of both golf clubs and ballistic missiles.

These are only illustrations of problems which, I believe, should yet be corrected in conference or in later legislation.
Mr. JOHNSON. I am very pleased that S. 149, the Export Administration Act of 2001, passed the U.S. Senate by such an overwhelming bipartisan vote of 85-13. Such important law reforms our export controls of dual-use items to reflect the vast geopolitical, technological and commercial changes that have occurred since the old law was enacted back in 1979. While we must remain vigilant to protect our nation from security threats, we must at the same time recognize that our security depends in large measure on a vibrant economy, and in particular on our ability to continue innovating in the high technology sector. Ensuring that American producers have the ability to participate in the global marketplace is critical to this effort.

The hard work that contributed to the overwhelming support for S. 149 cannot be overstated, and I am especially gratified by the spirit of cooperation that dominated the discussion. This bill, and the quality of its provisions, owe a great deal to the thoughtful participation of a variety of players on both sides of the aisle. In some cases, too many cooks spoil the broth. In this case, however, a variety of players made very thoughtful improvements to the bill. I extend my thanks and gratitude to the core group of sponsors, which included Senator Mike Enzi, Republican of Wyoming, Chairman Paul Sarbanes from Maryland, Senator Phil Gramm from Texas, and also to so many others contributed to an improved final product. In particular, I would be remiss in not mentioning the important and dedicated efforts of Senator Mark Dayton, my Democratic colleague from Minnesota. Senator Dayton and his staff worked tirelessly to ensure that S. 149 protects the interests of the agricultural community relative to export restrictions on the export of food. I also wish to commend Senator Dayton's staff, in particular Jack Danielson, Sarah Dahlin and Lani Kawamura.

Mr. KYL. Mr. President, a consensus emerged during the 1990s with regard to the national security of the United States. That consensus was and remains that the proliferation of weapons of mass destruction—nuclear, chemical and biological—and their means of delivery constitute the most important threat to our national security. There is also widespread acknowledgment that a number of rogue nations, and particularly China, represent the new national security challenge for the United States.

Yet, this body, the U.S. Senate, is about to pass with overwhelming support a major piece of legislation that stands in direct contradiction to the objectives of U.S. national security policy—to limit the spread of weapons of mass destruction and their means of delivery. This is not hyperbole; it is a simple statement of fact. I acknowledge that the legislation is called S. 149. A campaign pledge has been kept. But the long-term ramifications of the vote we are about to take should not be underestimated. S. 149 received the strong opposition of the former chairman, now ranking members, of each committee and subcommittee with responsibility for national security. It can in no way be considered to represent a prudent balance between commerce and national security. It is, in fact, heavily weighted in favor of the former, with scant regard for the latter.

The list of exports with which we have traditionally been concerned, the Commerce Control List, has 2,400 items on it. It is important to note that exports of these items are licensed, not prohibited. Contrary to the rhetoric of some, it is not the shopping list of someone making a Sunday trip to Radio Shack. It is, rather, a compilation of esoteric items that have military applications, including for the construction of nuclear weapons and ballistic and cruise missiles. The amount of commerce at issue is minuscule relative both to the amount of U.S. exports and to the size of the gross domestic product. Restrictions or limitations on the export of items on the Commerce Control List do not now, nor have they ever had a deleterious effect on the U.S. economy, or on U.S. competitiveness. They do, however, represent the regulatory manifestation of our national security interests and the role our moral values should play in the conduct of foreign and trade policies.

Some of us who oppose this bill support permanent normal trade relations with China. And, yet, we oppose this bill. We oppose it because it will, by design, open the door to the export without government oversight of the very items and technologies that contribute to the threats to our security that justifiably justified our special 800 billion per year. When we debate national missile defense over the months ahead, we should not hesitate to reflect on the connection between what we do here today, and what those of us who support missile defenses hope to do tomorrow.

Mr. BINGAMAN. Mr. President, I rise today in strong support of S. 149, the Export Administration Act of 2001. From my perspective, consideration of this legislation is long overdue. Congress has extended the Export Administration Act on a temporary basis since 1984, and in doing so has completely ignored the extraordinary changes in technology that have occurred in that timeframe. Current export control policy, formulated during the Cold War several decades ago, no longer fits either the current global context or our specific national security needs. It is time to bring U.S. law into conformity with international reality.

Over the past year I have been involved in two high-level advisory panels that have carefully examined the existing U.S. export control regime. The first was a study group on Enhancing Multilateral Export Controls for U.S. National Security, and was sponsored by the Henry L. Stimson Center and the Center for Strategic for International Studies. The second consisted of two study groups, one on Technology and Security in the 21st Century and one Computer Exports and National Security, sponsored entirely by the Center for Strategic for International Studies. Each of these groups concluded that existing export control policy and procedures are outdated, unSound, inefficient, unrealistic, and counterproductive. Taken as a whole, they impede any coordination between the U.S. government agencies responsible for export control policy, thereby hinder our efforts to cooperate with our most important allies, they ignore the new threats and opportunities in the international system, they limit the ability of our best companies to innovate and compete and, in the final analysis, they harm our military and commercial national security interests.

The studies I have mentioned offered a range of extremely important policy recommendations, but fundamentally to them are three important overarching conclusions, all of which are relevant to the debate at hand.

The first conclusion is that globalization has resulted in what the Defense Science Board has previously called a "leveling" of access to technology and the capacity of the United States to obtain and control technologies critical to our national interest. This concept suggests that access to commercial technology is now ubiquitous and its use, especially in military and military ends is largely unconstrained. Enabling technologies necessary for modern warfare, examples...
conventional weapons and are not adhered to by our allies. Regulatory reform in the United States must occur before new international frameworks can be established, and it is one of the goals that the proposed legislation is trying to address.

There are those among my colleagues who would argue that even if the international system has changed to this extent, we must begin creating a foundation that is designed for security or crime control purposes, that are actually used to torture people by some of the most inhumane methods imaginable. Amnesty International reports that, over the past decade, more than 80 U.S. companies have been involved in the manufacture, marketing, and export of these types of items, like thumbscrews and electro-shock stun belts, which have been used to commit human rights abuses around the world.

The Leahy-Biden amendment is a modest step toward improving 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 Clyburn has 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 conferees to take a serious look at the Hyde-Lantos amendment and consider our government's commitment when determining the final outcome of the Export Administration Act.

Finally, I believe that the Administration should work with other 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 our national security—the very security that the EAA is supposed to protect.

I commend the Senator from Tennessee, Mr. THOMPSON, and the Senator from Arizona, 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. It 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 tips the scale dangerously 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 necessary to ensure 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 as well. We should do everything we can to stem the flow of potentially dangerous dual-use technology around the world. We should 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 technologies. I disagree with the contention that so many in the affected industries have advanced—that the licensing process provides private law review for export license applications. I fear that this bill, and in particular its 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 controls included in this bill in order to compete in the international marketplace. 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 last week, 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 having these sanctions 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 move the administration supports—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 KYL and 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 pressure from the super computer industry to pass this legislation. I don't say that to imply 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 supporters are 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 control trols on super computers and they are lobbying hard for their cause. And, as is usually the case, lobbying means do-nating big money, and that means do-
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, importantly, we owe this to our national security, which we cannot rely forever 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 of us can 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 how we propose to balance these two opposing considerations.

Export controls can also serve another purpose. They can help reaffirm America's global 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 process 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, and even our own, are increasingly using in suppressing 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 inadvertently contribute to the torture 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 unfounded and endless opposition. This amendment requires the Commerce Department to notify the State Department as well as the Commerce Department. No license will be issued without the approval of the Commerce Department.

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 U.S. 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: enhance the discretionary authority of the Commerce Department to deny export licenses to another country when it is blocking legitimate post-shipment verifications of sensitive exports and 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, appended several concerns, good bipartisan legislation. I would hope, therefore, to see further improvement of this bill in conference.

But now is not the time to 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 debate for the past 2 years, together with Senators HELMS, SHELBY, MCCAIN, THOMPSON, and KYL. We have worked with our colleagues on the Banking Committee, particularly Senators GRAMM, SARBANES, and ENZI, to craft a bill that protects 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 better informed and is taking action 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 markets. Considering the rate at which 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. Five Committee Chairmen with responsibility 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 SHELBY of the Intelligence Committee, Senator THOMPSON of the Government Affairs Committee, Senator HELMS of the Foreign Relations Committee, and Senator MCCAIN of the Commerce Committee. In addition, Senator KYL has been a leading participant in our discussions with the Banking Committee, the committee of primary jurisdiction.

The higher penalties and increased enforcement authority, the authority to require enhanced 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 ENZI, in creating the EAA of 2001. I thank them for meeting with me and others several times in 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 the debate on these issues has shown, there were concerns about the last administration's record in protecting some areas of sensitive 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, Shelby, Thompson, and others. 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 about this bill were briefed on the results of the administration's review, we were informed that an interagency agreement had been achieved 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 implement 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 addressed legislation to enhance national security carve-out or enhanced controls, commodity classifications, the enhanced proliferation control initiative, and deemed exports.

The Bush administration shares the concerns of previous administrations 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 statute to protect national security. I recognize 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 must once again be diligent in putting explicit national security protections in statute rather than leaving it to the discretion of the administration.

I want to thank my colleagues on the Intelligence, Foreign Relations, Commerce, and Banking 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 our export control process is 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. That is a need to reauthorize the EAA. The new national security protections such as the national security carve out, increased penalties for export control violations, and greater visibility for the DOD over commodity classifications are positive steps. We need to lock in these improvements and work to ensure that nonproliferation concerns are protected and strengthened and that vital technology is protected. And we need to allow our domestic industry to compete in the world market without unnecessary and outdated restrictions.

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

SECRETARY OF COMMERCE,

HON. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: In light of our mutual interest in the Export Administration Act of 2001 (S. 149), I would like to address several issues related to S. 149 that I understand were raised in our recent discussion with Administration officials.

As you know, the Administration carefully reviewed S. 149. As a result of that review, the Administration recommended, with a number of amendments to the Senate Committee on Banking, Housing and Urban Affairs which were incorporated into the bill. Accordingly, the Administration strongly supports S. 149.

We believe that the bill provides the proper framework for regulating the export of sensitive items consistent with our national security interests. For your convenience, I have enclosed 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 controlled to prevent proliferation. The Department will shortly issue a proposed rule amending the licensing requirements applicable to exports to Canada. This new rule addresses the issues raised by the GAO.

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 the highest priority in the dual-use export control system process.

[Signature]

DONALD L. EVANS.
limited and apply only to those areas not appropriately delegated to any one agency. Restricting licensing authority to the President, in these very limited circumstances, ensures that all interests—including national security—will be fully considered.

As officials from the Departments of State and Defense testified at the House International Relations Committee on July 11, the provisions of S. 149 protect the President's authority to safeguard U.S. national security.

PROPOSED EXECUTIVE ORDER

Interagency review of export license applications is conducted under Executive Order 12961, as amended. Under this executive order, the Departments of Defense, State, and Energy have the right to review all license applications submitted to the Department of Commerce. The only applications that these departments do not review are those they choose not to, such as applications to export crude oil.

S. 149 partially codifies Executive Order 12961 and provides the Administration the flexibility to structure an appeals process that will exercise this authority of both the Departments of Defense and State. For example, the current executive order establishes an assistant secretary-level interagency group to hear appeals of export license applications made at lower levels. This group already is an integral part of the licensing process and the Administration plans to keep it in its current executive order promulgated after the passage of a new EAA would not alter Defense's current ability to review and object to license applications.

S. 149 also requires Commerce, for the first time in statute, to notify Defense of all commodity classification requests Commerce receives. The Administration has committed to implement by executive order a process by which all these commodity classification requests will be reviewed by Defense, with a disciplined and transparent process for escalating and deciding disputes. The Administration will brief Congress about all of the processes provided for in S. 149 as they are implemented.

Mr. SHELBY. Mr. President, I rise today in order to reiterate my concerns over the Export Administration Act of 2001.

There is little doubt that this bill will pass. The writing is on the wall. 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 American business entities 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 American companies to export 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 upon the 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 and emphatically stated, and I paraphrase, that when it comes to the difficult question of transferring 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 commercial technologies are subject to a licensing process to prevent transfers to countries that will misuse them or divert them for weapons of mass destruction purposes. In addition, Iraq appears to be installing or repairing dual-use equipment at chemical weapons-related facilities.

With respect to India, "India continues to rely on foreign assistance for key missile and dual-use technologies where it still lacks engineering or production expertise in ballistic missile development." The report goes on to cite Russia and Western Europe as the primary conduits of India's missile-related technology.

As stated in the Report, Pakistan received significant assistance from Communist China for its ballistic missile program in the early part of last year. As recently as this past weekend, the administration was forced to impose sanctions on the China Metallurgical Equipment Corporation for selling missile technology to Pakistan. The corporate entity in Pakistan which received the technology was also sanctioned. I know this has been and continues to be an issue of great concern to Senator THOMPSON. I commend him for his efforts to publicize Communist China's blatant disregard for its pledge not to support foreign nuclear missile programs.

The report did contain one note of optimism, which I believe is also directly applicable to today's debate. Nations such as Libya and Iran continued to attempt to acquire needed materials for weapons of mass destruction in Western Europe. They had some success in the first half of 2000, but the CIA report states that, "Increasingly rigorous and effective export controls and cooperation among supplier countries to ensure that transfers of dual-use items are subject to UN scrutiny, also could be diverted for weapons of mass destruction purposes. In addition, Iraq appears to be installing or repairing dual-use equipment at chemical weapons-related facilities.

The report states: "The pending bill addresses the control of "dual use" technology, that is, technology that has both commercial and military applications. Most commercial technologies are subject to a licensing process to prevent transfers to countries that will misuse them or divert them for weapons of mass destruction purposes. In addition, Iraq appears to be installing or repairing dual-use equipment at chemical weapons-related facilities."

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Mr. President, the problem is real. I believe it is a significant statement..."
September 6, 2001

CONGRESSIONAL RECORD—SENATE

Re: the Chairmen and now Ranking Members of the Senate Armed Services Committee, the Foreign Relations Committee, the Intelligence Committee, and the Committee on Governmental Affairs and the Subcommittee on Technology, Terrorism and Government Information, have serious issues with the protections this legislation provides 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 dealt with by this Nation’s national security apparatus. Consequently, I urge my colleagues to support the amendments of Senators THOMPSON, KYL, HELMS, and others, which will strengthen S. 199 with respect to national security. They are only a handful of the changes which should be made to this bill but they will serve to give the Defense Department and the State Department a more level playing field in the export control process from which to protect national security.

There is a proper balance between promoting 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 strike 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 reports in response to a Congressionally directed action in Section 721 of the FY 97 Intelligence Authorization Act, which requires:

(1) the acquisition by foreign countries during the preceding 6 months of dual-use and other technology useful for the development 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 by such countries.”

At the DCI’s request, the DCI Nonproliferation Center (NPC) drafted this report and coordinated with the Intelligence Community. As directed by Section 721, subsection (b) of the Act, it is unclassified. As such, the report does not present the details of the intelligence reports of the acquisition of weapons of mass destruction and advanced conventional munitions programs that are available in other classified reports and briefings for the Congress.

ACQUISITION BY COUNTRY

As required by Section 721 of the FY 97 Intelligence Authorization Act, the following are summaries by country of acquisition activities (solicitations, negotiations, contracts, and deliveries) related to weapons of mass destruction (WMD) and advanced conventional weapons (ACW) that occurred from 1 January through 30 June 2000. We excluded countries that already have substantial WMD programs, such as China and Russia, as well as countries that demonstrated little WMD acquisition activity of concern.

**Iran**

Iran remains one of the most active countries seeking to acquire WMD and ACW technologies which would allow them to develop nuclear weapons, chemical and biological weapons, and advanced conventional weapons. Iran is seeking to acquire a wide range of technology by such countries. In that guise, it seeks to obtain turnkey facilities, such as uranium enrichment facilities, which could be used in any number of ways to support fissile material production needed for a nuclear weapon. We suspect that Tehran most likely sought foreign expertise and fissile material and technology for weapons development as part of its overall nuclear weapons program.

During the first half of 2000, entities in Russia, North Korea, and China continued to supply the largest amount of ballistic missile—related goods, technology, and expertise to Iran. Iran is using this assistance to support current production programs and to achieve its goal of becoming a self-sufficient nuclear weapon producer. Iran already is producing Scud short-range ballistic missiles (SRBMs) and has built and publicly displayed prototypes for the Shahab-3 medium-range ballistic missile (MRBM). In addition, Iran’s Defense Minister in 1999 acknowledged the development of a Shahab-4, originally calling it a more capable ballistic missile than the Shahab-3 but later categorizing it as solely a space launch vehicle with no military applications. Iran’s Defense Minister also has acknowledged a ‘second’ Shahab-3, which he said that development had not yet begun. Such statements, made against the backdrop of sustained cooperation with Russian, North Korean, and Chinese entities, strongly suggest that Tehran intends to develop a longer range ballistic missile capability.

Iran continues to develop a robust weapons program and production technologies from Russia and China. During the first half of 2000, Iran received five Mi-171 utility helicopters from Russia under a 1998 contract, and it began licensed production of the Russian Konkurs (AT-5) antitank guided missiles. Iran also claims to be producing a new maneuverable surface-to-air missile known as Missile 135, which resembles the MANPAD. Tehran also has been able to keep operational at least part of its existing fleet of Western-origin aircraft and helicopters supplied before the Iranian Revolution and continues to develop limited capabilities to produce armor, artillery, tactical missiles, munitions, and aircraft with foreign technology.

**Iraq**

Since Operation Desert Fox in December 1998, Baghdad has refused to allow United Nations’ inspectors into Iraq as required by Security Council Resolution 687. In spite of ongoing UN efforts to establish a follow-on
We believe that Iraq has probably continued work on a reconstruction effort on those facilities destroyed by the US bombing, including several critical missile production complexes and former dual-use CW production facilities. In addition, Iraq appears to be installing or modifying some of these facilities. Some of these facilities could be converted fairly quickly for production of CW agents.

UNSCOM reported to the Security Council in December 1998 that Iraq also continued to withhold information related to its CW program. For example, Baghdad seized from UNSCOM inspectors an Air Force document discovered by UNSCOM that indicated that Iraq had not consumed as many CW munitions during the Iran-Iraq war in the 1980s as had been claimed by Baghdad. This discrepancy indicates that Iraq may have hidden an additional 6,000 CW munitions.

In 1999, Baghdad advertised in having an offensive CW program and submitted the first in a series of full scope of its CW program. According to UNSCOM, the disclosures are incomplete and inconsistent. Since the full scope and nature of Iraq's CW program was not verified, UNSCOM assessed that Iraq continues to maintain a knowledge base and industrial infrastructure that could be used to produce quickly a large amount of CW agents and equipment.

Iraq has continued work on its L-29 unmanned aerial vehicle (UAV) program, which involves converting L-29 jet trainer aircraft originally acquired from Eastern Europe. It is believed that Iraq may have been conducting flights of the L-29, possibly to test system improvements or to train new pilots. These aircraft are believed to have been modified for delivery of chemical or, more likely, biological warfare agents.

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 SBRM systems that are not prohibited by the terms of sanctions targeting the longer range systems. Authorized pursuit of UN-permitted missiles continues to allow Baghdad to develop technological improvements that could be applied to a longer-range missile program. We believe that development of the liquid propellant Al-Samoud SBRM probably is maturing and that a low-level operational capability could be achieved in the near term.

The solid-propellant missile development program may now be receiving a higher priority, and development of the Alabab-100 SBRM 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 CW-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 this time frame, North Korea continued procurement of raw materials and components for its ballistic missile programs from various foreign sources, especially through firms in China. We assess the North Korean program is capable of producing and delivering via munitions a wide variety of chemical and biological agents.

During the first half of 2000, Pyongyang continued to expand its efforts 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 of a complicated but critical contract at China's Yonbyon complex for long-term storage and ultimate shipment out of the North in accordance with the 1994 framework agreement. North Korea maintains 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 has continued its efforts to obtain ballistic missile-related equipment, materials, technology, and expertise from foreign sources. Outside assistance is critical to its ballistic missile development programs, and the suspension of UN sanctions last year has allowed Tripoli to expand its procurement effort. Libya's current capability remains limited to its aging Scud B missiles, but with continued foreign assistance it may achieve an MBIRW capability—a long-desired goal.

Libya remains heavily dependent on foreign suppliers for precursor chemicals and other key CW-related equipment. Following the suspension of UN sanctions in April 1999, Tripoli reestablished contacts with sources of precursor chemicals and weapon systems abroad, primarily with Western Europe. Libya still appears to have a goal of establishing an offensive CW capability and an indigenous CW capability for weapons. Evidence suggests Libya also is seeking to acquire the capability to develop and produce BW agents.

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 made renewed talks on cooperation at the Tajura Nuclear Research Center and discussed a potential power reactor deal. Should such civil-sector work come to fruition, Libya may be moving ahead rapidly. If economic sanctions against Iraq were lifted, Baghdad probably would increase its attempts to acquire CW-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.

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 procurement of its chemical weapons program, including 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. The country's drive to advance to a nuclear weapons option. During the past few years, Syria has received Kornet-E (AT-14), Metis-M (AT-13), Konkurs (AT-5), and Bastion-M (AT-10B) man-guided missile systems, rocket launchers, and small arms, according to Russian press reports. Damascus has expressed interest in acquiring Russian Su-27 and MIG-29 fighters and air defense systems, but its outstanding debt to Moscow and ineligibility to fund large purchases has 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 older, less expensive weapons that nonetheless are advanced compared with the capabilities of the weapons possessed by its opponents and their supporters in neighboring countries in the long-running civil war.

In the WMD arena, Sudan continues 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 chemical weapons, it is highly probable that Sudan may be interested in a BW program as well.

India

India continues its nuclear weapons development program, for which its underground nuclear tests in May 1998 were a significant
milestone. The acquisition of foreign equipment could benefit New Delhi in its efforts to develop and produce more sophisticated nuclear weapons. India obtained some foreign assistance for its civilian nuclear power program during the first half of 2000, primarily from France. India continues to rely on foreign assistance for key missile and dual-use technologies, where it still lacks engineering or production expertise in ballistic missile development. Russia and Western Europe remained the primary conduits of missile-related technology transfers during the first half of 2000. New Delhi Flight-tested three short-range ballistic missiles—Prithvi, Shakti, and Dhanush—in January and June 2000—the Prithvi–II in February and June, and the Dhanush in April.

India continues an across-the-board modernization of its armed forces through ACW, mostly from Russia, although many of its key programs have been plagued by delays. During the reporting period, New Delhi continued negotiations with Moscow for 310 T-90S main battle tanks Su–30 fighter aircraft production, A-56 Airborne Early Warning and Control Shorak, Tu–22M Basheir fire maritime strike bombers, and an aircraft carrier, according to press reports. India also continues to explore options for leasing or purchasing several AWACS systems from other entities. India also has received its first delivery of Russian Krasnopol laser-guided artillery rounds to be used in its Swedish-build PH–77 155-mm howitzers, negotiated the purchase of unmanned aerial vehicles from Israel, and considered offers for jet trainer aircraft from France and the United Kingdom.

Pakistan

Chinese entities continued to provide significant assistance to Pakistan's ballistic missile program during the first half of 2000. With Chinese assistance, Pakistan is rapidly moving toward acquisition of solid-propellant SRBMs. Pakistan's development of the two-stage Shaheen-IIRBM also requires continued Chinese assistance. The impact of assistance throughout the reporting period is less clear.

Pakistan continued to acquire nuclear-related and dual-use equipment and materials from various sources, primarily 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 goods from foreign sources will remain important if Pakistan chooses to develop more advanced nuclear weapons. China, which has provided extensive support in the past to Islamabad's nuclear weapons and ballistic missile programs, in May 1996 pledged to provide full-scale safeguards, such as India.

During the first half of 2000, Russian entities remained a significant source of dual-use technology, chemicals, production technology, and equipment for Iran. Russia's biological and chemical expertise make it an attractive target for Iran's various proliferators. In May 1996, the Russian press reported that Russian entities had obtained convictions for unauthorized technology transfers in the export of high-importance dual-use goods. The Russian press also reported that Russia supplied Egypt with material for its civil nuclear program during this reporting period. Russia supplied India with material for its civil nuclear program during this reporting period. Russia supplied India with material for its civilian nuclear program during this reporting period. Russia supplied India with material for its civil nuclear program during this reporting period.

During this reporting period, the Chinese have continued to provide 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 to countries of proliferation concern—such as Iran, North Korea, and Libya.

China

Russian assistance continued to be substantial during this reporting period. With Chinese assistance, Pakistan is rapidly moving toward acquisition of solid-propellant SRBMs. Pakistan's development of the two-stage Shaheen-IIRBM also requires continued Chinese assistance. In addition, China continues to explore options for leasing or purchasing several AWACS systems from other entities. India also has received its first delivery of Russian Krasnopol laser-guided artillery rounds to be used in its Swedish-build PH–77 155-mm howitzers, negotiated the purchase of unmanned aerial vehicles from Israel, and considered offers for jet trainer aircraft from France and the United Kingdom.

During this reporting period, the Chinese have continued to provide full-scale safeguards, such as India.
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 expand acquisition of their WMD programs. Increasingly rigorous and effective export controls and cooperation among supplier countries have led the other programs to look elsewhere for many controlled dual-use goods. Machine tools, spare parts for dual-use equipment, and widely available materials, scientific 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 these capabilities 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 newer 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. 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 has substantially responsible for. While we have disagreements on the legislation, this 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 landing an 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 a long time.

Do we 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 the 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 trade 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 bill if one looks to the purposes of the bill. The purposes of the bill are to protect this country. That is why we have an export law, not to facilitate business.

A great majority of the time I am with my business friends, but when it comes to national security I must depart with those who would weigh too heavily the interests of trade. I suggest those who are interested in trade get about giving the President fast track, giving the President trade promotion authority. That will do more for trade and commerce than any 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 somewhat concerning, but concerns in terms of whether or not we would export something or grant a license for something, 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, letting someone over at the Department of Commerce categorize entire areas of foreign availability that takes it totally out of the licensing process, so you do not have a license, and our Government cannot keep up with what is being exported to China or Russia. 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 even required to have a license? 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 foolish process 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? Do not even consider whether or not to have a 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 .34 if people knew there wasn't such a process? And 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 so there is no question?

In conclusion, 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 perhaps I am wrong, perhaps nations could, and we see our agencies and our committees—like the Cox committee—saying our lax export laws are causing some of this, and we are in the process of loosening export laws, I think that is unwelcome. Perhaps I am wrong.

As I said yesterday, I can afford to be wrong. If I am wrong, a few 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. TORRICELLI. Mr. President, the U.N. World Conference Against Racism recently proceeding in Durban, South Africa, had the enormous potential 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 rising intolerance toward refugees, 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 than 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.

The conference, which was intended to be forward looking and to come up with a plan of action for fighting racism around the globe has instead destroyed itself because of old hatreds and the resurrection of discredited agendas. The insistence of Israel’s enemies on using this conference to launch vile attacks on Israel, to attempt to equate Zionism with racism, has fully and completely justified the Bush administration’s decision to withdraw from the conference. I take this vote today because on a bipartisan basis I believe it should be clear this Senate supports the Bush administration’s decision to leave the 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 is the lesson has not been learned. In 1995, 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 1996.

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. position, endorsed for the normalization of Israel’s status within the U.N. Indeed, normalization has been achieved.

For 40 years, Arab and Muslim nations prevented Israel from becoming a member of any regional group. By that denial of regional status, Israel and Israeli alone is prohibited from becoming an eligible member of the Security Council. This tremendous injustice was finally rectified only last year when Israel was able to join the Western European and Others Group.

Despite the Secretary General’s leadership in trying to improve U.N. resolutions regarding Israel, we are now forced to fight these old battles again, not only anti-Israel but indeed anti-Semitism for their own political purposes. While the anti-Semitic rhetoric being shouted by demonstrators in the streets of Durban is alarming enough, it is more appalling when endorsed in such official, internationally negotiated documents of a U.N. conference itself. This demonstrates that not only have we not made progress, but indeed this is as bad as any action taken in the unfortunate history of the U.N. on this subject.

The declaration being produced by the United States cannot possibly have had 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 virulent anti-Semitic language pouring forth from the Palestinian media and media of those of Israel’s neighbors. The language of intolerance and hatred is a key factor in inciting the brutal acts of terrorism now being perpetrated against Israel’s civilians.

So an organization created and dedicated to peace is now promoting 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 very 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 lasting elements 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 had another debacle 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 acted unilaterally, that historic acts 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 take the position that it is the highest standard. But for the United States of America to be removed from the Human Rights Commission upon September 6, 2001 CONGRESSIONAL RECORD—SENATE 16543
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 Mary Robinson has said that the United States has made a "historic contribution" to the Commission. Indeed, I see no need to justify the actions of the United States with regard to human rights. Indeed, it is not because we don't defend human rights alone that we were removed from the Commission; it is because we do 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 and China, 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 human rights. So be it. Let the nations of the world balance the actions of the United Nations and their own regimes against the historic role of the United States, considering our historic difficulties, and let history be the judge. Which institution, 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 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. Observers on both sides of the border have long acknowledged, without the United Nations, from the perch of Washington rather than the perch of the U.N. conferences in New York or regional conferences in Durban or Switzerland or anywhere else, we may fight alone but we fight in good company.

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 issued 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—in an attempt to take advantage of the expiration of the previous U.S.-Canada agreement on this topic.

The Commerce Department is due to issue another preliminary finding under another U.S. fair trade law, antidumping 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 I do not rise today to discuss the intricacies of U.S. trade laws.

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.

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—or particular provinces—stopped artificially lowering the price of stumpage, the portion of the export duty that would go to such 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 the environmental community form both countries.

This panel would evaluate proposals for forestry reform in Canada and propose a non-binding evaluation of the proposed changes to relevant U.S. and Canadian government officials.

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.

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

(See Exhibit 1)
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 ensure 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 would pursue a course of action 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 will withstand the scrutiny of any tribunal.

Obviously, the Canadian press misses what the other side sees: that Canadian officials will choose whatever 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 the dispute along the lines I have laid out. If the U.S. is forced to litigate and succeeds, there will be no domestic support for a settlement, no export duty, and no compromise. A compromise is possible now, but not later.

Again, I congratulate the Commerce Department—and particularly the hard work of Secretary Don Evans, Under-secretary 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 the suffering is over so that efficient, environmentally sound U.S. mills can compete on a level playing field—one way or another.

EXHIBIT 1

CUTTING SUBSIDIES, OR SUBSIDIZED CUTTING?


Prepared by: Tom L. Green, M.A., Ecological Economist; Lisa Matthias, MSc, Resource Economist, Sierra Club of BC

FOREWORD

(By Dr. Michael M'Gonigle)

Textiles, dairy products, newsmagazines, steel, airplanes, fish plants, forest products—throughout the world, subsidies exist for every industry imaginable. Talk of reducing or eliminating them 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 thoughtful manner it deserves.

There are, of course, many good reasons for government subsidies. In today's increasingly homogenized mass-market world, it makes 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 encouraging research. Indeed, subsidies are most useful in helping fledging industries make inroads against the predatory behaviour 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 Matthias 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 indus- try that is deeply anti-competitive in logic, and determining the potential for good public policy. This paper only addresses this situation in British Columbia, but many of its arguments apply to the industry worldwide.

The phrase "perverse subsidies" captures the situation admirably, perverse because they are paid for by without public scrutiny. Despite its very nature, the national government in British Columbia. This paper is an unfamiliar phrase. But it signifies a new type of economic analysis, a critically important analysis if society is to weed out our landscape of perverse subsidies. As our common sense tells us, the human economic system is a subset of our natural ecological system. Creating a sustainable future means re-embedding our over-expanded economy in the natural world.

That challenge is, as the authors makes clear, structural. The forest industry is undermined by a land base that blankets the province. These long-term tenures 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 incentives of the citizenry to innovate, and prosper, be set loose.

Smith's radical argument applies equally in British Columbia today. Indeed, in a thought experiment, the discussion of structural subsidies, the 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 its potential cost. Should the seller (the provincial government) excludes another legitimate interest (First Nations) from the bargain. This situation dramatically lowers the whole forest product 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 hidden from the public. The national government's avowed commitment to the "magic of the marketplace", 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 endangered ecosystems, depends upon our doing it.

1. EXECUTIVE SUMMARY

Following his recent election victory, Premier Campbell has repeatedly asked British Columbians to hold him accountable to the Liberal Party election promises. For a party generally perceived as pro-business, one of the best promises was to end corporate subsidies. The Liberals also committed to developing a "leading edge forest industry that is globally recognized for its productivity and environmental 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 sub-
sidies that are allowing the logging industry to develop from an innovative, di-
verse and sustainable industry. The elimi-
nation of subsidies is necessary to create
that "leading edge industry", because exis-
ting subsidies encourage economic ineffi-
ciency and the depletion of resources. Exis-
ting subsidies inhibit change, innovation and investment. They also hinder the develop-
ment 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 indus-
tries are frequently heavily subsidized, often
receiving "perverse subsidies"—subsidies that hurt both the economy and the environ-
ment. 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 pub-
lid land is called stumpage. This report con-
cludes that flaws in the calculation method-
ology result in the BC government charging companies stumpage rates below the in-
ternal rates. The failure to ensure that the rules for calculating stumpage are equitably
implemented and enforced provided a poten-
tial subsidy of about $350 million over a two-
and a half year period. Comparing BC’s
stumpage to competitively driven stumpage rates in similar timber regions in the US
demonstrated total subsidies to the BC for-
est industry resulting from undervaluing of
public timber at $2.8 billion for one year.

Bailouts and Handouts: Direct payment of
cash to forest companies is the most readily
understandable of forest industry subsidies. Although sometimes public investment may be
justifiable to meet broader societal objec-
tives, as in the case of a bailout of an un-
quated Skeena Celulose mill is a textbook
e example of a perverse subsidy. Handouts are
demic in BC. The report documents ongo-
ing efforts of the Job Protection Commis-
sioner to find ways to reduce company costs
through the use of public monies and through regulatory waivers.

Waiver of Environmental Protection: When
government allows industry to operate with
out full compliance with environmental leg-
islation, industry is able to transfer the cost
of bad environmental practices onto the pub-
lc, resulting in a substantial subsidy. In BC,
nether provincial nor federal environmental
rules related to forestry are being fully im-
plemented or enforced, allowing companies to financially benefit from lack of regu-
larly compliance. It is estimated that this
amounts to a subsidy of $900 million annu-
ally.

Non-recognition and Infringement of Ab-
original Title: First Nations traditional ter-
ritories include virtually all of BC’s forest
lands. Although Aboriginal Title is consti-
tutionally protected right, logging activ-
ities—that would amount to infringe-
ments of Aboriginal Title—routinely occur in BC without consent of or meaningful con-
sultation with affected First Nations. Com-
penstation will ultimately be required for
both the extraction of First Nations’ re-
sources and the long-term degradation of traditional territories damaged by logging. This burden
will fall on taxpayers, not the companies
who have profited, resulting in a subsidy. In 1999 this subsidy is estimated at between $228
million and $1.163 billion.

Tenure, BC logging companies operate pre-
dominantly on public land and under govern-
ment contracts. The long-term use of public
land is undervalued because the BC govern-
ment consistently undervalues the stumpage rate, tenures have acquired a mar-
ket value related to the ongoing stumpage
rate. Further, the BC government has allo-
cated corporate interests to shut down
mills in violation of obligations in tenure
agreement yet retain secure supplies of tim-
bere, thus providing further corporate be-
fits.

While the BC Liberal Party has made the
general promise to eliminate business sub-
sidies, it has also add more specific prom-
ises that directly bear on the subsidies out-
lined above. These promises include:

- Create a market-based stumpage system
  that reflects global market realities and
  local harvesting costs;
- Cut the forestry regulatory burden by one
  third within three years;
- Introduce a legislative framework for
  legally respecting Aboriginal Rights and Title
  and work to expedite interim measures
  agreement where one does not exist;
- Develop a working forest land base on public
  land and fully protect private property
  rights and resource tenure rights.

Depending on how these promises are im-
plemented, they could help reduce subsidies,
but they could also dramatically increase
subsidies to the BC forest industry.

The Liberals also made other specific elec-
tion promises that speak to other potential
subsidies to the forest industry, including:

- Apply 1% of all direct forest revenues, not
  including super stumpage to global mar-
ket prices of BC’s forest practices and products;
- Increase the Allowable Annual Cut over
  time through incentives to promote en-
hanched silviculture.

A high level of vigilance will therefore be
required to ensure that subsidies to the BC
forest industry do not persist or even in-
crease under the Liberal watch.

The elimination of subsidies in any sector
causes economic inefficiency and job displace-
ment. As one researcher commented,

- Obstacles to removing subsidies tend to be
  highly political. Opposition of vested inter-
  ests and even government of the workforce
can be very powerful. Once pay-
  ments are in place then a type of addiction
  follows, and there may be uncertainty and
  fear over the consequences of subsidy re-
  moval.

This report therefore recommends that
subsidies to the BC logging industry be
phased out gradually and carefully.

- Taken as a whole, the federal and provin-
cial government subsidies to the BC forest
industry are considerable and counter-pro-
ductive. The amount of subsidies coming
from the provincial government alone (in-
cluding those proposed by the Liberals) is be-
tween $7.5 billion and $8 billion each year.

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 Colum-
bians deserve better.

U.S.-JORDAN FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise in support of S. 643, which implements the agree-
ment between the United States and Jordan. The Trade Agreement Area. The legislation passed the Fi-
nance 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.-Jor-
dan Free Trade Agreement is a strong signal of support to a valued ally. Although Jordan is not currently a major trading part-
tner of the United States, this agreement should open the door for increased trade and investment between the U.S. and Jordan. More impor-
tantly, it is my sincere hope it will help to bring peace to the region through economic stability.

The principal feature of the U.S.-Jor-
dan FTA is the mutual elimination of
tariffs within 10 years. Modeled after the
U.S.-Israel FTA, it also limits other non-tariff trade barriers and es-

dablishes a mechanism for the settle-
ment of disputes. The agreement is also
unique. Most notably, it specifies that com-
panies must enter into joint ventures with
Arab firms to operate in Jordan.

I recognize that these particular pro-
visions have sparked some debate. How-
ever, 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
catalyzed this Congress and this admin-
istration into a real dialogue toward
defining a new international trade consenso. The Jordan agreement as-
side, I find it completely reasonable that we should expect our trading part-
ners to maintain their labor and envi-
ronmental standards. That’s simply good business. To weaken such stand-
ards solely to gain a trade advantage
would undermine a country’s credi-
bility—not to mention destabilize the very trade relationship the FTA was intended to benefit.

The U.S.-Jordan FTA has been nego-
tiated and signed. The Bush Adminis-
tration supports it and has no inten-
 tion 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 agree-
ment. Jordan’s King Abdullah II visits the
U.S. next week to urge passage of the
agreement.

I hope his visit will encourage poten-
tial detractors to recognize the impor-
tance of swift action and agree not to
stand in the way of immediate consid-
eration of this vital legislation.

Simply put, this is a good trade agree-
tment. The time is right for the Senate to take up and pass it without amendmen-

MONTANA WILDFIRES

Mr. BAUCUS. Mr. President, the loss of our firefighters’ lives is a tremendous tragedy that lends us perspective. With the loss of four fight-
er in less than 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 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 Danny Rendek, just 24 years old, was killed when struck by a falling 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 a passionate advocate 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 near Hysham and in and around Glacier National Park.

The Fridley Fire has burned over 26,800 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 33 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 crews include: Glacier Park, Bitterroot Hot Shot Crew, Trapper Creek Job Corps, Kootenai National Forest and Flathead National Forest.

The force of the Moose Fire is tremendous. 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, 800 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 large fires in the state, including the 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 for funding for 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 do everything I can to 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 PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to order for the quorum call be rescinded.

The PRESIDENT. 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 Secretary Powell’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 enforcement of drug trafficking, their unwillingness to arrest cartel leaders, to vigorously prevent the laundering of money, their refusal to extradite a single Mexican national on drugs charges, and because of the widespread corruption within 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 in Mexico today as well. But, 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 any who dare either to cross the cartels or stand in their way.

It is fair 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.

For Fox, the Fox 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 him directly a list of requested extraditions, prepared by our Drug Enforcement Administration. 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 the United States.

Since January, 14 fugitives have been extradited to our country from Mexico.

Four of these were Mexican nationals, and three of the four, for the first time, were Mexican nationals extradited on major drug charges. 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, Everardo 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 Marcias has also been extradited to the United States. He was responsible for successfully building a tunnel between Agua Prieta, Sonora, and Douglas, AZ, through which up to 2 tons of cocaine flowed every day.

Extradition has always been the most visible and effective sign of how seriously the Mexican Government is taking the fight against drug cartels. I am very proud to say thank you to President Fox and to the Government of Mexico for their cooperation in this regard.

It is not easy for Mexico to target these individuals and send them to the United States for trial. It is politically difficult, for many in Mexico do not believe that Mexican citizens should face trial in the United States, and it is difficult for personal safety reasons as well.

Let me give an example. The lawyer who represented Everardo Arturo Paez in opposition for 3 years and who failed to prevent his extradition 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 certain leaders of Mexican cartels. Adan Amezquita, one of the three Amezquita brothers, was arrested in 1997, but he was freed by a corrupt judge who has since been fired from the bench. Amezquita was rearrested by Mexican officials this past May.

Why are they important? The Amezquita brothers are major methamphetamine traffickers. They are responsible single-handedly for the introduction and distribution of this drug throughout this country. Indeed, the cartel and its nationals still run meth labs throughout the United States.

In cooperation, the Governor of Quintana Roo, Mario Villanueva, who was arrested while he was still Governor, asked to serve out his term of Governor law enforcement agencies for 3 years and has been gone. Well, he was arrested in May for major drug crimes in Cancun, and today he is in a maximum security prison in Mexico.

President Fox’s Government dismantled an entire cell of the Arellano Felix cartel, perhaps the most vicious cartel operating right out of Tijuana. They arrested 7 of its leaders. They seized 8 houses, 18 vehicles, 19 firearms, and communication devices.

Seizures of illegal drugs have been on the rise. Some of them are at an all-time high. In February, the Mexican Government seized 14 tons of marijuana in cookie boxes; in April, another 2,121 tons. In May, they seized 8.8 tons of cocaine aboard the fishing vessel Forever My Friend, and the 10 crew members have been transported to San Diego; in May, another 12 tons of cocaine aboard a vessel flying a Belize flag. Overall, this past year, 24 tons of cocaine have been seized from fishing vessels as a result of cooperation between 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 Carillo Fuentes cartel. Retired general, Jorge Mariano Maldanado 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 last year, some countries can possibly combat the wealth and sophistication of these major drug trafficking organizations. Only by cooperating 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 fostered new relationships and trust between 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.

Before I yield the floor, I would like to introduce Senator Fox today in joint session regarding passage of S. 219, the Dodd certification legislation.

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 countries, 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 progress has not been made. 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 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 the 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 can resonate 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 and community economic development workers, in our neighbor Colombia, who are besieged by the growing paramilitary
violation in their county. These individuals, some of whom I have come to know personally, all of whom I greatly respect, are heroes for their contributions to Colombia and human rights. They deserve to be heard and to be aided by the United States government. 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 the military in Colombia. The Colombian government must be held to the highest standards of human rights. They cannot be allowed to justify their human rights abuses by equating the laudable civic involvement of those they persecute, with sympathy for the guerrillas. The paramilitary organizations have penetrated ever deeper into Colombian civil society, bringing their terror to communities all across Colombia. In many cases, they do so with the acquiescence of the Colombian military and government, at the local and even national level.

The Colombian government must find a way to respond to the paramilitary threat. It is a threat to the rights of free speech, free assembly, and, moreover, the rule of law in Colombia. We must send a message to all violent actors in Colombia, especially paramilitary groups. The targeting of the civilian population with murder, extortion, kidnapping, torture and mutilation is unacceptable!

The United States has an obligation to nurture democracy and stability 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 encouragement; for they represent the 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 these courageous people who 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 priest who 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 Community of San Pablo, working as the coordinator of the Program of Development and Peace.

Why are these innocent people, doing their civic involvement of those they persecute, with sympathy for the guerrillas. The paramilitary organizations have 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 paramilitary violence is not allowed to murder civil society people, defenders of human rights, people doing good work, as the men and women in Father Francisco de Roux's organization do, with impunity. We cannot be allowed to justify their human rights abuses by equating the laudable civic involvement of those they persecute, with 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.

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 a courageous member of her community. Her dismembered body was found in the community of Morales on July 1 of this year. On July 17, another brutal assassination took place. This assassination took the life of Eduardo Estrada. He was murdered right in front of his family after a family reunion. He was a respected leader of the community in San Pablo, working as the coordinator of the Program of Development and Peace headed up by Father Francisco de Roux.

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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 is a recent and highly respected Two members of his organization have been brutally murdered in the last 40 days. Their plea, and 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 Colombian civil society against the abuses of the guerrillas and the paramilitaries alike. The message needs to be communicated to the military in Colombia that Black hawk helicopters and the military assistance come human rights conditions 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 and the paramilitary right. Up to date, they have not defended people from violence in Barranca, 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 control the city. With the exception 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 in good conscience neglect to mention the plight of our brothers and sisters in the Colombian labor movement. There has been an alarming 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 4,000 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 most of 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 Darío 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. Earlier this summer, the International Labor Rights Fund and the United Steelworkers of America brought a suit against the Coca-Cola company alleging that the Colombian managers had colluded with paramilitary security forces to murder, torture and silence trade union leaders.

According to a recent New York Times report by Juan Forero, the number of union workers at Coke plants in Colombia has dropped to 450 from 1,300 in 1993. Total Sinaltrainal membership has dropped to 2,400 from 5,800 five years ago.

Regardless of the outcome of this particular legal 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 paramilitary gunmen to intimidate and kill in order to break labor unions. Last year alone, at least 130 Colombian labor leaders were assassinated, and 80 union workers have been killed this year as during the same time last year. That’s more than 80 unionists killed since the beginning of this year.

Colombia, like the United States, has been in the last three years to one-off spending, or organize. However, when they do, they face grave threats. This is a serious violation of human rights, under Article 22 of the International Covenant on Civil and Political Rights. The Colombian government must take an active role in protecting and ensuring that these rights are enjoyed by all its citizens.

Likewise, the Senate should bear in mind the deteriorating plight of union membership in Colombia before sending additional military aid to a government that can’t—or won’t—crack down on paramilitary forces.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Some of my colleagues might look at the CBO midterm budget review and see the problem of on-budget deficits as a short-term phenomenon since CBO projects a return to consistent on-budget deficits 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 2½ 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 people, Congress would not have invaded the Social Security this year. The problem is we
just spend too much money. 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 in-
crease. 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 Presiding Offi-
cer and I had to do when we were Gov-
ernors 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 $88 bil-
lion and Congress and the previous ad-
ministration did not believe they had to make hard choices.

Well, things are different today, and
now we must make the 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 released by CBS news just yesterday,
day more than 70 percent of Americans opposed using the Social Security surplus to fund general government spend-
ing: 66 percent of Americans opposed using the Social Security surplus even in the event of a recession. Our con-
stituents are making it pretty clear where they stand. They stand against spending the Social Security surplus.

Some people, when they find out we say we should spend the Social Secu-
urity surplus to stimulate the economy, I say to that, “hogs wash,” 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 be-
tween pay-as-you-go 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 dif-
ference. More people pay higher payroll taxes in this country today than they do income taxes. The money will be used for their Social Security benefits and not for general gov-
ernment spending.

As my colleagues know, there are only two things we should legitimately
spend the Social Security surplus on: Social Security benefits or paying for 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 reasons rates wanted to reserve a U.S. Senator to have an opportu-
nity to bring fiscal responsi-
bility to our Nation and help eliminate the terrific debt we have accumulated. As my colleagues know, for years suc-
cessive Congresses and Presidents have spent money on things that, while im-
portant, 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, my children’s future, and my grandchildren in jeopardy. In other words, “we buy now, you pay later.

I cannot convey how wrong I think it is to saddle them with such an exces-
sive financial burden, something this Congress should correct. Using the So-
ecial Security surplus to repay the publicly held national debt will make it easier for the Government to meet its other obligations and the beneficiaries in the future. At this point, the vast majority of projected debt reduc-
tions—some 75 percent over the next 10 years—will be out of that Social Secu-

In testimony before the Senate Budg-
et Committee last year, Dan Crippen, the CBO Director, stated “most econo-

It was true then and it is true today.

If the Government has little or no publicly held debt when the baby boomers begin to retire, it will be more manage-
able for the Government to borrow to cover the obligations. The President needs to release the Social Security surplus to
refund the debt. Lower the 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 sur-
plus was no longer used to offset spend-
ing—being used for debt reduction in-
stead—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 addi-
tion, 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 reduc-
tions; No. 2, it restrained 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 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.

As I mentioned, either higher payroll taxes or higher income taxes or bor-
ning of Social Security surplus funds to

Moreover, by reserving the Social Se-
curity surplus to help repay that $3.1 trillion publicly held debt, money cur-
rently 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
boombers. We have to have a growing economy. That is the most important
thing we have.

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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, these offset provisions will be favorably considered 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 it clear what the Senate wants. 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 the Presiding Officer serves 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 this 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 capacity.

Fourth, the need to address the fundamental connection between energy and global warming is something that is becoming a major concern of many Americans, 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 insuring that 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 August recess—a markup 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 energy R&D, our recent commitment to it leaves a great deal to be desired. The level of effort we are making today in technology research and development is equivalent in constant dollars to what we were making in 1966. Yet our economy 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 next week and its effort to mark up a bill this next week. Major topic ahead before the committee as we move forward in this markup will include policy proposals to improve energy efficiency, to improve our ability to produce energy from a great diversity of sources, and to address the tough issues related to electricity restructuring.

Today I am releasing a detailed description of the proposed committee'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 electricity, and 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 that we will be considering for the energy policy bill will contain provisions that will improve energy efficiency in household appliances—also provisions that will improve energy efficiency in Federal and other facilities and industry itself.

Let me state my belief, though, that increasing vehicle fuel efficiency is one of the highest legislative priorities that we should have in our legislation. In addition to our growing dependence 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 are in our jurisdiction. The mark also authorizes a grant program to help build energy-efficient schools. School districts can ill afford to waste taxpayer funds on excessive energy bills because of the inefficiency of school buildings.

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 provisions included in the Energy and Natural Resources bill, which is before us today.

I hope to be able to work with my colleague from Alaska during the markup to help make that happen. 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.

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 put in place when the U.S. had abundant and easily accessible supplies. We have few such resources 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 economic viability 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 additional 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. In the mark that I will present to the committee, I 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 country. 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 wake-up 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. These investments will have a 30- to 50-year lifespan. Will we put in place a structure to maximize the chances that investments will go to new technologies that will give consumers real choices over their energy use or will Congress, by its inaction, perpetuate obsolete frameworks 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 21st century 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 comprehensive 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 will try 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, or FERC. FERC will be given authority to ensure that all electric transmitting 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 siting of 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 likely to lead to 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 need 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 Holding 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 deregulation. These include an emphasis on ensuring access to affordable electricity, and Indian communities to electricity; protection of consumers from unfair trade practices; and a Public Benefits Fund to ensure that there is a way to fund electricity programs 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 contribution made by existing forms of load 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 standard, uniform interconnection standards to the electric grid, greater flexibility and predictability to the process of relicensing hydroelectric dams, and a reapportionment of parts of the Price-Anderson Act.

Finally, a common thread among many of the provisions that I have mentioned in this chamber today and that we will be considering in the bill is perhaps the most important public policy challenges of the 21st century, and that is climate change. Climate change policy and energy policy are inseparably linked, because energy use and the use of energy are leading sources of greenhouse gases that affect the atmosphere. The Senate must ensure that the energy legislation it passes makes a meaningful, positive contribution to dealing with this issue. Many of the provisions that I have already discussed—energy efficiency, the focus on more renewables—make a contribution to this goal. The mark that we will be considering in committee will contain some additional provisions to promote better information and policy on greenhouse gas emissions.

Energy policy is a difficult and complex topic. Getting to a solution that gives America a vibrant energy infrastructure and the right policies for the 21st century will require careful work on complicated issues. Our Nation’s future economic prosperity, and the jobs of millions of Americans, are at stake. I hope that the approach taken in the Senate combines a thoughtful analysis of current energy use with a willingness to take some bold policy steps to address those challenges. That certainly is the spirit in which I will be making proposals before the committee.

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.

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 overturned 71 years of one-party rule in Mexico, one-party rule dominated by 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 the 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, that we not squander this chance. 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 and the importance of bilateral cooperation.

I commend both leaders on their ongoing commitment to hemispheric partnership, and look forward to even greater cooperation stemming from this week’s meetings.

No one can deny the importance of our involvement 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 heritage; that is 67 percent, two-thirds 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 for our Nation.

As an advocate of free trade in the Americas, Mr. Fox recognizes that a strong, steady economy in Mexico can be the foundation to help solve many of our shared challenges and advance our mutual prosperity.

I am confident that President Fox’s visit to the United States will advance our growing and strengthening partnership and that both leaders will engage in constructive dialog to promote cooperation, the economic 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. Mexico’s plight is compounded by the inherent problems, historic 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 free trade agreements 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 mutual business 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 micro-enterprise 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 develop and further nationalize 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 advancing 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 nation’s 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.

I have had the opportunity, as I know many other 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 through financial or technical assistance. It is in our own interest in the United States that Mexico succeed in this reform 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 the time is here for us to make 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 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 United States and our 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 taken up 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 Mexico. I think it would 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 enforcement realm. 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 a great deal. So I think the time is right 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. We know 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.

Mr. President, I yield the floor and I suggest that the President end the 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.

出口管理法案的修正案

9月6日继续

Mr. ENZI. Mr. President, we are entering the period where we make a few last minute comments before the 4 o’clock vote regarding the Export Administration Act of 2001.

出口管理法案的修正案

Mr. ENZI. Mr. President, I am writing on behalf of the 14,000 members of the National Association of Manufacturers endorsing the Export Administration Act, which has been working on for 3 years, a law that expired in 1994, and we have had 12 attempts at change since that time. 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 a letter received from many of the computer folks, including Dell Computer, IBM Corporation, Intel, Hewlett-Packard, NCR, Motorola, and Unisys, pointing out the need for this legislation, and the fact they are happy with it, be printed in the RECORD.

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

National Association of Manufacturers, Washington, D.C.

DEAR SENATOR: As the Senate begins debate on S. 149, the Export Administration Act of 2001, we strongly urge you to support the bill as it was reported out 19-1 by the Senate Banking Committee and to oppose all restrictive amendments during its floor consideration. Passage of this legislation represents 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. From well over the administration of President Bush and his national security team, which opposes amendments that would upset the careful balance achieved in the Banking Committee bill.

Among S. 149’s many provisions is one of critical importance to the U.S. computer industry. Section 702(k) would eliminate those provisions 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 the authority and 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 Henry Stimson Center, Senate Accounting Office, and the Defense Science Board, which have all concluded that the MTOPS-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 R. Galvin, Motorola; Lars Nederberg, NCR Corporation; R. Lawrence Weinbach, Unisys Corporation.

Mr. ENZI. I take this time to thank Senators GRAMM and SARBANES for their tremendous leadership and for entrusting 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 Osborn, 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 Nash; from the staff of Senator HAGEL, Dave Dorman; and the staff of Senator BAVI, Catherine Wojtasik; and other staff includes Jim Jochum 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 date that have been contributed on a number of people’s behalf to make the bill come together and be successful.

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

**Summary of EAA Discussions, 1999-2000**


January 28, 1999, 3:30 p.m.: Enzi staff meets with Thompson staff to discuss issues regarding Reauthorization of EAA.

February 6, 1999, 10 a.m.: Enzi staff meet with Gary Milhollin, 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 18, 1999, 3 p.m.: Enzi staff meet with WMD Commission.


April 29, 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 Security Issues and Reauthorization of the Export Administration Act.

June 22, 1999, 10:30 a.m.: Enzi staff meets with Sen. John Warner.

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, inteligence), industry, Senators and staff to provide pullout CRA00.120 regarding three issues to other senators’ staff.

October 6, 1999, 10 a.m.: Banking Committee meets with AIPAC staff.

October 10, 1999, 9 a.m.: Enzi 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 23, 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 28, 1999, 4 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 SFRP staff (Marshall Billingslea), draft a very 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 since military now incorporates 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, 2010, 10 a.m.: Banking staff meets with SASC staff.

Wednesday, February 9: Senators Warner, Helms, Shelby, and Thompson send a letter to Senators Gramm and Enzi, cc’d to Senator Lott and the other senators, expressing “grave concerns” about S. 1712.

Monday, February 25, 5 p.m.: Senator Thompson sends a letter to Senators Gramm and Enzi, cc’d to Senator Lott and the other senators, expressing “grave concerns” about S. 1712.

Wednesday, February 25: Senator Thompson sends a letter to Senators Gramm and Enzi, cc’d to Senator Lott and the other senators, expressing “grave concerns” about S. 1712.

Wednesday, February 25: Gramm and Enzi staff provide pullout CRA00.120 regarding three issues to other senators’ staff.

Friday, February 25: Senator Thompson host impromptu meeting with DOD and DOC officials and Enzi and Johnson staff in SASC hearing room; walk through differences [4 hours].

Tuesday, February 29, 2010, 9 a.m.: Warner staff host meeting with DOD and DOC officials and Gramm, Enzi, SARBANES, Johnson, Levin staff in SASC hearing room [2.5 hours].

Tuesday, February 29: Senators Warner, Helms, Shelby, Kyl, Thompson, Roberts, Inhofe, and B. Smith send a letter to Senator Lott to express “continuing concerns” with S. 1712, stating that “e’en with its proposed managers’ amendment” the bill fails to address concerns, and objecting to its consideration.

Tuesday, February 29: Senators Abraham 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.

Friday, March 3, 2 p.m.: Senators Gramm and Enzi meet with Senators Warner, Helms, Kyl, 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, Shelby, Kyl, and Thompson in Senator Gramm’s office; finish walking through their concerns [2 hours].

Tuesday, March 7, 8 a.m.: Senators Gramm and Enzi meet with business community in Assistant to the leader’s office to discuss ongoing member negotiations.

Tuesday, March 7, 4:30 p.m.: Gramm and Enzi staff meet with Warner, Helms, Kyl, Thompson, and Shelby staff; walk through 4-page Managers’ Amdt document [1.5 hours].
Tuesday, March 7, 5:45 p.m.: Senator Lott brings up EAA by unanimous consent Senate Thune raises concerns on floor but does not object.

Wednesday, March 8, 11 a.m.: Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, 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 8, 12:30 p.m.: Senator Gramm takes EAA off floor via special UC agreement among Senator Lott, Daschle, Thompson, Reid, and others.

Wednesday, March 8, 4 p.m.: Gramm and Enzi staff provide other senators’ staff with revised Managers’ Amdt document and ask for comments.

Thursday, March 9, 3 p.m.: Senator Warner gives Senators Gramm and Enzi mislabeled letter with attachment of proposed amendments to Managers’ Amendment.

Thursday, March 9: Senators Warner, Helms, Shelby, Kyl, and Thompson send another letter to Senator Lott expressing “continuing concern” about S. 1712 and objecting to moving to its consideration.

Friday, March 10, 12 p.m.: Senator Gramm meets with Senator Warner (other senators represented by other staff) to give him Gramm/Enzi final response document; asks for final decision from senators.

Week of March 13-17: Gramm/Enzi staff wait for response re S 10 document.

Thursday, March 16: Senator Gramm schedules members’ meeting for 10 a.m. Friday, 10 a.m. to get response to 3/10 document; postpones following week after being told that Kyl/Heims/Shelby not in town and Warner and his staff both “unable to attend”.

Monday, March 20: Senator Gramm schedules members’ meeting for 2 p.m. Tuesday, 2nd to get response to 3/10 document; postpones to later same week after being told that Shelby not back until Tuesday night and that the senators first need to meet to confer.

Week of March 20-23: Gramm/Enzi staff continue to wait for response re S 10 document.

Tuesday, March 21: Senator Warner announces sudden SASC hearing for Thursday 2nd; cites “considerable differences” remaining between Banking and other senators.

Wednesday, March 22, 1 p.m.: House International Relations Subcommittee on Economic Policy reluctantly removes Senators Gramm and Enzi from their witness list, and instead holds hearing solely with industry witnesses; hints at marking up narrow EAA bills.

Wednesday, March 22: [Other senators apparently hold meeting to confer].

Thursday, March 23, 10 a.m.: Senator Warner holds second SASC hearing, at which he presses GAO witness to say S. 1712 “must” be strengthened, and states that “the four chairmen have not received some legislative language which we feel is essential to making our decisions on this”.

Thursday, March 23: Senator Reid gives floor statement urging Senate passage of S. 1712, members “tried to make a bill... but frankly, the majority is unable to join with 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 received a letter dated March 23 from Senators Warner, Helms, Shelby, Kyl, and Thompson. The letter stated:

“As you know, on March 6 [sic], 2000, we provided you with a package describing the changes we propose to reach an agreement on the proposed reauthorization of S. 1712 [sic], the Export Administration Act. We were disappointed that you were unable to agree at most four of the eighteen issues we identified, and were unable to agree to some issues on which we believed we had previously reached agreement. Also, we cannot agree at this time to return the bill to the Senate floor under the terms of the unanimous consent agreement field on March 8.

There are important issues remaining to be resolved, and we feel that negotiations should continue in order to fore there being hope for achieving an Export Administration Act that successfully balances the needs of industry and national security.”

Week of March 27-31: Gramm/Enzi staff do not hear from other senators’ staff.

Week of April 3: Gramm/Enzi staff do not hear from other senators’ staff.

Tuesday, April 4: Senator McCain holds hearing on S. 1712, at which he expresses concern that the bill is not adequately protecting national security; Senators Thompson and Enzi testify.

Tuesday, April 11: Gramm staff call the staff of other senators to alert them that Senator Lott planned 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 then would 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 a cloture petition on a motion to proceed to S. 1712, and one on S. 1712; both were signed by 16 Republicans representing a broad diversity of states and of Senate Committees (including SASC, SFRGC, SSAOC, and SCFT).

Wednesday, April 12: Senator Thompson holds SGAC hearing on multilateral export controls.

Thursday, April 13: Senator Thompson holds SGAC hearing on multilateral export controls.

Wednesday, April 18: Senator Lott holds SASC hearing on S. 1712, at which he expresses concern that the bill does not adequately protect national security; Senators Thompson and Enzi testify.

Thursday, April 19: Senator Enzi testifies.

Thursday, May 25: Senators Thompson and Enzi testify.

Friday, May 26: Senator Thompson holds SASC hearing on S. 1712, at which he expresses concern that the bill does not adequately protect national security; Senators Thompson and Enzi testify.

I yield the floor to Senator 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 do you have?

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 bill. It has been hard work. We think it is good, balanced legislation. I join with Senator ENZI in thanking the staff: Steve Harris, Marty Gruenberg, and Laurie Better of my staff; Katherine McGuire has done a wonderful job; and Joel Oswald and Kara Calvert of Senator Enzi’s staff. I also thank Fiona and Paul Nash of Senator Johnson’s staff; and Wayne Abernathy and Amy Dunathan from Senator Gramm’s staff. I thank Senator Gramm. We worked very closely on this bill. I pay tribute to Senator Enzi and Senator Johnson who worked together so assiduously, so skillfully, in helping to develop and evolve this legislation.

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 and over again, contributed significantly to shaping legislation 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 in this in a proper Senate fashion in terms of our debate and our efforts 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.
At a time when we know that some of those to whom we will be sending more high-tech sensitive exports have in times past used them for military purposes, committees such as 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 rightfully engaged in the considerations of trade and commerce. They should not be given the responsibility of national security.

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 mean 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, respectful 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?

There 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:

[Rollcall Vote No. 275 Leg.]

YEAS—85

Akaka
Allard
Allen
Baucus
Bayh
Benett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Chafee
Collins
Clinton
Chesley
Cochran
Collins
Dayton
Daschle
Dodd

Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
 Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchinson
Inouye
Jeffords
Johnson
Johnson
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman

Lincoln
Lott
Lugar
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reed
Rockefeller
Sanatorium
Sarkies
Schumer
Smith (OR)
Snowe
Stabenow
Stevens
Thomas
Torricelli
Voinovich
Warner
Wellsstone
Wyden

NAYS—14

Byrd
Cochran
DeWine
Feingold
Fitzgerald
Helm

Inhofe
Kyl
McCain
Sessions
Shelby

Smith (NH)
Specter
Thompson
Thurmond

The bill (S. 149) was passed, as follows:

S. 149

Be it enacted by the Senate and House of Representitives 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.

TITLE I—GENERAL AUTHORITY
Sec. 101. Commerce Control List.
Sec. 102. Delegation of authority.
Sec. 103. Public information; consultation requirements.
Sec. 104. Right of export.
Sec. 105. Export control advisory committees.
Sec. 106. President’s Technology Export Council.
Sec. 107. Prohibition on charging fees.

TITLE II—NATIONAL SECURITY EXPORT CONTROLS

Subtitle A—Authority and Procedures
Sec. 201. Authority for national security export controls.
Sec. 203. Country tiers.
Sec. 204. Incorporated parts and components.
Sec. 205. Petition process for modifying export status.

Subtitle B—Foreign Availability and Mass-Market Status
Sec. 211. Determination of foreign availability and mass-market status.
Sec. 212. Presidential set-aside of foreign availability status determination.

Sec. 213. Presidential set-aside of mass-market status determination.

TITLE III—FOREIGN POLICY EXPORT CONTROLS
Sec. 301. Authority for foreign policy export controls.
Sec. 302. Procedures for imposing controls.
Sec. 303. Criteria for foreign policy export controls.
Sec. 304. Presidential report before imposition of control.
Sec. 305. Imposition of controls.
Sec. 306. Deferral authority.
Sec. 307. Review, renewal, and termination.
Sec. 308. Termination of controls under this title.
Sec. 309. Compliance with international obligations.
Sec. 310. Designation of countries supporting international terrorism.
Sec. 311. Crime control instruments.

TITLE IV—PROCEDURES FOR EXPORT LICENCES AND INTERAGENCY DISPUTE RESOLUTION
Sec. 401. Export license procedures.
Sec. 402. Interagency dispute resolution process.

TITLE V—INTERNATIONAL ARRANGEMENTS; FOREIGN BOYCOTTS; SANCTIONS; AND ENFORCEMENT
Sec. 501. Internation arrangements.
Sec. 502. Foreign boycotts.
Sec. 503. Penalties.
Sec. 504. Missile proliferation control violations.
Sec. 505. Chemical and biological weapons proliferation sanctions.
Sec. 506. Enforcement.
Sec. 507. Administrative procedure.

TITLE VI—EXPORT CONTROL AUTHORITY AND REGULATIONS
Sec. 601. Export control authority and regulations.
Sec. 602. Confidentiality of information.
Sec. 603. Agricultural commodities, medicine, medical devices.

TITLE VII—MISCELLANEOUS PROVISIONS
Sec. 701. Annual report.
Sec. 702. Technical and conforming amendments.
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. DEPARTMENT.—The term “Department” means the Department of Commerce.

5. EXPORT.—(A) The term “export” means—
   (i) an actual shipment, transfer, or transmission of an item from the United States;
   (ii) a transfer to any person of an item either within the United States or outside of the United States with the knowledge or intent that the item will be shipped, transferred, or transmitted to an unauthorized recipient outside the United States; or
   (iii) a transfer of an item in the United States to an embassy or affiliate of a country, which shall be considered an export to that country.

6. The term includes a reexport.

7. FOREIGN AVAILABILITY STATUS.—The term “foreign availability status” means the status described in section 211(d)(1).

8. PERSON.—The term “person” includes—
   (A) any individual, or partnership, corporation, business association, society, trust, organization, or any other group created or organized under the laws of a country; and
   (B) any governmental entity, including any governmental entity operating as a business enterprise.

9. REEXPORT.—The term “reexport” means the shipment, transfer, transportation, or diversion of items from one foreign country to another.

10. SEC. 103. PUBLIC INFORMATION; CONSULTATION
   (a) PUBLIC INFORMATION.—The Secretary shall establish and maintain a Commerce Control List (in this Act referred to as the “Control List”) consisting of items the export of which is subject to licensing or other authorization or requirement; and
   (b) CONSULTATION WITH PERSONS AFFECTED.—The Secretary shall consult regularly with representatives of a broad spectrum of domestic and international organizations and citizens interested in or affected by export controls in order to obtain their views on United States export control policy and the foreign availability or mass-market status of controlled items.

11. SEC. 104. RIGHT OF EXPORT.
   (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 delegated to the President under this Act may be delegated by the President to any official of any department or agency the 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.

12. SEC. 105. PUBLIC INFORMATION; CONSULTATION REQUIREMENTS.
   (a) PUBLIC INFORMATION.—The Secretary shall keep the public fully informed of changes in export control policy and procedures instituted in conformity with this Act.

13. SEC. 106. RIGHT OF EXPORT.
   No license or other authorization to export may be required under this Act, except to carry out the provisions of 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 regulation under this Act, and upon the written request of any other department or agency of the Government, the Secretary shall appoint one or more advisory committees to advise the Secretary on the implementation, operation, and effectiveness of the provisions of this Act, with respect to any such items. Each such committee shall consist of representatives of United States industry and Government officials, including officials from the Departments of Commerce, Defense, and State, and other appropriate departments and agencies of the Government. The Secretary shall permit the widest possible participation by the business community on the export control advisory committees.

(b) FUNCTIONS.—

(1) IN GENERAL.—Export control advisory committees appointed under subsection (a) shall advise and assist the Secretary, and any other agency or official of the Government, in the performance of functions under this Act, as the Secretary shall designate, with respect to any export control advisory committee.

(2) OTHER CONSULTATIONS.—Nothing in paragraph (1) shall prevent the United States Government from consulting, at any time, with any person representing an industry or the general public, regardless of whether such person is a member of an export control advisory committee.

(c) REIMBURSEMENT OF EXPENSES.—Upon the request of any member of any export control advisory committee appointed under subsection (a), the Secretary may, in accordance with regulations prescribed by the Secretary, reimburse such member for travel, subsistence, and other necessary expenses incurred by such member in connection with the duties of such member in connection with the duties of such committee:

(d) CHAIRPERSON.—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 of this section. Each such committee shall be terminated after a period of 2 years, unless extended by the Secretary for reasonable cause.

(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 objectives, concerning the items on the control list or the license criteria for such items, and the reasons for the control which are in effect or contemplated for the items or policies for which that committee furnishes advice.

SEC. 106. PRESIDENT’S TECHNOLOGY EXPORT COUNCIL.

The President shall establish a President’s Technology Export Council to advise the President on the implementation, operation, and effectiveness of the provisions of this Act, with respect to any item.

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 this Act, 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 jurisdiction of the United States. The President may also require recordkeeping and reporting with respect to the export of such item.

(2) EXERCISE OF AUTHORITY.—The authority contained in this subsection shall be exercised by the President, in consultation with the Secretary of Defense, the intelligence agencies, and such other departments and agencies as the President considers appropriate.

(b) PURPOSES.—The purposes of national security export control of any item under this section shall include:

(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 their means of delivery, and other significant military capabilities by—

(A) leading international efforts to control the development, production, and transfer of weapons, nuclear explosive devices, missile delivery systems, key-enabling technologies, and other significant military capabilities;

(B) providing assistance to the United States persons in, and contributions by United States persons to, foreign programs intended to develop weapons of mass destruction, missiles, and other significant military capabilities, and the means to design, test, develop, produce, stockpile, or use them; and

(C) implementing international treaties or other agreements or arrangements concerning controls on exports of designated items, reports on the production, processing, consumption, and exports and imports of such items, and compliance with verification programs.

(3) To deter acts of international terrorism.

(c) 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, and the means of delivery of weapons of mass destruction or the means to deliver them.

(d) ENHANCED CONTROLS.—

(1) IN GENERAL.—Notwithstanding any other provisions of this title, the President may determine that applying the provisions of section 204 or 211 with respect to an item on the National Security Control List or the Commercial Control List would constitute a significant threat to the national security of the United States and that such item requires enhanced control. If the President determines that enhanced control should apply to such item, the item may be excluded from the provisions of section 204, 211, or both, until such time as the President shall determine that enhanced control no longer constitutes a significant threat to the national security of the United States.

(2) REPORT TO CONGRESS.—The President shall promptly report any 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.

SEC. 202. NATIONAL SECURITY CONTROL LIST.

(a) ESTABLISHMENT OF LIST.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a National Security Control List as part of the Control List.

(2) 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.

(3) IDENTIFICATION OF ITEMS FOR NATIONAL SECURITY CONTROL LIST.—The Secretary, with the concurrence of the Secretary of Defense and the Director of National Intelligence, shall identify the items to be included on the National Security Control List.

SEC. 203. AUTHORITY TO CONTROL THE EXPORT OF DESIGNATED ITEMS FOR NATIONAL SECURITY PURPOSES.

SEC. 204. CONTROLLED ITEMS.

SEC. 205. CONTROLLED ITEMS EXCLUDED.

SEC. 206. SUPERVISION OF EXPORT CONTROL.

SEC. 207. AUTHORITY TO REQUIRE LICENSES.

SEC. 208. CLASSIFICATION OF ITEMS.

SEC. 209. CONFIDENTIALITY.

SEC. 210. RECORDKEEPING AND REPORTS.

SEC. 211. APPLICATIONS AND LICENSES.

SEC. 212. ATTACHMENT OF CONDITIONS.

SEC. 213. PENALTIES.

SEC. 214. AUTHORITY TO ISSUE LICENSES.

SEC. 215. AUTHORITY TO INSTALL AND MAINTAIN EMBARGOES.

SEC. 216. RECORDKEEPING AND REPORTS.

SEC. 217. AUTHORITY TO REQUIRE LICENSES.

SEC. 218.國際 SECURITY CONTROL LIST.

SEC. 219. AUTHORITY TO CONTROL THE EXPORT OF DESIGNATED ITEMS FOR NATIONAL SECURITY PURPOSES.

SEC. 220. CONTROLLED ITEMS.

SEC. 221. CONTROLLED ITEMS EXCLUDED.

SEC. 222. SUPERVISION OF EXPORT CONTROL.

SEC. 223. AUTHORITY TO REQUIRE LICENSES.

SEC. 224. CLASSIFICATION OF ITEMS.

SEC. 225. CONFIDENTIALITY.

SEC. 226. RECORDKEEPING AND REPORTS.

SEC. 227. AUTHORITY TO REQUIRE LICENSES.

SEC. 228. ATTACHMENT OF CONDITIONS.

SEC. 229. PENALTIES.

SEC. 230. AUTHORITY TO ISSUE LICENSES.

SEC. 231. AUTHORITY TO INSTALL AND MAINTAIN EMBARGOES.

SEC. 232. RECORDKEEPING AND REPORTS.

SEC. 233. AUTHORITY TO REQUIRE LICENSES.

SEC. 234. INTERNATIONAL SECURITY CONTROL LIST.
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.

SEC. 202. COUNTRY TIERS.

(a) IN GENERAL.—

(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—

(A) establish and maintain a country tiering system in accordance with subsection (b); and

(B) based on the assessments required under subsection (c), assign each country to an appropriate tier for each item or group of items the export of which is controlled for national security purposes under this title.

(2) Consideration of factors.—In establishing and assigning country tiers under this section shall be made after consultation with the Secretary, the Secretary of Defense, the Secretary of Commerce, and other appropriate Intelligence agencies, the committee on international relations of the United States Senate, the House of Representatives, and such other departments and agencies as the President considers appropriate.

(b) TIER APPLICATION.—The country tiering system shall be used in the determination of license requirements pursuant to section 201(a)(1).

(c) INTEGRITY AND CONFORMITY.—The Secretary may make an assessment of each country in accordance with procedures and criteria which the Secretary shall establish and maintain a country tiering system in accordance with subsection (b). Countries that represent the lowest risk of diversion of an item on the National Security Control List shall be assigned to the lowest tier; countries that represent the highest risk of diversion of an item on the National Security Control List shall be assigned to the highest tier.

(d) TIERING DETERMINATION.—The country tiering system shall be used in the determination of license requirements pursuant to section 201(a)(1).

294. INCORPORATED PARTS AND COMPONENTS.

(a) EXPORT OF ITEMS CONTAINING CONTROLLED PARTS AND COMPONENTS.—In determining whether an item is a mass-market item subject to the jurisdiction of the United States, if the item contains parts or components subject to export controls under this title, if the parts or components are—

(1) essential to the functioning of the item;

(2) customarily included in sales of the item in countries other than controlled countries; and

(3) comprise 25 percent or less of the total value of the item,

unless the item itself, if exported, would by virtue of the functional characteristics of the item as a whole make a significant contribution to the military or proliferation potential of the country to which it is exported.

295. PETITION PROCESS FOR MODIFYING EXPORT STATUS.

(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.—The Secretary shall evaluate and determine the foreign availability and the mass-market status of any item the export of which is controlled under this title.

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, and

(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.—The President may establish a process for an individual to petition the Secretary for a determination that an item has a foreign availability or mass-market status. In evaluating and making a determination with respect to a petition filed under this section, the Secretary shall consult with the Secretary of Defense, the Secretary of State, and other appropriate Government agencies and with the Office of Technology Evaluation.

212. TIME FOR MAKING DETERMINATION.—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 has foreign availability or mass-market status and shall notify the petitioner of the determination.

213. RESULT OF DETERMINATION.—In any case in which the Secretary makes a determination in accordance with procedures and criteria which the Secretary shall regulate by establishing, that an item described in subsection (a) has—

(1) a foreign availability status, or

(2) a mass-market status,

the Secretary shall notify the President (and other appropriate agencies) and publish the notice of the determination in the Federal Register. The Secretary’s determination shall become final 30 days after the date the notice is published, the item shall be removed from the National Security Control List, and a license or other authorization shall not be required under this title with respect to the item, unless the President makes a determination described in section 212 or 213, or takes action under section 309, with respect to the item in that 30-day period.

(d) CRITERIA FOR DETERMINING FOREIGN AVAILABILITY AND MASS-MARKET STATUS.—

(1) FOREIGN AVAILABILITY STATUS.—The Secretary shall determine that an item has foreign availability status under this subtitle, if the item (or a substantially identical item) is available from controlled countries from sources outside the United States, including countries that participate with the United States in multilateral export control regimes.

(B) can be acquired at a price that is not excessive when compared to the price at which a controlled country could acquire such item from sources within the United States in the absence of export controls; and

September 6, 2001

CONGRESSIONAL RECORD—SENATE

16562
September 6, 2001

(Congressional Record—Senate 16563)

(C) is available in sufficient quantity so that the requirement of a license or other authority is necessary to the export of such item is or would be ineffective.

(2) Mass-market status.—
(a) In general.—In determining whether an item has mass-market status under this subtitile, the Secretary shall consider the following criteria with respect to the item (or a substantially identical or directly competitive item):
(i) The production and availability for sale in a large volume to multiple potential purchasers.
(ii) The widespread distribution through normal commercial channels, such as retail stores, direct marketing catalogues, electronic commerce, and other channels.
(iii) The conduciveness to shipment and delivery by generally accepted commercial means of transport.
(iv) The use for the item’s normal intended purpose without special and specialized service provided by the manufacturer, distributor, or other third party.
(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.

(3) Special rules.—For purposes of this subtitile:
(A) Substantially identical item.—The determination of whether an item in relation to another item is a substantially identical item shall include a fair assessment of end-uses, the properties, nature, and quality of the item.
(B) Directly competitive item.—
(i) In general.—The determination of whether an item in relation to another item is a directly competitive item shall include a fair assessment of whether the item, though not substantially identical in its intrinsic or inherent characteristics, is substantially equivalent for commercial purposes and may be adapted for substantially the same uses.
(ii) Exception.—An item is not directly competitive if the item is not of comparable quality to the controlled item with respect to characteristics that resulted in the export of the item being controlled.

SEC. 212. PRESIDENTIAL SET-ASIDE OF FOREIGN AVAILABILITY STATUS DETERMINATION.
(a) Criteria for Presidential Set-Aside.—
(A) report any set-aside determination described in paragraph (1), along with the specific criteria to the Committee on Banking, Housing, and Urban Affairs and the Committee on International Relations of the House of Representatives;
(B) publish the determination in the Federal Register.

(b) Presidential Action in Case of Set-Aside.—
(1) In 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 of the President’s intent to begin such negotiations and why the President believes it is important to the national security that export controls on the item invol ved be eliminated.

(2) 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 Secretary shall submit to the committees of Congress referred to in paragraph (1)(B) a report on the results of the review. The report shall summarize international negotiations to eliminate the foreign availability of the item.

(3) Expiration of Presidential Set-Aside.—A determination by the President described in subsection (a)(1)(A) (i) or (ii) shall cease to apply with respect to an item on the earlier of—
(i) 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;
(ii) the date on which the negotiations described in paragraph (1) have terminated without achieving an agreement to eliminate foreign availability;

(c) the date on which the President determines that there is not a high probability of eliminating foreign availability of the item through negotiation; or

(d) the date that is 18 months after the date on which the determination described in subsection (a)(1)(A) (i) or (ii) is made if the President has been unable to achieve an agreement to eliminate foreign availability within that 18-month period.

(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.

SEC. 213. PRESIDENTIAL SET-ASIDE OF MASS-MARKET STATUS DETERMINATION.
(a) Criteria for Presidential Set-Aside.—
(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;

(b) The date on which the President determines that there is not a high probability of eliminating foreign availability of the item through negotiation; or

(c) the date on which the Secretary determines that the 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, or

(2) United States controls on the item have been imposed under section 309, the President may set aside the Secretary’s determination of mass-market status with respect to the item.

(b) Nondelegation.—The President may not delegate the authority provided for in this subsection.

(b) Periodic Review of Determination.—
The President shall review a determination made under this subsection at least every 6 months. Promptly after each review is completed, the Secretary shall submit a report on the results of the review to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 214. OFFICE OF TECHNOLOGY EVALUATION.
(a) Establishment of office.—The Secretary shall establish in the Department of Commerce an Office of Technology Evaluation, which shall be under the direction of the Secretary, the Office shall be responsible for gathering, coordinating, and analyzing all the necessary information in order for the Secretary to make determinations of foreign availability and mass-market status under this Act.

(b) Staff.—
(A) In general.—The Secretary shall ensure that the Office includes persons to carry out the responsibilities set forth in subsection (b) of this section, have training, expertise, and experience in—
(i) economic analysis;
(ii) the defense industrial base;
(iii) technological assessments; and
(iv) national security and foreign policy export controls.
(B) Detailers.—In addition to employees of the Department of Commerce, the Secretary may accept on nonreimbursable detail to the Office, employees of the Departments of Defense, State, and Energy and other departments and agencies as appropriate.

(b) Responsibilities.—The Office shall be responsible for—
(1) conducting foreign availability 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;
(2) conducting mass-market assessments to determine whether a controlled item is available to controlled countries because of the mass-market status of the item.

(c) Monitoring.—The Secretary shall monitor and evaluate worldwide technological developments in industry sectors critical to the national security interests of the United States to determine foreign availability and mass-market status of controlled items;
monitoring and evaluating multilateral export control regimes and foreign government industrial policies and practices that affect the national security interests of the United States;

(5) conducting assessments of United States industrial sectors critical to United States defense industrial base and how the sectors are affected by technological developments, technology transfers, and foreign competition, including imports of manufactured goods; and

(6) conducting assessments of the impact of United States export control policies on—

(A) United States industrial sectors critical to the national security interests of the United States; and

(B) the United States economy in general.

(c) Reports to Congress.—The Secretary shall make available to the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate as part of the Secretary’s annual report required under section 701 information on the operations of the Office, and on improvements that advance ability to assess foreign availability and mass-market status, during the fiscal year preceding the report, including information on the training of personnel and on the participation of Commercial Service Officers of the United States and Foreign Commercial Service to assist in making determinations. The information shall also include a description of determinations made under this Act during the preceding fiscal year that foreign availability or mass-market status did or did not exist (as the case may be) together with an explanation of the determinations.

(d) Sharing of Information.—Each department or agency of the United States, including any intelligence agency, and all contractors with any such department or agency, shall, consistent with the need to protect intelligence sources and methods, furnish information to the Office concerning foreign availability and the mass-market status of items subject to export controls under this Act.

TITLE III—FOREIGN POLICY EXPORT CONTROLS

SEC. 301. AUTHORITY FOR FOREIGN POLICY 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, other authorization, record-keeping, or reporting 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.

(2) EXERCISE OF AUTHORITY.—The authority contained in this subsection shall be exercised by the Secretary, in consultation with the Secretary of State and such other departments and agencies as the Secretary considers appropriate.

(b) Purpose.—The purposes of foreign policy export controls are the following:

(1) To promote the foreign policy objectives of the United States, consistent with the purposes set forth in this section and the provisions of this Act.

(2) To promote international peace, stability, and respect for fundamental human rights.

(3) To use export controls to deter and punish acts of international terrorism and to encourage other countries to take immediate steps to prevent the use of their territories or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism.

(c) FOREIGN PRODUCTS.—No authority or permission may be required under this title to reexport to a country an item that is prohibited under this title, if the Secretary considers it necessary.

(d) PROHIBITION OF EXPORTS.—No authority or permission may be required under this title to reexport any item to a country designated as a country supporting international terrorism pursuant to section 310, controls may be maintained if the value of the controlled United States content is more than 10 percent of the value of the item.

(e) CONTRACT SANCTITY.—

(I) IN GENERAL.—The President may not prohibit the export of any item under this title if that item is to be exported—

(A) in performance of a binding contract, agreement, or other contractual commitment entered into before the date on which the President reports to Congress the President’s intention to impose controls on that item under this title; or

(B) under a license or other authorization issued under this Act before the earlier of the date on which the control is initially imposed or the date on which the President reports to Congress the President’s intention to impose controls under this title.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply in any case in which—

(A) the prohibition of exports under each binding contract, agreement, commitment, license, or authorization will be instrumental in remedying the situation posing the serious threat; and

(B) the expected controls will be in effect as long as the serious threat exists.

SEC. 302. PROCEDURES FOR IMPOSING CONTROLS.

(a) NOTICE.—

(1) NOTICE TO COMMITTEE.—Except as provided in section 306, not later than 45 days before imposing or implementing an export control under this title, the President shall publish in the Federal Register—

(A) a notice of intent to do so; and

(B) provide for a period of not less than 30 days for any interested person to submit comments on the export control proposed under this title.

(2) PURPOSES OF NOTICE.—The purposes of the notice are—

(A) to provide an opportunity for the formulation of an effective export control policy in the United States economic and foreign policy interests; and

(B) to provide an opportunity for the formulation of an effective export control policy in the United States economic and foreign policy interests; and

(c) to provide an opportunity for negotiations to achieve the purposes set forth in section 301(b).

(2) NEGOTIATIONS.—During the 45-day period that begins on the date of notice described in paragraph (1), the President may negotiate with the government of the foreign country against which the export control is proposed in order to resolve the reasons underlying the proposed export control.

(c) CONSULTATION.—

(1) REQUIREMENT.—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 regarding any export control proposed under this title and shall take such actions as are necessary to achieve multilateral cooperation on the issues or problems underlying the proposed export control.

(2) CLASSIFIED CONSULTATION.—The consultations described in paragraph (1) may be conducted on a classified basis if the Secretary considers it necessary.

SEC. 303. CRITERIA FOR FOREIGN POLICY EXPORT 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; and

Include an assessment by the President that—

(A) the export control is likely to achieve such objectives and the expected time for achieving the objectives and the likelihood of their success or failure; and

(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;

(4) be targeted narrowly; and

(5) seek to minimize any adverse impact on United States economic and foreign policy interests, commercial interests, and investment, and United States agricultural and business firms and to the international reputation of the United States as a reliable supplier of goods, services, or technology.
SEC. 305. IMPOSITION OF CONTROLS.
The President may impose an export control under this Act or the submission of the report required under section 304 and publication in the Federal Register of a notice of the imposition of the export control.

SEC. 306. 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 not later than 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.—Not later than 4 years after the date on which an 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 the due date of the report required under section 303, the term “renewal year” means 2008 and every 2 years thereafter.

(2) EXCEPTION.—This section shall not apply to any export control imposed under this title that—

(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 to review each export control that is being reviewed.

(B) CLASSIFIED CONSULTATION.—The consultations may be conducted on a classified basis if the Secretary considers it necessary.

(3) PUBLIC COMMENT.—

(a) REQUIREMENT.—The President shall provide a period of not less than 30 days for any interested person to submit comments on renewal of the export control. The President shall publish notice of the opportunity for public comment in the Federal Register not later than 45 days before the review required to be completed.

(c) REPORT TO CONGRESS.—

(1) REQUIREMENT.—Before renewing an export control imposed under this title, the President shall submit to the committees of Congress referred to in subsection (b)(2)(A) a report and supporting data that the President intends to renew.

(2) FORM AND CONTENT OF REPORT.—The report may be provided on a classified basis if the Secretary considers it necessary. Each report shall contain the following:

(A) A clearly stated explanation of the specific United States foreign policy objective that the existing export control was intended to achieve.

(B) An assessment of—

(i) the extent to which the existing export control under consideration is in place, renewed or terminated based on the objective criteria established for evaluating the export control; and

(ii) the reasons why the existing export control failed to fully 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—

(i) each of the criteria described in section 303, and

(ii) each matter required to be reported under section 304(b) (1) through (8).

(3) RENEWAL OF EXPORT CONTROL.—The President may renew an export control under this title if the President determines that a renewal of the control described in 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) shall not terminate an export control imposed under this title if the President determines that the control has substantially achieved the objective for which it was imposed; and

(2) may terminate at any time any export control imposed under this title if the President determines that—

(A) the control has failed to fully achieve that objective; and

(B) the Secretary of State not later than 30 days before issuing any license required by subsection (a).

(b) TERMINATION OF CONTROL.—An export control under this title may be provided on a classified basis if the President determines that—

(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 before the expiration of the 60-day period.

(c) DEFERRAL 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.

(d) TERMINATION OF CONTROL.—An export control imposed pursuant to section 310; or

(2) in order to fulfill obligations or commitments of the United States under resoluts of the United Nations and under treaties, or other international agreements and arrangements, to which the United States is a party.

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) of items listed on the control list of a multilateral export control regime, as defined in section 305.

(2) in order to fulfill obligations or commitments of the United States under resolutions of the United Nations and 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 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) of items listed on the control list of a multilateral export control regime, as defined in section 305.

(2) in order to fulfill obligations or commitments of the United States under resolutions of the United Nations and under treaties, or other international agreements and arrangements, to which the United States is a party.

(b) NOTIFICATION.—The Secretary and the Secretary of State shall notify the Committees on Foreign 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 and the Secretary of State shall include a report setting forth—

(1) an analysis of the manner in which the proposed export or transfer on the military capability of the proposed export or transfer is proposed to be made needs the item which is subject of such export or transfer and a description of the manner in which such country or organization intended to use the item.

(2) at least 45 days before the proposed export or transfer is in the national interest of the United States;

(3) 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;

(4) an analysis of the manner in which the proposed export or transfer would affect the relative military strengths of countries in the region to which the item which is the subject of such export would be delivered and the stability of such countries;

(5) an analysis of the manner in which the proposed export or transfer would affect the relative military strengths of countries in the region to which the item which is the subject of such export would be delivered and the stability of such countries;

(6) an analysis of the impact of the proposed export or transfer on the United States relations with the countries in the region to which the item which is the subject of such export would be delivered.

SEC. 311. CRIME CONTROL INSTRUMENTS.

(a) IN GENERAL.—In order to promote respect for fundamental human rights, crime control, and the detection of illegal activities, equipment shall be approved for export by the Secretary only pursuant to an individual export license. Notwithstanding any other provision of law, the Secretary may—

(1) any determination by the Secretary of what goods or technology shall be included on the list established pursuant to this subsection as a result of the export restrictions imposed by this section shall be made with...
the concurrence of the Secretary of State, and
(2) any determination by the Secretary to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 401 of this Act.

except that, if the Secretary does not agree with the department or agency with respect to any determination under paragraph (1) or (2), the matter shall be 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 562B of the Foreign Assistance Act of 1961 (22 U.S.C. 2394). The provisions of subsection (a) shall apply with respect to exports of any of the items identified in subsection (c).

(c) REPORT.—Notwithstanding the provisions of section 602 or any other confiden
tiality provisions of this title, 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, thumbcreeks, and electro-shock stun belts.

(2) Leg cuffs, thumbcuffs, shackle boards, restraint chairs, Straitjackets, and plastic handcuffs.

(3) Stun guns, shock batons, electric cattle prods, 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 use of electro-shock devices.

(5) Pepper gas weapons and saps.

(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.

TITRE IV—PROCEDURES FOR EXPORT LI
CENSES AND INTERAGENCY DISPUTE RESOLUTION

SEC. 401. EXPORT LICENSE PROCEDURES.

(a) RESPONSIBILITY OF THE SECRETARY.—

(1) IN GENERAL.—All applications for a license or other authorization to export a controlled item shall be filed in such manner and include such information as the Secretary may, by regulation, prescribe.

(2) PROCEDURES.—In guidance and 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 referred to in this section, and the rights of the applicant, and other relevant matters affecting the review of license applications.

(c) CALCULATION OF PROCESSING TIMES.—In calculating the processing times set forth in this title, the Secretary shall use calendar days, except that if the final day for a required action falls on a weekend or holiday, that action shall be taken no later than the following business day.

(Congressional Record—Senate, page 16566)

September 6, 2001

(4) CRITERIA FOR EVALUATING APPLICATIONS.—In determining whether to grant an application to export a controlled item under this Act, the following criteria shall be considered:

(A) The characteristics of the controlled item.

(B) The threat to—

(i) the 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 a 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; and

(v) the end-use.

(E) The information is required, and 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 provided 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.

(F) 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, the head of that 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.

(G) WITHDRAWAL OF APPLICATION.—An applicant may, by written notice to the Secretary, withdraw an application at any time before final action.

(c) ACTION BY OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense, the Secretary of State, and the heads of any other departments and agencies shall—

(A) The characteristics of the controlled item.

(B) The threat to—

(i) the 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 a 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; and

(v) the end-use.

(E) The information is required, and 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 provided 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.

(F) 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, the head of that department or agency shall notify the Secretary of the specific types of such applications that the department or agency does not wish to review.

(G) WITHDRAWAL OF APPLICATION.—An applicant may, by written notice to the Secretary, withdraw an application at any time before final action.

(c) ACTION BY OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense, the Secretary of State, and the heads of any other departments and agencies shall—

(A) The characteristics of the controlled item.

(B) The threat to—

(i) the 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 a 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; and

(v) the end-use.

(E) The information is required, and 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 provided 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.

(F) 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, the head of that department or agency shall notify the Secretary of the specific types of such applications that the department or agency does not wish to review.

(G) WITHDRAWAL OF APPLICATION.—An applicant may, by written notice to the Secretary, withdraw an application at any time before final action.

(c) ACTION BY OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense, the Secretary of State, and the heads of any other departments and agencies shall—

(A) The characteristics of the controlled item.

(B) The threat to—

(i) the 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 a 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; and

(v) the end-use.

(E) The information is required, and 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 provided 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.

(F) 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, the head of that department or agency shall notify the Secretary of the specific types of such applications that the department or agency does not wish to review.

(G) WITHDRAWAL OF APPLICATION.—An applicant may, by written notice to the Secretary, withdraw an application at any time before final action.

(c) ACTION BY OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense, the Secretary of State, and the heads of any other departments and agencies shall—

(A) The characteristics of the controlled item.

(B) The threat to—

(i) the 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 a 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; and

(v) the end-use.

(E) The information is required, and 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 provided 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.
of the United States, the specific considerations that led to the determination to deny the application; and

(5) the availability of appeal procedures.

(2) Period for Applicant to Respond.—The applicant shall have 20 days from the date of the notice of intent to deny to decide whether to appeal to the Secretary and the applicant shall be asked to respond in a manner that addresses the reasons and, if the applicant does not adequately address or correct the reasons for denial or does not respond, the license shall be denied. If the applicant does not address or correct the reasons for denial, the application shall be considered in a timely manner.

(f) Appeals and Other Actions by Applicant.—

(1) In General.—The Secretary shall establish appropriate procedures for an application to appeal to the Secretary the denial of an application or other administrative action under this Act. In any case in which the Secretary 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 established by this section.

(2) Enforcement of Time Limits.—

(A) In General.—In any case in which an action prescribed in this section is not taken on or before the time period established by this section, the Secretary 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 action to resolve 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 this section, or the processing of the application has been brought into conformity with such requirements but the Secretary has not so notified the applicant, the applicant may bring an action in an appropriate United States district court for an order requiring compliance with the time periods required by this section.

(g) Exceptions From Required Time Periods.—Provisions related to the processing an application shall not be included in calculating the time periods prescribed in this section.

(1) Statement 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 approved for export, shall be completed within 60 days after receipt of the request for the preliminary check is made by such department or agency.

(B) the request for the prelicense check is initiated by the Secretary within 5 days after the determination that the prelicense check is required;

(C) the analysis of the result of the prelicense check is completed by the Secretary within 5 days after receipt of the request for the prelicense check is made by such department or agency.

(3) Right of Government-to-Government Assurance.—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 prelicense check described in paragraph (2) or assurances described in paragraph (3) are not requested within the time periods set forth therein, the time expended for such prelicense 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) Congressional Notification.—Such time as is required for mandatory congressional notifications under this Act.

(7) Consultations.—Consultation with foreign governments, if such consultation is provided for by a relevant multilateral regime as a precondition for approving a license.

(h) Classification Requests and Other Inquiries.—

(1) Classification Requests.—In any case in which the Secretary receives a written request asking for the proper classification of an item on the Control List or the applicability of licensing requirements under this title, the Secretary shall notify the Secretary of Defense and the head of any department or agency the Secretary considers appropriate. The Secretary shall, within 14 days after receiving the request, inform the person making the request of the proper classification.

(2) Other Inquiries.—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, reply 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 process described in paragraph (1). The process described in paragraph (1) shall be referred to as the interagency dispute resolution process.

(b) Interagency Dispute Resolution Process.—

(1) Initial Resolution.—The Secretary shall establish, select the chairperson of, and determine procedures for an interagency committee to review initially all license applications described in subsection (a) with respect to any aspect of any of the referral departments and agencies that 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 that are a precondition for approval.

(2) Intelligence Community.—The analytic product of the intelligence community should be fully considered with respect to any proposal made under this title.

(3) Further Resolution.—The President shall establish additional levels for review or approval 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 agencies;

(B) provide that a department or agency that fails to take a timely position, citing the specific statutory and regulatory bases for such action, shall be deemed to have no objection to the pending decision;

(C) provide that any decision of an interagency committee established under paragraph (a) for an 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 dispute resolution process that made the decision; and

(D) ensure that matters are resolved or referred to the President not later than 30 days after the date the completed license application is referred to 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 appropriate personnel in any department or agency (including 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 in which members disagree, each member shall clearly state the reasons for the member’s position and the reasons shall be entered in the minutes.

TITLE V—INTERNATIONAL ARRANGEMENTS; FOREIGN BOYCOTTS; SANCTIONS; AND ENFORCEMENT

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 (as described in title II) and that establish fairer and more predictable competitive opportunities for United States exporters.

(2) Participation in Existing Regimes.—Congress encourages the United States to continue its active participation in and to strengthen existing multilateral export control regimes.

(3) Participation in New Regimes.—It is the policy of the United States to participate in additional multilateral export control regimes if such participation would serve the national security interests of the United States.

(b) Annual Report on Multilateral Export Control Regimes.—Not later than February 1 of each year, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives a report evaluating the effectiveness of each multilateral export control regime, including an assessment of the steps undertaken pursuant to subsections (c) and (d) of this section. The report, or any part of this report, may be submitted in classified form to the extent the President considers necessary.

(c) Standards for Multilateral Export Control Regimes.—The President shall take
steps to establish the following features in any multilateral export control regime in which the United States is participating or may participate:

1. (a) FULL MEMBERSHIP.—All supplier countries are members of the regime, and the policies of the members are consistent with the objectives and membership criteria of the multilateral export control regime.

2. EFFECTIVE ENFORCEMENT AND COMPLIANCE.—The regime promotes enforcement and compliance with the regime's rules and guidelines.

3. PUBLIC UNDERSTANDING.—The regime makes an effort to enhance public understanding of the purpose and procedures of the multilateral export control regime.

4. EFFECTIVE IMPLEMENTATION PROCEDURES.—The multilateral export control regime has procedures for the uniform and consistent interpretation and implementation of its rules and guidelines.

5. ENHANCED COOPERATION WITH REGIME NONMEMBERS.—There is agreement among the members of the multilateral export control regime to:

   (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 coordinate planning and implementation of export control measures related to such cooperation.

6. HIGH-LEVEL MEETINGS.—There are regular periodic meetings of high-level representatives of the governments of members of the multilateral export control regime to:

   (A) by creating a requirement to share information about export license applications among members before a member approves an export license; and
   (B) harmonize national export license approval procedures and practices, including the elimination of undercutting.

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 LIST.—There is agreement 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. TREATMENT OF CERTAIN COUNTRIES.—There is agreement to provide for the treatment of the national security of the United States or its allies.

10. HARMONIZATION OF LICENSE APPROVAL PROCEDURES.—There is harmonization among the members of the regime of their national export license approval procedures, practices, and standards.

11. UNDERCUTTING.—There is a limit with respect to when members of a multilateral export control regime—

   (A) grant export licenses for any item that is substantially identical to or directly competitive with an item controlled pursuant to the regime, where the United States has denied an export license for such item; or
   (B) approve exports to a particular end user to which the United States has denied export license for a similar item.

12. STANDARDS FOR NATIONAL EXPORT CONTROL REGIMES.—The multilateral export control regime to—

   (A) The purposes of the regime.
   (B) The members of the regime.
   (C) The export licensing policy of the regime.
   (D) The items that are subject to export controls under the regime, together with all public notes, understandings, and other agreements of agreement of the regime, and all changes thereto.
   (E) Any countries, end uses, or end users that are subject to the export controls of the regime.
   (F) Rules of interpretation.
   (G) Major policy actions.
   (H) The rules and procedures of the regime for establishing and modifying any matter described in subparagraphs (A) through (G) and for reviewing export license applications.

13. NEW REGIMES.—Not later than 60 days after the United States joins or organizes a new multilateral export control regime, the Secretary shall, to the extent that it is not inconsistent with arrangements under the regime (in the judgment of the Secretary of State) or with the national interest, publish in the Federal Register and post on the Department of Commerce website the information described in subparagraphs (A) through (H) of paragraph (1) with respect to the regime.

14. PUBLICATION OF CHANGES.—Not later than 60 days after a multilateral export control regime adopts any change in the information published under this subsection, the Secretary shall, to the extent not inconsistent with the arrangements under the regime or the national interest, publish such information on the Department of Commerce website.

15. SUPPORT OF OTHER COUNTRIES' EXPORT CONTROL SYSTEMS.—The Secretary is encouraged to continue to—

   (a) participate in training of, and provide training to, officials of other countries on the principles and procedures for implementing effective export controls; and
   (b) participate in any such training provided by other departments and agencies of the United States.

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 trade with any country, or with any business concern organized under the laws of any country, to adhere to the appropriate multilateral export control regime, and to refuse, to do business with or in the boycotted country, or any business concern organized under the laws of any country, with any 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 any country friendly to the United States or against any United States person.

1. ANTI-BOYCOTT 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 knowing or agreeing to take any of the following actions with intent to comply with, or further, or support any boycott fostered or imposed by a foreign country against any country friendly to the United States or against any United States person.

(a) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, or requirement of, or a request from or on behalf of the boycotted country (or any organization of the United States or any organization of a foreign country, or any country, or any other person) that the intent required to be associated with such an act in order to constitute a violation of the prohibition is not indicated solely by the mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person).
(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminate against any United States person on the basis of the race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person;

(C) Refusing to furnish normal business information in a commercial context, as defined by the Secretary, regarding the composition of any United States person or any owner, officer, director, or employee of any United States person, or an agent or representative of such person;

(D) Refusing to furnish normal business information in a commercial context, as defined by the Secretary, regarding the composition of any United States person or any owner, officer, director, or employee of any United States person, or an agent or representative of such person, or any other person that is known or believed to be restricted from having any business relationship with the boycotting country, with any business concern organized under the laws of the boycotted country, with any business concern organized under the laws of the boycotted country, or with any business concern organized under the laws of the boycotted country;

(E) Refusing to furnish information about any United States person, or any owner, officer, director, or employee of any United States person, who is known or believed to be a person involved at a competitive disadvantage with any business concern of or organized under the laws of the boycotted country, or with any business concern organized under the laws of the boycotted country, or with any business concern organized under the laws of the boycotted country, with any business concern organized under the laws of the boycotted country, or with any business concern organized under the laws of the boycotted country.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminate against any United States person on the basis of the race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person;

(C) Refusing to furnish normal business information in a commercial context, as defined by the Secretary, regarding the composition of any United States person or any owner, officer, director, or employee of any United States person, or an agent or representative of such person;

(D) Refusing to furnish normal business information in a commercial context, as defined by the Secretary, regarding the composition of any United States person or any owner, officer, director, or employee of any United States person, or an agent or representative of such person, or any other person that is known or believed to be restricted from having any business relationship with the boycotting country, with any business concern organized under the laws of the boycotted country, with any business concern organized under the laws of the boycotted country, or with any business concern organized under the laws of the boycotted country.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminate against any United States person on the basis of the race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person;

(C) Refusing to furnish normal business information in a commercial context, as defined by the Secretary, regarding the composition of any United States person or any owner, officer, director, or employee of any United States person, or an agent or representative of such person;

(D) Refusing to furnish normal business information in a commercial context, as defined by the Secretary, regarding the composition of any United States person or any owner, officer, director, or employee of any United States person, or an agent or representative of such person, or any other person that is known or believed to be restricted from having any business relationship with the boycotting country, with any business concern organized under the laws of the boycotted country, with any business concern organized under the laws of the boycotted country, or with any business concern organized under the laws of the boycotted country.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminate against any United States person on the basis of the race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person;

(C) Refusing to furnish normal business information in a commercial context, as defined by the Secretary, regarding the composition of any United States person or any owner, officer, director, or employee of any United States person, or an agent or representative of such person;

(D) Refusing to furnish normal business information in a commercial context, as defined by the Secretary, regarding the composition of any United States person or any owner, officer, director, or employee of any United States person, or an agent or representative of such person, or any other person that is known or believed to be restricted from having any business relationship with the boycotting country, with any business concern organized under the laws of the boycotted country, with any business concern organized under the laws of the boycotted country, or with any business concern organized under the laws of the boycotted country.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminate against any United States person on the basis of the race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person;

(C) Refusing to furnish normal business information in a commercial context, as defined by the Secretary, regarding the composition of any United States person or any owner, officer, director, or employee of any United States person, or an agent or representative of such person;

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Section 504. Missile Proliferation Control Violations

(a) Violations by United States Persons

(i) Sanctions.

(A) IN GENERAL.—If the President determines that a United States person knowingly—

(1) violates a sanction, or

(2) conspires to or attempts to engage in any such violation; or

(3) facilitates such export, transfer, or trade,

then the President shall impose on that United States person the applicable sanctions under subparagraph (B).

(B) Sanctions Described.—The sanctions which apply to a United States person under this section include—

(1) if the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category I of the MTCR Annex, then the President shall deny to such United States person, for a period of 5 years, licenses for the transfer of missile equipment or technology controlled under this Act;

(2) if the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category I of the MTCR Annex, then the President shall deny to such United States person, for a period of 2 years, licenses for the transfer of missile equipment or technology controlled under this Act;

(3) if the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category II of the MTCR Annex, then the President shall deny to such United States person, for a period of not less than 2 years, all licenses for items the export of which is controlled under this Act.

(i) if the item in question is a missile or other object of mass destruction that would be significant to another country that is not an MTCR adherent, then the United States shall impose the applicable sanctions under subparagraph (B).
President shall prohibit, for a period of not less than 2 years, the importation into the United States of products produced by that foreign person.

(2) INAPPLICABILITY WITH RESPECT TO MTCR ADHERENTS.—Paragraph (1) does not apply with respect to—

(A) any export, transfer, or trading activity that is authorized by the laws of an MTCR adherent, if such authorization is not obtained pursuant to sanctions or the waiver described in such paragraph or, if such sanctions are in effect against a person on account of such acts, that such person has been found by the government of an MTCR adherent to be innocent of wrongdoing with respect to such acts.

(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 against a person on account of such acts, that such person has been found by the government of an MTCR adherent to be innocent of wrongdoing with respect to such acts.

(4) ADVISORY OPINIONS.—The Secretary, in consultation with the Secretary of State and the Secretary of Commerce, may, upon request of any 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 person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions may not be made subject to such sanctions on account of such activity.

(5) WAIVER AND REPORT TO CONGRESS.—

(A) WAIVER.—In any case other than one in which an advisory opinion has been issued under paragraph (4), stating that a proposed activity would not subject a person to sanctions under this subsection, the President may waive the application of paragraph (1) to a foreign person if the President determines that such waiver is essential to the national security of the United States.

(B) REPORT TO CONGRESS.—In the event that the President waives the application of paragraph (1) to a foreign person, the President shall notify Congress not less than 20 working days before issuing the waiver. Such notice shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.

(6) ADDITIONAL 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, the product or service is not 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.

(7) EXCEPTIONS.—The President shall not apply paragraph (1) to 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 exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines that the person to which the sanctions would be applied is essential to the national security of the United States, and that alternative sources are not readily or reasonably available;

(iii) if the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements or NATO Programs of Cooperation;

(iv) 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 sources are not readily or reasonably available, or

(iv) information and technology essential to United States products or production.

(c) DEFINITIONS.—In this section:

(1) MISSILE.—The term "missile" means a category I system as defined in the MTCR Annex, and any other unmanneled delivery system of similar capability, as well as the specially designed production facilities for these systems.

(2) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term "Missile Technology Control Regime" or "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.

(3) MTCR ADHERENT.—The term "MTCR adherent" means a country that participates in the MTCR or is pursuing to an international understanding to which the United States is a party, controls MTCR equipment or technology in accordance with the criteria and standards set forth in the MTCR.

(4) MTCR ANNEX.—The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the MTCR, and any amendments thereto.

(5) MISSILE EQUIPMENT OR TECHNOLOGY; MTCR EQUIPMENT OR TECHNOLOGY.—The terms "missile equipment or technology" and "MTCR equipment or technology" mean those items listed in category I or category II of the MTCR Annex.

(6) FOREIGN PERSON.—The term "foreign person" means any person other than a United States person.

(7) PERSON.—

(A) IN GENERAL.—The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.

(B) IDENTIFICATION IN CERTAIN CASES.—In the case of persons where it may be impossible to identify a specific governmental entity referred to in paragraph (A), the term "person" means—

(i) all activities of that government relating to the development or production of any missile equipment or technology; and

(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(B) OTHERWISE ENGAGED IN THE TRADE OF.—The term "otherwise engaged in the trade of,—" changes the effect of sanctions pursuant to paragraph (1) to require that, for a period of up to 2 years, the importation into the United States of products produced by that foreign person, to the extent that alternative sources are not readily or reasonably available, or

(i) export, transfer, or transport, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

SEC. 505. CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS.

(a) IMPOSITION OF SANCTIONS.—

(1) USUALLY ACQUIRED CHEMICAL OR BIOLOGICAL WEAPONS.—Paragraph (1) applies to—

(A) any foreign country whose government is determined for purposes of section 310 to be a government that has repeatedly provided support for acts of international terrorism; or

(B) any foreign country, project, or entity designated by the President for purposes of this section.

(2) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to subsection (a)(1) against—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) 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; and

(D) 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 and 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) with respect to a foreign person, Congress agrees to the President to consult with the government of that foreign country or other entity designated by the President for purposes of this section.

(2) ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may impose or any sanctions pursuant to this section for a period of up to 90 days. Following the consultations, the President shall...
impose sanctions unless the President determines and certifies to Congress that government, project, or entity in its efforts, including appropriate 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 an additional period of up to 90 days if the President determines and certifies to Congress that such government is in the process of taking the actions described in the preceding sentence.

(3) REPORT TO CONGRESS.—The President shall report to Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

(A) The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

(B) Import sanctions.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

(2) EXCEPTION.—The President shall not be required to apply or maintain sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

(C) to—

(i) spare parts,

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(4) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign person with respect to which the determinations are described in that subsection.

(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section—

(A) before the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to Congress that such waiver is important to the national security interests of the United States.

(B) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(i) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term "foreign person" means—

(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States;

(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.

SEC. 506. ENFORCEMENT.

(a) GENERAL AUTHORITY AND DESIGNATION.

(1) POLICY GUIDANCE ON ENFORCEMENT.—The Secretary, 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.

(2) GENERAL AUTHORITIES.—

(A) EXERCISE OF AUTHORITY.—To the extent necessary or appropriate to the enforcement of this Act, officers and employees of the Department of Commerce, including, but not limited to, agents designated in the order of the head of a department or agency exercising functions under this Act, may enforce the order of the court.

(B) CUSTOMS SERVICE.—In carrying out enforcement authority under paragraph (3), the Commissioner of Customs and employees of the United States Customs Service designated by the Commissioner may make investigations within or outside 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 the enforcement of this Act, to search, detain (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 officers of the United States Customs Service, pursuant to agreement or other arrangement with other countries, is authorized to perform enforcement activities. In carrying out enforcement authority under paragraph (3), the Secretary and officers and employees of the Department designated by the Secretary may make investigations within the United States, and may conduct, outside the United States, pre-license and post-shipment verifications of controlled items and investigative searches.

The Secretary and officers and employees of the Department designated by the Secretary are authorized to search, detain (after search), and seize items at places within the United States other than ports referred to in subparagraph (B). The search, detention (after search), and seizure of items at the ports and places 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 designated by the Commissioner.

The Secretary and the Commissioner of Customs may enter into agreements and arrangements for the enforcement of this Act, including produce investigations and information exchange.

(3) SPECIFIC AUTHORITIES.—

(A) ACTIONS BY ANY DESIGNATED PERSONNEL.—Any officer or employee of the Department designated pursuant to paragraph (2), in carrying out the enforcement authority under this Act, may do the following:

(i) Make investigations of, obtain information from, make inspection of any books, records, or reports (including any writings required to be kept by the Secretary, premises, or property of), and take the sworn testimony of, any person.

(ii) Administer oaths or affirmations, and by subpoena require any person to appear and produce books, records, or other writings, or both. In the case of contumacy by, or refusal to obey a subpoena issued to, any such person, a district court of the United States, on request of the Attorney General and after notice to any such person and a hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to produce books, records, or other writings, or both. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(B) ACTIONS BY OFFICE OF EXPORT ENFORCEMENT AND CUSTOMS SERVICE PERSONNEL.—Any officer or employee of the Office of Export Enforcement of the Department of Commerce (in this Act referred to as "OEE") who is designated by the Secretary of Commerce pursuant to paragraph (2), and any officer or employee of the United States Customs Service who is designated by the Commissioner of Customs under paragraph (2), may do the following in carrying out the enforcement authority under this Act:

(i) Execute any warrant or other process issued by a court having competent jurisdiction with respect to the enforcement of this Act.

(ii) Make arrests without warrant for any violation of this Act committed in his or her presence or view, or when an officer or employee has probable cause to believe that the person to be arrested has committed, is committing, or is about to commit such a violation.

(iii) Carry firearms.
States in violation of this Act.

(b) FORFEITURE.—

(1) USE OF FUNDS.—With respect to any under

cover investigative operation conducted

by the Director of OEE, or a person em-

ployed by the OEE, any funds made available

for export enforcement under this Act and the

proceeds of seizures and forfeitures under this

Act may be used to establish or to acquire

proprietary corporations or business entities as

part of an undercover operation. The Secretary

does not need to make the determination of the

value of the property to be seized and forfeited

before the proceeds of the undercover operation

are transferred to the Secretary.

(2) AUDIT AND REPORT.—

(A) AUDIT.—The Director of OEE shall con-

duct a detailed financial audit of each closed

undercover operation with respect to which an

undercover operation is authorized and carried

out under this Act.

(B) REPORT.—The Secretary shall submit

a report to the Committee on Appropriations

of the Senate and the Committee on Appropria-

tions of the House of Representatives, and to

the Committee on Government Reform of the

House of Representatives, describing all under-

cover operations pending as of the end of the

fiscal year covered by the report, and including

a list of undercover operations determined by

the Secretary to be of equal or greater sensi-

tivity than the controlled item, and the pro-

ceeds from undercover operations that are con-

cluded, or covert activities pursuant to such

operations that are concluded, whichever occurs

later; and

(C) FUNDING.—The proceeds from un-

dercover operations that are concluded, covert

activities that are concluded, or covert activity

that is authorized and carried out under this

Act, or to both the Secretary and the Attorney

General.

(c) OTHER ACTIONS BY CUSTOMS SERVICE

PERSONNEL.—Any officer or employee of the

United States Customs Service designated by

the Commissioner of Customs under para-

graph (2) may do the following in carrying

out the enforcement authority under this Act:

(i) Stop, search, and examine a vehicle,

vessel, or personal property, or transit

the officer or employee has reasonable cause
to suspect there is any item that has been, is
being, or is about to be exported from or trans-

ferred through the United States in viola-

tion of this Act.

(ii) Detain and search any package or con-

tainer in which the officer or employee has

reasonable cause to suspect there is any item

that has been, is being, or is about to be

exported from or transmitted through the United

States in violation of this Act.

(iii) Search and seize any item, for purposes

of securing for trial or forfeiture to the United

States, on or about such vessel, aircraft, or

personal property, or in such package or container,

if the officer or employee has reasonable cause
to believe the item has been, is being, or is about to be

exported from or transmitted through the United

States in violation of this Act.

(d) UNDERCOVER INVESTIGATION OPER-

ATIONS.—

(1) IN GENERAL.—Any tangible items law-

fully seized under subsection (a) by des-

ignated officers or employees shall be subject to

forfeiture to the United States.

(2) APPLICABLE LAWS.—Those provisions of

law relating to—

(A) the seizure, summary and judicial

forfeiture, and condemnation of property for vio-

lation of laws; and

(B) the disposition of such property or the

proceeds from the sale thereof;

(C) the remission or mitigation of such

forfeitures;

(D) the compromise of claims,

shall apply to seizures and forfeitures in-
curred, or alleged to have been incurred,
under the provisions of this subsection, in-
far as applicable and not inconsistent with this
Act.

(3) FORFEITURES UNDER CUSTOMS LAWS.—

Duties that are imposed upon a customs offi-
cer or any other person with respect to the

seizure and forfeiture of property under the
customs laws may be performed with respect
to seizures and forfeitures of property under
this subsection by the Secretary or any offi-
cer or employee of the Department that may
be authorized or designated for that purpose
by the Secretary (or by the Commissioner of
Customs or any officer or employee of the
United States Customs Service designated by
the Commissioner), or, upon the request of the
Secretary, by any other agency that has
authority to manage and dispose of seized
property.

(4) GENERAL RULE.—All cases involv-

ing violations of this Act shall be referred to
the Secretary for purposes of determining
civil penalties and administrative sanctions
under section 503 or to the Attorney General
for criminal action in accordance with this
Act or to both the Secretary and the Attor-
ney General.

(5) UNDERCOVER INVESTIGATION OPER-

ATIONS.—

(A) AUDIT.—The Director of OEE shall

conduct a detailed financial audit of each closed

undercover investigative operation and shall

submit the results of the audit in writ-

ting 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

annually to Congress a report, which may be

in one or more parts, that includes, for each

period for which such report is submitted:

(i) The number of undercover investigative

operations pending as of the end of the

period for which the report is submitted;

(ii) The number of undercover investiga-

tive operations commenced in the 1-year

period preceding the period for which such re-

port is submitted;

(iii) The number of undercover investiga-

tive 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 ob-

tained and any civil claims made with re-

spect to the operation;

(iv) The terms ‘‘undercover investigation

operation’’ and ‘‘undercover operation’’ mean

any undercover investigative operation

conducted by the OEE; and

(v) DEFINITIONS.—For purposes of para-

graph (4):

(A) AN UNDERCOVER INVESTIGATIVE

OPERATION.—Any undercover investiga-

tive operation conducted by the OEE is

considered an undercover investigative

operation conducted by the OEE.

(B) AN UNDERCOVER OPERATION.—

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any undercover investigative operation

conducted by the OEE; and

(v) DEFINITIONS.—For purposes of para-

graph (4):

(A) AN UNDERCOVER INVESTIGATIVE

OPERATION.—Any undercover investiga-

tive operation conducted by the OEE is

considered an undercover investigative

operation conducted by the OEE.

(B) AN UNDERCOVER OPERATION.—

Any undercover operation conducted by the

OEE is considered an undercover operation

conducted by the OEE.

(c) AUDIT.—The Director of OEE shall con-

duct a detailed financial audit of each closed

undercover investigation operation and shall

submit the results of the audit in writ-
any controlled item for which a determination has not been made pursuant to section 551 of title 31, United States Code, the cost of such post-shipment verification is allowed.

(b) FREIGHT FORWARDERS BEST PRACTICES PROGRAM AUTHORIZATION.—There is authorized to be appropriated for the purpose of assisting 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.

(1) 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 be available until expended, to hire 10 additional overseas investigators to be posted in the People’s Republic of China, the Russian Federation, the Hong Kong Special Administrative Region, the Republic of India, Singapore, Egypt, and Taiwan, or any other country the Secretary shall designate for the purpose of verifying the end use of high-risk, dual-use technology.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Department shall, in its annual report to Congress on export controls, include a report on the effectiveness of the end use verification activities authorized under subsection (a). The report shall include the following information:

(A) The activities of the overseas investigators conducted under this program;
(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.

(3) ENHANCEMENTS.—In addition to the authorization provided in paragraph (1), there is authorized to be appropriated to the Department of Commerce $5,000,000, to be available until expended, to enhance its program for the purpose of verifying the end use of high-risk, dual-use technology.

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Commerce $2,000,000, to be available until expended, to hire additional license review officers.

(2) TRAINING.—There is authorized to be appropriated to the Department of Commerce $20,000,000, to be available until expended, to conduct professional training of license review officers, auditors, and investigators conducting post-shipment verification activities.

(3) AVAILABILITY OF CHARGING LETTER.—(A) Validates license or other document initiating administrative proceedings for the imposition of sanctions for violations of the regulations issued under section 522 shall be available for public inspection and copying.

(4) COLLECTION.—If any person fails to pay the amount ordered, the Secretary may, without notice and opportunity for a hearing, seize the property of such person alleging a violation of this Act or any regulation, license, or order issued under any of the statutes listed in section 503, the Secretary may, without a hearing, issue an order temporarily denial of the temporary denial order may appeal the order.

(k) REFERENCE TO ENFORCEMENT.—For purposes of this section, a reference to the enforcement of this Act or to the violation of this Act includes a reference to the enforcement or a violation of any regulation, license, or order issued under this Act.

(1) AUTHORIZATION FOR EXPORT LICENSING AND ENFORCEMENT COMPUTER SYSTEM.—There is authorized to be appropriated for the Department $5,000,000 and such other sums as may be necessary, to be available until expended, for planning, design, and procurement of a computer system to replace the Department’s primary export licensing and enforcement computer system.

(m) AUTHORIZATION FOR BUREAU OF EXPORT ADMINISTRATION.—The Secretary may authorize, without fiscal year limitation, the expenditure of funds transferred, paid to, or received by, or made available to the Bureau of Export Administration as a reimbursement in accordance with section 9703 of title 31, United States Code (as added by Public Law 102–393).

(i) the implementation and operation of this Act; and

(ii) the operation of United States export controls in general.

(b)(i) Provides to Congress legislative reform proposals in connection with the report required in subparagraph (a); or

(ii) certifies to Congress that no legislative reforms are necessary in connection with such report.

SEC. 5. ADMINISTRATIVE PROCEDURE.

(a) EXEMPTIONS FROM ADMINISTRATIVE PROCEDURE.—Except as provided in this section, the functions exercised under this Act are excluded from the operation of sections 551 through 570 of title 5, United States Code.

(b) PROCEDURES RELATING TO CIVIL PENALTIES AND SANCTIONS.—

(1) ADMINISTRATIVE PROCEDURES.—Any administrative sanction imposed under section 503 may be imposed only after notice and opportunity for a hearing.

(2) AVAILABLE FOR PUBLIC INSPECTION AND COPYING.—Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the regulations issued under section 522 shall be available for public inspection and copying.

(3) COLLECT.—If any person fails to pay the amount imposed (plus interest at current interest rates), or an administrative sanction imposed under section 503, the Secretary may, without a hearing, issue an order temporarily denying that person’s United States export privileges (hereafter in this subsection referred to as a “temporary denial order”). A temporary denial order shall be effective for such period (not in excess of 180 days) as the Secretary may determine, if based by the Secretary, following notice and an opportunity for a hearing, for additional periods of not more than 180 days.

(d) IMPOSITION OF TEMPORARY DENIAL ORDER.—(1) GROUNDS FOR IMPOSITION.—In any case in which there is reasonable cause 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 under this Act, including any diversion of goods or technology from an authorized end use or end user, and in any case in which a criminal indictment has been returned against a person alleging a violation of this Act or any of the statutes listed in section 503, the Secretary may, without a hearing, issue an order temporarily denying that person’s United States export privileges (hereafter in this subsection referred to as a “temporary denial order”). A temporary denial order shall be effective for such period (not in excess of 180 days) as the Secretary may determine, if based by the Secretary, following notice and an opportunity for a hearing, for additional periods of not more than 180 days.

(e) LIMITATION.—The authority granted by this Act shall terminate on September 30, 2004, unless the President carries out the following duties:

(a) Provides to Congress a detailed report on—

(i) the implementation and operation of this Act; and

(ii) the operation of United States export controls in general.
shall, within 15 working days after the appeal is filed, issue a decision affirming, modifying, or vacating the temporary denial order. The temporary denial order shall be affirmed if it is shown that—

(A) there is reasonable cause to believe that the person subject to the order is engaged in or is about to engage in any act or practice that constitutes or would constitute a violation of this Act, or any regulation, order, license issued under this Act, or any rule of the Department of Commerce, as the Secretary may delegate.

(2) A criminal indictment has been returned against the person subject to the order alleging a violation of this Act or any of the statutes listed in section 503.

The decision of the administrative law judge shall be final unless, within 15 working days after the date of the administrative law judge's decision, an appeal is filed with the Secretary. On appeal, the Secretary shall affirm, modify, reverse, or vacate the decision of the administrative law judge by written order within 30 working days after receiving the appeal. The written order of the Secretary shall be final and is not subject to judicial review. An appeal by the Secretary affirming, in whole or in part, the issuance or renewal of a temporary denial order may, within 15 days after the order is issued, be appealed by the person subject to the order to the United States Court of Appeals for the District of Columbia Circuit, which shall have jurisdiction of the appeal. The court may, in its discretion, in the case of an appeal from, or in the course of any investigation by an employee of the United States or to any officer or employee of the General Accounting Office or the International Emergency Economic Powers Act (50 U.S.C. 1706), be available determines that the withholding of information is necessary to carry out this Act. Any such regulations the purpose of which is to carry out title II or title III may be issued only if the regulations are submitted for review to such departments or agencies as the President considers appropriate. The Secretary shall consult with the appropriate export control advisory committees appointed under section 105(a) in formulating regulations under this title. The second sentence of this subsection does not require the concurrence or approval of any official, department, or agency to which such regulations are submitted.

(2) AMENDMENTS TO REGULATIONS.—If the Secretary proposes to amend regulations issued under this Act, the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives on the intent and licensing objectives. The Secretary shall consult with the appropriate export control advisory committees appointed under section 105(a) in amending regulations issued under this Act.

SEC. 602. CONFIDENTIALITY OF INFORMATION.

(a) EXEMPTIONS FROM DISCLOSURE.—

(1) INFORMATION OBTAINED ON OR BEFORE JUNE 30, 1980.—Except as otherwise provided by the third sentence of section 502(c)(2) and section 507(b)(2) of this Act, information obtained under the Export Administration Act of 1979, or any predecessor statute, on or before June 30, 1980, which is deemed confidential, including Shipper’s Export Declarations, or with respect to which a request for confidential treatment is made by the person furnishing such information, shall not be subject to disclosure unless it is determined by the United States Code, and such information shall not be published or disclosed, unless the Secretary determines that the withholding of information is contrary to the national interest.

(2) INFORMATION OBTAINED AFTER JUNE 30, 1980.—Except as otherwise provided by the third sentence of section 502(c)(2) and section 507(b)(2) of this Act, under the Export Administration Act of 1979 after June 30, 1980, or under the Export Administration regulations as maintained under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1706), be withheld from disclosure only to the extent permitted by law, except that information submitted, obtained, or considered in connection with an application for an export license 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 under the Export Administration regulations as maintained under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1706), includes—

(A) the export license or other export authorization itself,

(B) classification requests described in section 311,

(C) information or evidence obtained in the course of any investigation by an employee or officer of the Department of Commerce, the Secretary, or the Under Secretary for Export Administration, or any other Federal official, or disclosure in the course of any investigation by an employee of the United States or to any officer or employee of the General Accounting Office or the International Emergency Economic Powers Act (50 U.S.C. 1706), includes—

(A) the export license or other export authorization itself,

(B) classification requests described in section 311,

(C) information or evidence obtained in the course of any investigation by an employee or officer of the Department of Commerce, the Secretary, or the Under Secretary for Export Administration, or any other Federal official, or disclosure in the course of any investigation by an employee of the United States or to any officer or employee of the General Accounting Office or the International Emergency Economic Powers Act (50 U.S.C. 1706), includes—

(A) the export license or other export authorization itself,

(B) classification requests described in section 311,

(C) information or evidence obtained in the course of any investigation by an employee or officer of the Department of Commerce, the Secretary, or the Under Secretary for Export Administration, or any other Federal official, or disclosure in the course of any investigation by an employee of the United States or to any officer or employee of the General Accounting Office or the International Emergency Economic Powers Act (50 U.S.C. 1706), includes—

(A) the export license or other export authorization itself,

(B) classification requests described in section 311,

(C) information or evidence obtained in the course of any investigation by an employee or officer of the Department of Commerce, the Secretary, or the Under Secretary for Export Administration, or any other Federal official, or disclosure in the course of any investigation by an employee of the United States or to any officer or employee of the General Accounting Office or the International Emergency Economic Powers Act (50 U.S.C. 1706), includes—

(A) the export license or other export authorization itself,

(B) classification requests described in section 311,

(C) information or evidence obtained in the course of any investigation by an employee or officer of the Department of Commerce, the Secretary, or the Under Secretary for Export Administration, or any other Federal official, or disclosure in the course of any investigation by an employee of the United States or to any officer or employee of the General Accounting Office or the International Emergency Economic Powers Act (50 U.S.C. 1706), includes—

(A) the export license or other export authorization itself,

(B) classification requests described in section 311,

(C) information or evidence obtained in the course of any investigation by an employee or officer of the Department of Commerce, the Secretary, or the Under Secretary for Export Administration, or any other Federal official, or disclosure in the course of any investigation by an employee of the United States or to any officer or employee of the General Accounting Office or the International Emergency Economic Powers Act (50 U.S.C. 1706), includes—

(A) the export license or other export authorization itself,

(B) classification requests described in section 311,

(C) information or evidence obtained in the course of any investigation by an employee or officer of the Department of Commerce, the Secretary, or the Under Secretary for Export Administration, or any other Federal official, or disclosure in the course of any investigation by an employee of the United States or to any officer or employee of the General Accounting Office or the International Economic...
CONGRESSIONAL RECORD—SENATE
September 6, 2001

16576

(B) Prohibition on further disclosures.—No officer or employee of the General Accounting Office shall disclose, export, or publish in accordance with this paragraph, any such information which is submitted to a congressional committee on the condition that such information shall be held in confidence and shall not be disclosed.

(c) Information Exchange.—Notwithstanding section (a), the Secretary and the Commissioner of Customs shall exchange licensing and enforcement information with each other as necessary to facilitate enforcement efforts and effective license decisions.

(d) Disclosures of Confidential Information.—

(1) 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 or to any extent not authorized by law any information that—

(A) the officer or employee obtains in the course of his or her employment or official duties or by reason of any examination or investigation made by, or report made to, 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).

(3) Civil penalties; administrative sanctions.—The Secretary may impose a civil penalty of not more than $5,000 for each violation of paragraph (1), except that no civil penalty may be imposed on an officer or employee of the General Accounting Office, or any department or agency thereof, without the concurrence of the department or agency employing such officer or employee. Sections 503(e), (g), (h), and (i) and 507(a), (b), and (c) shall apply to actions to impose civil penalties under this paragraph.

(d) Penalties for disclosure of commercial sensitive information under this Act;—

(1) a description of the implementation of this Act during the fiscal year ending September 30 of the preceding calendar year;

(2) a statistical summary of all applications and notifications, including—

(A) the number of applications and notifications pending review at the beginning of the fiscal year;

(B) the number of notifications returned subject to full license procedure;

(C) the number of notifications with no action required;

(D) the number of applications that were approved, denied, or withdrawn, and the number of applications where final action has not been taken;

(E) the number of applications and notifications pending review at the end of the fiscal year;

(3) a summary of export license data by export identification code and dollar value by country;

(4) an identification of processing time by—

(A) overall average, and

(B) top 25 export identification codes;

(5) an assessment of the effectiveness of multilateral regimes, and a description of negotiations regarding export controls;

(6) a description of the significant differences between the export control requirements of the United States and those of other multilateral control regime members, and the specific differences between United States requirements and those of other significant multilateral control regimes;

(7) an assessment of the costs of export controls;

(8) a description of the progress made toward achieving the goals established for the Department dealing with export controls under the Government Performance Results Act of 1993;

(9) 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 gain and maintain a competitive advantage.

(i) General Provisions—

(1) Annual report.—Not 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 such year. All Federal agencies shall cooperate fully with the Secretary in providing information for each such report.

(b) Reports.—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 by the President and 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;

(7) a description of the enforcement activities, violations, and sanctions imposed under this Act;

(8) a statistical summary of all applications and notifications, including—

(A) the number of applications and notifications pending review at the beginning of the fiscal year;

(B) the number of notifications returned subject to full license procedure;

(C) the number of notifications with no action required;

(D) the number of applications that were approved, denied, or withdrawn, and the number of applications where final action has not been taken;

(E) the number of applications and notifications pending review at the end of the fiscal year;

(9) a summary of export license data by export identification code and dollar value by country;

(10) an identification of processing time by—

(A) overall average, and

(B) top 25 export identification codes;

(11) an assessment of the effectiveness of multilateral regimes, and a description of negotiations regarding export controls;

(12) a description of the significant differences between the export control requirements of the United States and those of other multilateral control regime members, and the specific differences between United States requirements and those of other significant multilateral control regimes;

(13) an assessment of the costs of export controls;

(14) a description of the progress made toward achieving the goals established for the Department dealing with export controls under the Government Performance Results Act of 1993;

(15) 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 gain and maintain a competitive advantage.

(3) Section 40(k) of the Arms Export Control Act of 1979, as amended, and (b) of section 506 of the Export Administration Act of 2001, after "1997";

(4) Section 278(a) of the Arms Export Control Act, as amended, and (b) of section 506 of the Export Administration Act of 2001; and

(5) Section 279(b)(c) of the Arms Export Control Act, as amended, and (b) of section 506 of the Export Administration Act of 2001;

(f) Penalties for disclosure of commercial sensitive information under this Act;—

(1) a description of the implementation of this Act during the fiscal year ending September 30 of the preceding calendar year;

(2) a statistical summary of all applications and notifications, including—

(A) the number of applications and notifications pending review at the beginning of the fiscal year;

(B) the number of notifications returned subject to full license procedure;

(C) the number of notifications with no action required;

(D) the number of applications that were approved, denied, or withdrawn, and the number of applications where final action has not been taken;

(E) the number of applications and notifications pending review at the end of the fiscal year;

(3) a summary of export license data by export identification code and dollar value by country;

(4) an identification of processing time by—

(A) overall average, and

(B) top 25 export identification codes;

(5) an assessment of the effectiveness of multilateral regimes, and a description of negotiations regarding export controls;

(6) a description of the significant differences between the export control requirements of the United States and those of other multilateral control regime members, and the specific differences between United States requirements and those of other significant multilateral control regimes;

(7) an assessment of the costs of export controls;

(8) a description of the progress made toward achieving the goals established for the Department dealing with export controls under the Government Performance Results Act of 1993;

(9) 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 gain and maintain a competitive advantage;

(10) an identification of processing time by—

(A) overall average, and

(B) top 25 export identification codes;

(11) an assessment of the effectiveness of multilateral regimes, and a description of negotiations regarding export controls;

(12) a description of the significant differences between the export control requirements of the United States and those of other multilateral control regime members, and the specific differences between United States requirements and those of other significant multilateral control regimes;

(13) an assessment of the costs of export controls;

(14) a description of the progress made toward achieving the goals established for the Department dealing with export controls under the Government Performance Results Act of 1993;

(15) 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 gain and maintain a competitive advantage.

(1) Other Provisions of Law.—

(1) Section 6(a)(4) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)(4)) is amended—

(A) by striking "11(c), 11(e), 11(g), and 12(a) of the Export Administration Act of 1979," and inserting "506(a), 506(b), 506(c), 506(d), 506(e), and 506(f) of the Export Administration Act of 1979;" and

(B) by striking (c), (d), and (e) of section 506, section 507, section 508, and section 509 of the Export Administration Act of 1979; and

(2) Section 302(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 230(a)(2)) is amended in the second sentence—
September 6, 2001

CONGRESSIONAL RECORD—SENATE 16577

(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. 2569(f)(a)) is amended—

(A) in paragraph (1)(a), by inserting “or section 310 of the Export Administration Act of 2001” after “Act of 1979”; and

(B) in paragraph (2), by inserting “or section 310 of the Export Administration Act of 2001” after “Act of 1979.”

(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(j)(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 6(j) of the Export Administration Act of 1979, or under section 6 of such Act to the extent that such controls promote the nonproliferation of nuclear materials or the nonproliferation of biological and chemical warfare agents” and inserting “the Export Administration Act of 2001.”


(9) Section 2332(a)(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 1956(c)(7)(D) of title 18, United States Code, is amended by striking “section 11 (relating to violations) of the Export Administration of 1979” and inserting “section 563 (relating to penalties) of the Export Administration Act of 2001.”


(14) Section 882(i)(2) of title 16, United States Code (as added by Public Law 106-185) is amended—

(A) by striking the “or” at the end of subparagraph (E) and inserting “; or”; and

(C) by inserting the following new subparagraph:

“(C) 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, shall be subject to export control under this Act. Any such product shall not be subject to controls under section 38(b)(2) of the Arms Export Control Act (22 U.S.C. 2778(b)).

(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 directives issued by the Federal Aviation Administration (FAA) or equipment manufacturers’ maintenance instructions or bulletins approved or accepted by the FAA and required for the airworthiness of the manufacturers’ products.

(l) REPEAL OF CERTAIN EXPORT CONTROLS.—


SEC. 702. SAVINGS PROVISIONS.

(a) IN GENERAL.—All delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action which have been made, issued, conducted, or allowed to become effective under :

(1) the Export Control Act of 1949, 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

(2) 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 the terms and conditions on which such action or application subject to the reporting requirements of title V 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.

(e) IMPLEMENTATION.—The Secretary shall make any revisions to the Export Administration regulations required by 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.

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

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 interested in national security and 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 we have needed for a period of time. We just passed one that is considerably better than what we had in place, and is even better than the
16578 CONGRESSIONAL RECORD—SENATE September 6, 2001

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 Senate to get 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 that quick action now 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 get. I didn’t expect much to happen on it, but we began the process of learning about it, and the House commission report came out. Of course, it was just a draft at first, but a draft 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 I and Senator Johnson of South Dakota could work through our subcommittee to really find out what was happening with it, to see how those things in the House commission and other reports, as they came out, fit into this bill. We put them into that bill, worked together to find solutions, met—“interminably” might not be the right word, but it feels like the right word sometimes—with a number of groups, who I was 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 Sarran, two very personal, two very 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 Sarran and Senator Gramm, you have these two personalities that cover all aspers 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 guiding us through this. I would be real remiss if I did not place some special thanks on all of the staff people who 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 the Senate. 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 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 the “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 Thompson 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 50 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 these 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 limited 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 has been through this. 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, not only in debate, in clarifying things, 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. 1469 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. REID. Will the Senator yield for a brief statement?

Mr. DORGAN. Of course, I will be happy to yield.

Mr. REID. Mr. President, on behalf of Senator Daschle, there will be no more votes tonight. The majority leader indicated in the morning he is going to move forward on some legislation. It is not for sure what it is. We are hopeful we will move to an appropriations bill. Senator Daschle has an important meeting tonight to see if that can be done. Senator Daschle asked I advise everyone there is a possibility of a vote in the morning. Everyone should be prepared in that regard. There will be no more votes tonight.

The PRESIDING OFFICER. The Senator from North Dakota.
SENATE BUSINESS

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 to do. We have a very short period of time in which to finish the work of the Senate 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 finish appropriations bills 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 essential 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, which are 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 is 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, it is called Social Security taxes, that are put into a dedicated trust fund, we are told now by the head of the Office of Management and Budget that this money is not designated for Social Security.

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 not a mistake in transcription. That is what he said, but it is possible he misspoke. If he did, let’s hear that. If he did not misspeak, 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 the President; 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 the trust fund. All of us face difficulty as a result of this fiscal policy. 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 way the economy moves: upward, steadily, relentlessly.

Now they are experiencing what we learned in economics. I actually taught economics for a while, and I have overheard that, as I often say. We taught the business cycle. The business cycle is inevitable. There is an expansion and a contraction. It all has to do with people’s confidence in the future. Sometimes there is more confidence and sometimes less confidence.

The point is, we all now inherit this economy that has softened. It is incumbent on us all to get together and work together; that the President and the Congress understand the plan that existed before, anticipating surpluses forever, is a plan that now does not add up. It is incumbent on us to do what the President wants to do. It would make good sense, in my judgment, for the President to join us in an economic summit of sorts to work through a new plan that represents the hope and the promise that there is a new reality to this economy and the numbers in the current plan do not add up.

Let’s create a plan together that makes sense for the American people, one that invests in the American people’s future and one that tries to provide the stimulus and incentives to help promote confidence and start this economy, once again, on an upward trend. That is what we have a responsibility to do.

Fingers that are pointed mean very little at this point. We are all in this ship of state together. It is not as if there is an engine room with dials, knobs, gauges, and levers so that if we can just get Alan Greenspan, or someone in charge of fiscal policies, to move these gauges and levers just right 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 to pass fast track trade authority for our 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 someone else the ability to go to negotiated trade agreements. No, the President 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 are not entitled to be given a blank check for trade negotiation authority by the Congress single stroke.

Let me give a couple of examples to describe why. Here is what has happened to our merchandise trade deficit. It has ballooned from $32 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 with Mexico. In 1993, we passed the North American Free Trade Agreement. Before the agreement, we had small trade 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 yield?

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 if Ford makes a car 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 send to Japan has a 38.5 percent tariff? It’s a very 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. Twelve years later we still have a 38.5 percent tariff on every single pound of beef. They place the beef to Tokyo, that is unfair trade; cars from Korea. How about high-fructose corn syrup to Mexico? Here they levy the equivalent of a 43 percent to 73 percent tariff on corn syrup, despite the fact that we have had 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 shed a single bit of light on 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, our negotiators, 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 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 them the NAFTA Olympics where the front so that occasionally our negotiators can look down at their chests and see who are 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 fast track.” 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 barriers that put us in a sea of red ink and put our employees and businesses at a disadvantage.

That is true. It is true with China. 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. But Japan, Canada, Mexico, Europe. This country is drowning 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 grant 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 children. A trade deficit that will and must be repaid. 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 for 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 chance.

Trade agreements with Japan, China, and others have been negotiated in an incompetent way. You can put 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 and 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, your ducks do not get in a 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
September 6, 2001

CONGRESSIONAL RECORD—SENATE 16581

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:

"Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Grows world-wide welcome: her mild eyes
command
The air-bridged harbor that twin cities frame.
"Keep ancient lands, your storied pompy!
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—are children, grandchildren, great-grandchildren, and great-great-grandchildren of immigrants. The magnificent promise of a better life that is inscribed in the base of the Statue of Liberty has deep roots 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 is an immigrant from Iran. 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 on and on.

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. In 1970, 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 undocumented Mexican 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.

If 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 last two decades. This influx 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 population increase. 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 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 whom about 7 million were born in the United States, according to the Center for Immigration Studies. This is roughly equal 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 our current 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 Spanish speakers, only half 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 new citizens, 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 nation simply cannot add nearly 120 million people to its population without having to develop a great deal of undeveloped land.

There are also environmental concerns that must be considered. 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 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 programs.

Does the Administration want to increase taxes to support these newcomers? We have been cutting taxes. How much of our limited resources is it 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 offer a higher standard of living and a better life to 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 amendments that usually accompany them. In fact, 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 1986, Congress granted an amnesty to 2.7 million illegal immigrants, based on the premise that the United States would take a hard look at the tide of illegal immigration when combined with a ban on the hiring of illegal immigrants by employers. I supported that proposal, 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 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 bar them from reentering the United States for up to 10 years.

This kind of legislation, in particular, flies right in the face—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 comes to 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 loans and 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 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 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 national 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 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 national 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 also understand that 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 foot hold for future generations. Migrants 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 with the bottom rungs of life’s ladder missing. I remember being at the mercy of the coal company employer in the coalfields. I understand the stigma of being undereducated, poor, and without the bottom rungs in the ladder. I understand that. That is why I am so 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. Are we really acting in the best interests of the Mexican immigrants or of our own citizens?

I have lived 84 years and one lesson that I have learned in my experience 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 just a competition for political advantage, but I fear that that is in fact the driving force behind, and ‘vote hope 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 and rhetoric.

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 often deplore the laxer rules which allow new immigrants easier access to U.S. shores, and resent the unfortunate image which newer immigrants may project. The Hispanic vote is not a monolith and it is an insulting, shallow proposition to portray all people of Latin origin 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? Are we not simply vacating the health care system in this nation knowing 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 these 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 these people.

We are not being honest with ourselves.

We can’t assure these children an adequate education, and that is truth. Are we consigning these children to a sort of permanent underclass when we fail to give them basic tools with which they can achieve? The truth is, our 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, to an education system that no longer is a land of unlimited 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 cut from the hillside.

We risk turning our backs to the needs of our own Nation in future years when we try to absorb huge, huge numbers of underskilled, uninsured, undereducated immigrants without a cogent plan for handling 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 contemplate the consequences. 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. They 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 troubles that we face 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.

I did not vote for the tax cut. I vigorously opposed it. And my wife and I are returning our check. And as resources shrink, we run the risk of resentment, increasing resentment between those who are coming and those who are here, and those forces that we do not want to unleash.

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.

It is 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. The people out there must seriously ask the politicians, what are the answers to these questions that are being asked? Are they legitimate questions?

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 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 answers? 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 not turn America’s promise 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 protagonist, 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 a 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 town and community, 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. Mr. 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 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 misinterpretations made of comments that have appeared in news articles. Some have suggested that the administration, for example, is going to abandon the ABM Treaty or is developing plans and asking for funding in this year's appropriations bills to conduct tests and do development projects for missile defense which would violate the provisions of the ABM Treaty.

It is clear from everything the President himself has said that he would like to replace the ABM Treaty, after full discussions with Russian officials, allies, and friends around the world, with a new strategic framework that more closely reflects the facts as they exist now in the relationship we have with Russia.

The ABM Treaty was written, as we know, in 1972. It was written in an atmosphere where the prevailing doctrine of national security was mutual assured destruction where we would actually have, as a matter of national policy, a plan to annihilate or destroy cities with innocent civilians in retaliation against a nuclear missile strike against the United States from the Soviet Union. And the mutual assured destruction doctrine was very troubling in and of itself, but it was the only thing we had. Deterrence was a way of life. We knew of a way of avoiding death in case someone decided to authorize a strike against the other. This was an agreement that was entered into at a time when each side seemed to be intent on building new and more sophisticated and more lethal weapons systems targeted to military targets in the other's nation state.

But times have changed. The Soviet Union no longer exists. Even though the Clinton administration attempted to negotiate a new agreement, it has never been submitted to the Senate for ratification. The succession agreement lists Russia, Belarus, and another nation state as the successor states to the Soviet Union. Think about that. I am sure the Senate would discuss that very carefully and probably at great length, and whether or not the Senate would advise and consent and permit the ratification of that treaty, to permit it to go into effect and have the force and effect of law, is problematic.

But that is just one indication of how times have changed. The Clinton administration continued to respect the ABM Treaty to the extent that it would not undertake testing of even theater missile defense systems if the Russians objected. And in the discussions with our representatives in Geneva and elsewhere, talking on these subjects, it became clear that this country was going to be inhibited in its testing of theater missile defense systems because of provisions of the ABM Treaty.

By now, it ought to be very clear that there are threats to our soldiers and sailors who are deployed around the world from these very theater missile offensive systems that we saw Iraq use in the desert war—in the war that we helped organize and wage against them to liberate Kuwait. Twenty-eight or twenty-nine members of a National Guard unit lost their lives in the line of duty in Operation Desert Storm as a result of a Scud missile attack.

We cannot tolerate being inhibited and subject to the approval of another country to test and develop and deploy a system that would protect soldiers in the line of duty. We already have, as a matter of fact, developed follow-on systems to the Patriot system, which was the only thing we used to try to counter the Scud missile attacks. And we continue to upgrade our theater missile defense systems because of provisions of the ABM Treaty.

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would help defend our service men and women when they are in harm's way around the world today.

There are some other programs that are cut, and I emphasize that I understand are in the chairman's mark. One is the space-based infrared system, which will provide satellites to track missiles after launch—$97 billion is cut from that program.

So there is a pattern here of undermining the entire effort to develop our 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 $350 million from a program previously known as national missile defense, though in reality the number is far higher, as the administration is trying to remove the artificial barriers between the labels “national” and “theater” missile defense.

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 interact more in a positive 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.

That 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 will not work or die as it is. The Administration wants to remove the ABM Treaty. It does not make any sense, and that is what the President's leadership capacity in developing missile defense programs.

Secretary Rumsfeld made it very clear at the hearing, responding to one Senator's question, that neither he nor Secretary Powell nor Dr. Condoleezza Rice had made any statement of that kind, and they knew of no one in the Department of Defense who had said anything like 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 was a fact. The fact is, 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 improving our missile defense capabilities. 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 in this Congress, we will be able to have a stable and friendly relationship based on mutual respect for national security interests. It seems to me that that is what the ABM Treaty is all about: an effort that is intended 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 in their 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 suggested to some 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 locks into law the doctrine of mutual assured destruction. We do not want to destroy Russia. 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 now.

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 forces, how can we 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 am 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 a cornerstone of DOE’s national cleanup effort dealing with the nation’s nuclear weapons complex.

Today, I want to announce that WIPP has filled their first underground room to full capacity.

This is no small achievement. That room now holds over 10,000 drums of TRU waste. The waste arrived in 352 shipments from five DOE sites—Los Alamos, Rocky Flats, Idaho, Hanford, and Savannah River. That required lots of transportation, in fact about one-third of a million miles. And even 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 team at WIPP isn’t stopping to celebrate this milestone. As I speak, they’re busily accepting more waste.

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 this legislation, we can change hearts and minds as well.

GENERAL HENRY H. SHELTON

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 Henry H. Shelton. 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 including 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 noncommissioned officers 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 in increasing the readiness of the U.S. military by articulating a regiment for increased defense spending. As a result, the Department of Defense realized a
$112 billion increase in defense spending over the 5-year defense plan to arrest declining readiness rates. He additionally implemented new processes to carefully manage high demand and 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 preeminent warfighting laboratory and Joint Force readiness. He established 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 the 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 Professional 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), 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, Hognose Badge, Air Assault Badge, Military Freefall Badge, and Special Forces and Ranger Tabs 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 U.S. Secret Service; Jeffrey, 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. 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, the Chief of Staff of the United States Air Force. General Ryan is a great American and, more important, and 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 force and major 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, as 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 thanks for just 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 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 Command 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 and then clear the path to allow his commanders to 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 do well to learn!

Meanwhile, General Ryan’s accomplishments are critical and easily quantifiable. He and his leadership team successfully arrested the Air Force’s declining readiness, dramatically increased the inter-service cooperation and coordination, ensuring that despite the Air Force being an all-volunteer force competing in a strong job market, its retention efforts maintain quality for quantity. He also led the effort to provide lifetime health care to our men and women who willingly put their lives at risk, as well as a retirement system that properly compensates their service or sacrifice.

In a period of leadership challenges and chaos, General Ryan led our Air Force, balancing reductions in forces with dramatically increased operational tasks. 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 the same time, we 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 the country. The U.S. Air Force and the Nation owe much to Mike Ryan, yet another outstanding Texan. General Ryan graduated from the Air Force Academy in 1965 and served as an example and inspiration for the country. The U.S. Air Force and the Nation owe much to Mike Ryan, yet another outstanding Texan.
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.

Fifteen years ago, September 5, 1986, the Federal debt stood at $2,112,800,000,000, two trillion, one hundred twelve billion, eight hundred three million, which reflects a debt increase of more than $3 trillion. $3,656,319,055,290.29. Three trillion, six hundred fifty-six billion, three hundred seventeen million, five-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 PRESIDING 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 call be rescinded.

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

**SECTION 245(i) EXTENSION ACT OF 2001**

Mr. REID. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of calendar No. 73. H.R. 1885, the 245(i) family unification 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.

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 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 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 then 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 doesn’t want to 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 Senators 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 eligible immigrants.

With 30 Republican and Democratic co-sponsors, this bill enjoyed broad bipartisan support:

It passed out of the Senate Judiciary Committee 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.

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 holds 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 communities and contributed to the economic vitality of our nation. This bill does not propose substantial changes, but only a continuation of the prior relief. 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 promise. Our bill, with an amendment to their petitions.

The deadline to provide this group of immigrants with more time to file their petitions.

Some critics are concerned about fraudulent marriages. But the INS, and not 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 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, as this legislation will 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 Mexico. It is 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.

We hope the House will expeditiously move forward on this matter. The chairman of the House Judiciary Committee has been involved in this. Representative SENSENIBRENNER. We are grateful for everyone’s cooperation.

UNANIMOUS CONSENT AGREEMENT—H.R. 2500

Mr. REID. President, I ask unanimous consent that on Monday, September 10, at 12 noon, 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 designee 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.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

OBSERVANCE OF THE OLYMPIC TRUCE

Mr. REID. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 112, S. Res. 126.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (S. Res. 126) expressing the sense of the Senate regarding observance of the Olympic Truce.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. President, I ask unanimous consent that the resolution and preamble be agreed to en 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.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the Olympic Games are a unique opportunity for international cooperation...
CONGRESSIONAL RECORD—SENATE

September 6, 2001

16590

and the promotion of international understanding;

Whereas the Olympic Games bring together embattled rivals in an arena of peaceful competition;

Whereas the Olympic Ideal is to serve peace, friendship, and international understanding;

Whereas participants in the ancient Olympic Games, as early as 776 B.C., observed an “Olympic Truce” whereby all warring parties ceased hostilities and laid down their weapons for the duration of the games and during the period of travel for athletes to and from the Games;

Whereas war extracts a terrible price from the civilian populations that suffer under it, and truces during war allow for the provision of humanitarian assistance to those suffering populations;

Whereas truces may lead to a longer cessation of fighting, and ultimately a negotiated settlement and end to conflict;

Whereas the Olympics can and should be used as a tool for international public diplomacy, rapprochement, and building a better world;

Whereas terrorist organizations have used the Olympics not to promote international understanding, but to perpetuate cowardly acts against innocent participants and spectators;

Whereas since 1992, the International Olympic Committee has urged the international community to observe the Olympic Truce;

Whereas the International Olympic Committee and the Government of Greece established the International Olympic Truce Center in July 2000, and that Center seeks to uphold the observance of the Olympic Truce and calls for all hostilities to cease during the Olympic Games; and

Whereas the United Nations General Assembly, with the strong support of the United States, has three times called for member states to observe the Olympic Truce, most recently for the XXVII Olympiad in Sydney, Australia: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE WITH RESPECT TO THE OLYMPIC TRUCE

(a) CONDEMNATION OF THE IOC AND THE GOVERNMENT OF GREECE.—The Senate commends the efforts of the International Olympic Committee and the Government of Greece 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 efforts to use the Olympic Truce 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 legislative clerk shall read as follows: A concurrent resolution (S. Con. Res. 58) expressing 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 for 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

FIFTIETH 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 200 other Al-Anon and 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 souls, relationships, families 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 provide the help and support needed by 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. With awareness, treatment, and support, people can recover from alcohol addiction, and make positive contributions to their families, workplaces, communities, state and nation. Through the support of 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 partner 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 thousands of women. The pilot program has had 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 can 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 about ovarian cancer.

- I had the pleasure of meeting General Kane in person 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 own military career. His attitude is more than an approach 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 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 and Californian, 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. This successful restaurant for all of these years 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 teamwork.

- Alice’s disciples and her philosophy of fresh, local and natural, have spread throughout our land. A remarkable number of proteges have opened their own path-breaking restaurants and have become culinary artists themselves. But her influence goes far 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 are road maps 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 the treat will be extra special. I am honored to have this opportunity to honor Jim’s wife, Penny, their three children, Jim, Sara, and Michelle, and their new granddaughter, Tess. Jim’s contributions to our State have been many, but he has, in particular, been an absolute champion for the interests of agriculture and South Dakota’s rural communities.

- After growing up on a ranch near Alliance, 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 important ruminant nutrition research. Jim has been involved in considerable sales of livestock at sale barns throughout the State, and been 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 as a member of the South Dakota National Guard.

The great honor to be bestowed on Mr. Woster is exceptionally well served, 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, which it 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. 1866. An act to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings.

H.R. 2048. An act to require a report on the operations of the State Justice Institute.

H.R. 2277. An act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An act to provide for work authorization for nonimmigrants of intransitory transferees, and to reduce the period of time during which certain intransitory transferees have to be continuously employed before applying for admission to the United States.

H.R. 2291. An act to extend the authorization of Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

The message also announced that the House has agreed to the following resolution:

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.R. 1868. An act to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings; to the Committee on the Judiciary.

H.R. 2048. An act to require a report on the operations of the State Justice Institute; to the Committee on the Judiciary.

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:


EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3578. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to military personnel accounts; to the Committees on Appropriations; the Budget; and Armed Services.

EC–3579. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the appropriations report; to the Committee on the Budget.

EC–3580. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements with respect to the ratification of the following treaties other than treaties; to the Committee on Foreign Relations.

EC–3581. A communication from the Under Secretary for Economic, Export Control, Technology, transmitting, pursuant to law, the report for Department purchases from foreign entities in Fiscal Year 2000; to the Committee on Armed Services.

EC–3582. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the report for Department purchases from foreign entities in Fiscal Year 2000; to the Committee on Armed Services.

EC–3583. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3584. A communication from the Director of the Defense Finance and Accounting Service, transmitting, pursuant to law, a report on Conversion of Department of Defense Commercial Activity to a Private Contractor; to the Committee on Armed Services.

EC–3585. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001–02 Early Season” (RIN0165–AA36) received on August 17, 2001; to the Committee on Indian Affairs.

EC–3586. A communication from the Executive Director of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the Annual Report for 1999 and 1998; to the Committee on Health, Education, Labor, and Pensions.

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 Antarctic Expeditions” (RIN3450–AA98) received on August 15, 2001; to the Committee on Environment, Energy, and Natural Resources.

EC–3588. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Solid Minerals Reporting Requirements” received on August 17, 2001; to the Committee on Energy and Natural Resources.

EC–3589. A communication from the 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 “2001–2002 Refuge-Specific Hunting and Sport Fishing Regulations” (RIN0165–AGS6) received on August 22, 2001; to the Committee on Energy and Natural Resources.

EC–3590. A communication from the Register of Copyrights, Library of Congress, transmitting, pursuant to law, the so-called “DMCA Section 104 Report”; to the Committee on the Judiciary.

EC–3591. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to 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” received on August 16, 2001; to the Committee on Veterans’ Affairs.

EC–3593. 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 “Duty to Assist” (RIN2900–AK69) received on August 23, 2001; to the Committee on Veterans’ Affairs.

EC–3594. A communication from the Under Secretary for Defense, Acquisition and Technology, transmitting, pursuant to law, the report on Conversion of Department of Defense Commercial Activity to a Private Contractor; to the Committee on Armed Services.

EC–3595. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–3596. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to the People’s Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–3597. A communication from the Deputy Congressional Liaison, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Credit by Brokers and Dealers (Regulation T); List of Foreign Margin Stocks” received on August 30, 2001; to the Committee on Banking, Housing, and Urban Affairs.
EC-3598. A communication from the Secretary of the Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2001 Federal Pool” (Rev. Proc. 2001–44) received on August 27, 2001, to the Committee on Finance.


EC-3600. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to Austria; to the Committee on Banking, Housing, and Urban Affairs.

EC-3601. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3602. A communication from the Deputy Secretary of the Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Registration of Brokers Pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934” (RIN2355–A121) received on August 30, 2001, to the Committee on Banking, Housing, and Urban Affairs.

EC-3603. A communication from the Chairman of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Railroad Track Maintenance Costs” (Rev. Proc. 2001–46) received on August 21, 2001, to the Committee on Finance.

EC-3604. A communication from the Regulations Officer of the Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Old-Age, Survivors, and Disability Insurance; Revision to Medical-Vocational Guidelines” (RIN0996–AE42) received on August 22, 2001, to the Committee on Finance.

EC-3605. A communication from the Chairman of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—September 2001” (Rev. Rul. 2001–52) received on August 27, 2001, to the Committee on Finance.

EC-3606. A communication from the Chairman of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Weighted Average Interest Rate Update Notice” (Notice 2001–56) received on August 27, 2001, to the Committee on Finance.

EC-3607. A communication from the Chairman of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2001 National Pool” (Rev. Proc. 2001–44) received on August 27, 2001, to the Committee on Finance.

EC-3608. 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 “Change in Flat Rate of Duty on Articles Imported for Personal or Household Use or as Rona Fide Gifts” (RIN1515–AC90) received on August 30, 2001, to the Committee on Finance.

EC-3609. A communication from the Chairman 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 Finance.

EC-3610. A communication from the Principal Deputy Assistant Secretary of the Army, 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-3611. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Guidance on Amendment of Section 240.3a55–1: Method of Determining Permits” (FRL7033–2) received on August 8, 2001, 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 Air Quality Implementation Plans; Pennsylvania; Conversion of the Conditional Approval of the 15 Percent Plan for the Columbia-Philadelphia-Wilmington-Trenton Nonattainment Area to a Full Approval” (FRL7045–5) received on August 21, 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 “Funding for Attainment for PM-10; Shoshone County (City of Pinehurst and Pineview, Expansion Area)” (FRL7029–3) received on August 21, 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 “Idaho: Final Authorization of State Legislation” (FRL7038–2) received on August 21, 2001, to the Committee on Environment and Public Works.

EC-3615. 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; Final Frameworks for Early Season Migratory Bird Hunting Regulations” (RIN1018–AH79) received on August 21, 2001, to the Committee on Environment and Public Works.

EC-3616. 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 and Possession Limits for Certain Migratory Game Birds in the Contiguous 48 States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands” (RIN1018–AH79) received on August 28, 2001, to the Committee on Environment and Public Works.

EC-3617. A communication from the Chief of the Office of the Inspector General 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” (FRL7031–5) received on August 23, 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 “Approval and Promulgation of Implementation Plans; State of Tennessee” (FRL7044–4) 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, a report entitled “The Role of Screening-Level Risk Assessments and Refining Contaminants of Concern in Baseline Risk Assessments (2001)” received on August 24, 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, a report entitled “Reuse Assessments: Tool to Implement Superfund Land Use” 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 “Operation and Maintenance in the Superfund Program” 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 “Local Emergency Planning Committees and Deliberate Releases” 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 “Drop Out Box Slag Generated at Electric Arc Furnaces” 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 “FACTSHEET: Tier II Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Superfund Post Cleanup Technical Assistance; to the Committee on Environment and Public Works.

EC-3634. 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 Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Marine Vessels Coating Operations” (FRL7049–3) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3641. A communication from the Deputy Inspector General, Department of Defense, transmitting, pursuant to law, the Audit Report on Superfund Financial Transactions for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC-3642. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Sidalcea oregana var. calva (Wenatchee Mountains checker-mallow) (RIN1018-AH05) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3643. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Kootenai River Population of the White Sturgeon” (RIN1018-AH06) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3644. 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 Ozone Containment Plan and Finding of Failure to Attain; State of California, San Francisco Bay Area” (FRL7048–1) 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:


By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1233: A bill to provide penalties for certain unauthorized writing with respect to consumer products.

By Mr. McNICOLL (for himself, Mrs. Feinstein, Mr. Daschle, Mr. Schumer, Ms. Mikulski, Mr. CRAPO, Mrs. CLINTON, Mrs. CARNahan, Mrs. BOXER, Mr. Torricelli, Mr. Enwards, Mr. Cleland, Mr. Ensign, Mr. Johnson, and Mr. Inouye): S. 1469. A bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities

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 to the committees indicated:

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 inpatient care, and to provide for comparable limitations on medical and surgical benefits. (Rept. No. 107-67).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 703: A bill 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, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1233: A bill to provide penalties for certain unauthorized writing with respect to consumer products.
have failed to substantially 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. 1410. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1411. 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

S. 128

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 New Mexico (Mrs. BOXER) 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. 595

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. 653

At the request of Mr. BAYH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 653, 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. 694

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. CHAFFEES) was added as a cosponsor of S. 694, 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.

S. 736

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 I, 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.

S. 805

At the request of Mr. WELLSTONE, the names of the Senator from New Mexico (Mrs. BOXER) and the Senator from Pennsylvania (Mr. MCCONNELL) were added as cosponsors of S. 805, a bill to amend the Public Health Service Act to provide incentive grants to increase the ability of oral health services by strengthening the dental workforce in designated underserved areas.

S. 814

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 814, 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.

S. 836

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 836, a bill to amend the Agricultural Trade Development and Assistance Act of 1954 to establish an international food for education and child nutrition program.

S. 883

At the request of Mr. MIKULSKI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 883, 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.

Mr. DURBIN. The names 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. STABENOW) and the Senator from New Jersey (Mr. CORZINE) 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.

Mr. SCHUMER. At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1084, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

Mr. SCHUMER. At the request of Mr. SANTORUM, the Senator from New Hampshire (Mr. SANTORUM) and the Senator from New Jersey (Mr. CORZINE) 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.

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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 Representives of the United States of America in Congress assembled.

SEC. 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:

“(a) Income threshold.
(i) General rule—The amount of income attributable to 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 subparagraph (B) 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 INCREASED COPAYMENTS FOR OUTPATIENT MEDICATIONS PENDING COLLECTION OF COPAYMENTS FOR OUTPATIENT CARE.

Notwithstanding any other provision of law, the Secretary of Veterans Affairs may not implement under section 1722A(a) of title 38, United States Code, an increase in the copayment amount for medications furnished on an outpatient basis under section 1722A(a) of title 38, United States Code, until the Secretary commences collection of amounts for outpatient visits for medical services under section 1710(g) of that title.

By Mr. McCONNELL (for himself, Mrs. FEINSTEIN, Mr. DASCHEL, Mr. SCHUMER, Ms. MIKULSKI, Mr. CRAPO, Mrs. CLINTON, Mrs. CANTOR, Mr. TORRICELLI, Mr. EDWARDS, Mr. CLELAND, Mr. ENSIGN, Mr. JOHNSON, and Mr. INOUYE):

S. 1409. A bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel; to the Committee on Foreign Relations.

September 6, 2001

CONGRESSIONAL RECORD—SENATE 16597

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 the Middle East Peace Compliance Act of 2001. We do that, with the support also of our colleagues, Senators DASCHEL, SCHUMER, MIKULSKI, CRAPO, CLINTON, CARNAHAN, BOXER, TORRICELLI, EDWARDS, CLELAND, ENSIGN, and SHELB.

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) terrorists he allows free reign in the West Bank and Gaza—guilty of waging a guerrilla 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 him-self and injured others on Jerusalem’s 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 will become a suicide bomber.” 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 or not 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 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 ask a question of my colleagues: If the daily terrorists attacks taking place against Israelis were occurring on American soil against U.S. 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, 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 DASCHEL, SCHUMER, MIKULSKI, CLINTON, CARNAHAN, BOXER, TORRICELLI, EDWARDS, and CLELAND.

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

Mrs. FEINSTEIN. Mr. President, the Senator from Kentucky and I joined together in this legislation because we believe that if the 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 to the United States.

Most people, I think, don’t know what the Oslo accords were. In fact, the Oslo accords were letters that were sent between the Palestinian and Israeli leadership in 1993. Those letters became the Oslo accord.

I want to indicate what the Palestinians, over the signature of their chairman, Mr. Arafat, said they would do on September 9, 1993:

The PLO recognizes the right of the State of Israel to exist in peace and security.


The PLO commits to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved through negotiations.

These are not my words, these are the words of Chairman Arafat.

It goes on:

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, prevent violence, and discipline violators.
In view of the promise of a new era and the signing of the Declaration of Principles, and based on the acceptance of the PLO and the Palestinian Authority of Security Council Resolutions 242 and 338, the PLO affirms that those articles of the Palestinian Covenant which deny Israel's right to exist, and the provisions of the Covenant which are inconsistent with the commitments of this letter are invalid.

For its part, Israel, under Prime Minister Rabin, in a letter to Chairman Arafat, stated:

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 thresholds on that peace process, that process that everyone recognized that Israel has the right to exist in peace and security and that the Palestinian people have a right to be represented in peace negotiations 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 101 Israelis, 114 of them civilians, and it has wounded another 1,500 Israelis.

As the Senator from Kentucky pointed out, whether it is a bomb that goes off in a pizza parlor, a discotheque, a school bus, 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 a bomb 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 technique over the past 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 President is 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. The President is required 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 restrict nonhumanitarian assistance to the West Bank and Gaza and to impose one of two additional sanctions: Denial of visas to Palestinian Authority officials, or closing the Palestinian office in the United States.

I think this legislation is necessary to send a message that we 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 as an 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.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Be it enacted by the Senate and House of Represent-atives 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 declares that all outstanding issues relating to permanent status will be resolved through negotiations."

(2) The Palestinian Authority, the governing body of autonomous Palestinian territories, was created as a result of the agreement between the PLO and the State of Israel that are a direct outgrowth of the September 9, 1993, commitments.

(3) The United States Congress has provided authorities to the President to impose certain statutory restrictions relating to the PLO, subject to Presidential certification that the PLO has continued to abide by commitments made.

SEC. 3. REPORTS.

(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;

(2) a description of the steps taken by the PLO or the Palestinian Authority, as appropriate, to investigate and prosecute those responsible for violence against American and Israeli citizens;

(3) making a determination as to whether the PLO or the Palestinian Authority, as appropriate, has substantially complied with certain statutory restrictions since the submission of the preceding report, or, in the case of the initial report, during the preceding 6-month period; and

(4) detailing progress made in determining the designation of the PLO, or one or more of its constituent groups (including Fatah and Tanzim) or groups operating as arms of the Palestinian Authority (including Force 17) as a foreign terrorist organization, in accordance with section 219(a) of the Immigration and Nationality Act.

(b) TRANSMISSION.—The initial report required under subsection (a) shall be transmitted not later than 30 days after the date of enactment of this Act. Each subsequent report shall be submitted on the date on which the President is next required to submit a report under the PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101-246) and may be combined with such report.

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:
By Mr. CAMPBELL (for himself and Mr. ALLARD):
S. 1411. 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.

Mr. CAMPBELL. Mr. President, today I am introducing a bill to facilitate the transfer of the Denver Department of Veterans Affairs Medical Center, the Fitzsimons Army Medical Center, Aurora, CO. I am happy to be joined in this effort by my friend and colleague, Senator ALLARD as an original co-sponsor.

The University of Colorado Health Sciences Center,UCHSC, is moving its facilities from its overcrowded location near downtown Denver to the Fitzsimons site, a decommissioned Army base. The DVAMC have long operated on adjacent campuses and have shared faculty, medical residents, and access to equipment. A DVAMC move to the new location would allow such cost-effective cooperation to continue, for the benefits of our veterans and all taxpayers.

We must not miss out on this opportunity. In order to make the move quickly, the VA needs to move quickly to realize the financial advantages of this unique opportunity. In order to make the move fiscally effective, the VA needs to make a decision not later than 2004. Additionally, our veterans are aging and their needs are increasing. Assisting our veterans with their medical needs is a promise we, as a country, made long ago.

The savings we can realize by approving the timely transfer of our veterans medical treatment facilities in the Denver region compels me to urge my 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:

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 “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 appropriations in subsection (b), for purposes of the transfer of the Denver Department of Veterans Affairs Medical Center, Colorado, from its current location in Denver to 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 authorization.

(2) Amounts for the cost of the transfer authorized by paragraph (1) shall be derived from amounts in the Construction, Major Projects, account for a category of activity not specific to a project that are available 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.

SA 1528. Mr. CRAIG (for himself, Mr. CAMPBELL, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 149, supra; which was ordered to be printed in the RECORD.

SA 1529. Mr. KYL proposed an amendment to the bill S. 149, supra.

SA 1530. Mr. SARBANES (for himself, Mr. GRAMM, Mr. ENZI, and Mr. JOHNSON) proposed an amendment to the bill S. 149, supra.

SA 1531. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2569, making appropriations for the Departments of Commerce and the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to be printed in the RECORD.

SA 1532. Mr. REID (for Mr. LOTT) proposed an amendment to the bill H.R. 2565, 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.

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:

On page 197, line 15, strike "substantially inferior" and insert "not of comparable quality".

SA 1528. Mr. CRAIG (for himself, Mr. CRAPO, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; as follows:

Insert at the appropriate place the following:

SEC. XXX. SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR.

(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 export;

(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) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled at the Republic of Korea to discuss a financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea has made $5,000,000,000 available to corporatize, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require re-exports of certain products, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, Public Law 105-277, 112 Stat. 2681-220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Korea Semiconductor which contravenes the commitments of the Government of the Republic of Korea, and any other government entity, to abide by its commitments to the United States for the bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and Korea has not 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; and

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken of the Treasury, the Secretary of Commerce, and the United States Trade Representative shall forthwith request consultations with the Republic of Korea under 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;

(c) REFUSAL BY COUNTRY.—If 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 allow post-shipment verification is allowed in the Secretary considers appropriate; or

(d) FURTHER MEASURES.—In order to promote respect for fundamental human rights, crime.

SA 1530. Mr. SARBAZES (for himself, Mr. GRAMM, Mr. ENZL, and Mr. JOHNSON) proposed an amendment to the bill S. 149, to provide authority to control exports, and for other purposes; as follows:

On page 226, line 2 through 4, insert after "title;". "and"

On page 226, strike lines 9 through 22 and insert the following:

(ii) upon receipt of completed application—

(1) 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 necessary recommendations and analyses by the Secretary to the Secretary of Defense, the Secretary of the Treasury, and the heads of the other departments and agencies the Secretary considers appropriate; or

(III) return the application if a license is not required.

On page 226, line 13, strike "parties" and insert "persons".

On page 226, line 11, after "necessary" insert "to", to be available until expended.

On page 226, line 20, after "necessary" insert "to", to be available until expended.

On page 227, line 20, after "$5,000,000" insert "to", to be available until expended.

On page 228, line 12, after "necessary" insert "to", to be available until expended.

On page 300, line 14, after "$2,000,000" insert "to", to be available until expended.

On page 311, strike lines 2 through 4 and insert the following: "other export authorization (or recordkeeping or reporting requirements), enforcement activity, or other operations under the Export Administration Act of 1979, under this Act, or under the Export Administration Act of 1930, any employee or officer of the Department of Commerce after "investigation".

On page 311, strike lines 6 through 10 and insert the following: "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 503(e),"
On page 324, line 21, strike all after the enacting clause and insert the following:

"In section 3306 of the Arms Export Control Act (22 U.S.C. 2762A–345), as enacted into law by section 301 of the Department of Defense Authorization Act for Fiscal Year 2000, as amended, the term "airworthiness standards" shall mean standards for airworthiness for aircraft that are standard equipment, certified as airworthiness standards by the FAA, or, if not so certified, standards that are consistent with airworthiness standards defined by the FAA, as determined by the Secretary of Transportation in consultation with the Secretary of Defense."

On page 325, between lines 5 and 6, insert the following:

"SA 1531. Mr. ALLEN submitted an amendment to provide $500,000 to the Senate Committee on Armed Services for the purpose of supporting the National Guard and Reserve."
On behalf of the whole Senate, I express my appreciation.

PROGRAM

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.
Mr. BRADBURY. 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 apparent 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 tax revenues. For these reasons, the bill passed both the Immigration Subcommittee and the full Judiciary Committee by voice vote.

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 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 the 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 remains 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 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 numerous other world-class groups, and at the music conservations of such distinguished schools as Julliard, 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 be 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 TRANSFEEES

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 he 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 Seniors 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 fans, students in her sixth grade class of 1963-64, will be gathering on Sunday, October 7th to thank her for the significant role she played in shaping their lives. In the words of one of her students, she sparked the imagination of her students to "achieve, accomplish, reach and claim their place in the American Dream."

After graduating from Brooklyn College, Deborah Plotz-Pierce began a career that would impact the lives of countless students.

EXTENSIONS OF REMARKS

From 1958 to 1965, she worked at PS 213 in the East New York section of Brooklyn, where she was assigned to work with gifted and talented students and their parents. After marrying Milton Plotz-Pierce and having her first child, she would begin a battle that would impact the lives of many women. After failing victim to the rules that governed pregnant New York City female teachers at that time, she filed a sexual discrimination complaint against the Board of Education. Over the course of the next four years, Mrs. Plotz-Pierce's case ascended to the Court of Appeals, whose decision led to the amendment of the New York City Maternity By-Laws to reflect greater gender equity. Her long-fought battle for equality in the system surely made a tangible and vital difference in the lives of a generation of New York City teachers.

After having her second child, she returned to the classroom, where she remained until her retirement in 1991. In 1992, Mrs. Plotz-Pierce was invited to join the teaching faculties of Touro College and the Education Department of City College. During the next seven years, she trained and mentored new teachers for the New York City Board of Education, passing her years of knowledge and experience on to the next generation.

Throughout a lifetime of learning, teaching, and mentoring, Deborah Ritter Plotz-Pierce has provided such inspiration to her students that they gather after 35 years to celebrate and thank her. She is truly a model educator, and I join her students in thanking her for a lifetime of dedication to the students of New York City.

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. 2584, 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.

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.

TRIBUTE TO DOCTOR HARVEY "JERRY" CLAREMONT

HON. JAMES P. McGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Shrewsbury, Massachusetts in celebrating the nomination of Doctor Harvey "Jerry" Claremont as the 2001 "Spirit of Shrewsbury" Grand Marshal.

For many years, Dr. Claremont has been a distinguished member of the Shrewsbury community, thanks to his countless efforts to help the less fortunate.

Dr. Claremont and his wife, Anne Marie Pelletier, have long given of their time. Over the past twenty years, his family has adopted seven Korean children into their home. In addition, over thirty children have stayed with the family while they have been in this country receiving medical treatment. Dr. Claremont worked for twenty-seven years as a general and vascular surgeon while recruiting volunteers and founding Children's HealthCare and Nutritional Goals Through Education. That group has sent volunteers to developing countries in order to see patients, perform operations, and deliver medical supplies.

Mr. Speaker, it is with tremendous pride that I acknowledge the outstanding work of Dr. Harvey Claremont. I congratulate him, and wish the town of Shrewsbury the best of luck on the 2001 Spirit of Shrewsbury Celebration.

REQUIRING A REPORT ON THE OPERATIONS OF THE STATE JUSTICE INSTITUTE

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 Brennan for bringing it to the full House. The State Justice Institute was established as a non-profit corporation in 1984 to award grants to improve the quality of justice in State courts and develop new and efficient solutions to problems faced by all courts.

Unfortunately, Congress has not conducted oversight over the Institute in approximately 15 years, so we have no information about how it is functioning. This bill solves that problem by requiring the Attorney General to submit a
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 safety milestone. On August 9, 2001, the employees of the Davis-Besse Nuclear Power Station 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 northeastern 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 such 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 electricity. 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.

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, 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 full-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.

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 patent 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 patent 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 over many years. Its GNP 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 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, 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 of 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 three votes, have endorsed Taiwan’s desire for participation in the United Nations. The time has come for Taiwan to officially enter the community of nations.
PERSONAL EXPLANATION
HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise to offer a personal explanation. Yesterday, I was absent from the Chamber as I attended the funeral of Liston Ramsey, the late Speaker of the North Carolina House of Representatives. During that time, I was not present to vote on Roll Call Votes 333 and 334. Had I been present, I would have voted Yes on both. I ask that my statement be submitted in the appropriate place in the RECORD.

VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING
HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who were concerned about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I am asking that these statements be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

REGARDING THE MEDIA IN PUBLIC LIFE, MAY 7, 2001

APRIL LEICHTNAM: "There are two ways to slide through life; to believe everything or doubt everything. Both ways save us from thinking." Alfred Korzybski. The media plays an important role in the lives of all human beings. It is a mixture of different forms of media. Some of these forms are printouts such as newspapers, books, fliers, billboards, clothing, signs and magazines. Along with print media, there is nonprint media, such as television, radio, movies, cassettes, tapes, CDs, videotapes, Internet and other electronic modes of communication. When the media constructs the message they would like to convey, they have two things in mind. They have a purpose, and they design them to evoke a certain response from their audience.

LAURA DICK: 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 seeing it. They use many different types of techniques. Some of these techniques include humor, comparisons, economics, social prestige, emotional appeal, appeal to fears and insecurities, statistics and studies, exotic appeals, a sense of belonging, a sense of mastery, a desire to be noticed, consumer complaints, the use of parental figures, and also "weasel" words. Many of these techniques are designed to target a certain audience. Also, a lot of these claims on TV make ads meaningless, for example, an ad will say, "virtually spotless," instead of just "spotless," which does not mean the dishes will be totally spotless. Some of these claims are meaningless.

Some other common advertising techniques include bandwagon, attraction, happy families, something-for-nothing, testimonials, and national names, and patriotism. We ask that a statistic that shows the influence on media on the lives of many people today. For example:

APRIL LEICHTNAM: During one year, a child will see approximately 3,000 drinking episodes on television. The average American child will view approximately 75,000 beer ads by the age of 18. Alcohol advertising accounts for 3 to 5 percent of total revenue on TV, and 12 percent on radio. Prime time and soap operas expose teenagers to sexual scenes every nine minutes. Fewer than 6 percent of males and 2 percent of females tuned into TV on school days, and six hours on weekends. 90 million households watch TV on school days, and eight hours on weekends. The average American watches 1,000 hours of television every year. In 1991, the average American sees about 32,000 commercials every year. In 1990, the second commercial cost $2,600,000 during the Super Bowl. The average American household owns two to three televisions. The average child watches 10,000 murders, rapes and aggravated assaults in one year. 20 to 28 hours per week are spent viewing television. This is the only activity we spend more time doing besides sleeping. Four out of five Americans believe violence on TV causes real violence. Beer commercials air while drinking portrayals occur five times per hour. Average high school students spend two to three hours a day watching TV on school days, and eight hours a day on weekends. 90 million households own at least one TV set. 63 percent have two or more sets. By the first grade, the average child has seen 50 hours of TV. There are more people in the world who have televisions than indoor plumbing. In promoting things that are not reality, the media promotes such complex problems as drug addiction, racism, eating disorders, tobacco and alcohol consumption by teens and younger children, sexual and physical abuse, paranoia, voter apathy, and pornography. Therefore, we conclude that media literacy classes should be offered in every high school in the state of Vermont.

REGARDING PUBLIC SCHOOLS, MAY 7, 2001

PATTY RALSTON: We have a video.

CONGRESSMAN SANDERS: You have a video?
PATTY RALSTON: Yes. (Videotape played.)

CONGRESSMAN SANDERS: Thank you very much for this excellent video. Who wants to begin verbal presentation now? You don't think you are going to get away with just the video, do you? Just because you are on tape does not exempt you from disposing it. Your name again?

SELENA COGHLAN: Selenia Coghlan.

Like I said on the video, I just feel that people should be able to get their diploma. But when I was in the middle school or public schools, I feel that, if you are on a different level than the other kids, like if you can't read as well or you can't do math as well, they treat you a lot differently. And, basically, I feel it is the teachers' fault, because they're there to educate you and they should be the ones to teach you, and when you get your diploma you shouldn't be just because you got passed along. You should know something.

CONGRESSMAN SANDERS: Let me back up. You said you wanted to see government do something. What would that be? And do you know what they call you guys say a few words about the Lund Home? How is the Lund Home different from other schools?

SELENA COGHLAN: The Lund Home is for young parenting and young teens. And it is a small class, where all females that are pregnant or parenting can get their diploma or GED. And they take math, history, everything that public schools take, and they also take parenting skills classes for kids. Some kids that 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 do.

CONGRESSMAN SANDERS: Thank you. Next?
PATTY SALVAS: I never went to public schools in Vermont, but I do know that a lot of the public schools aren't very friendly to teen moms, and for like the people on welfare, they don't give them enough initiative. So they need to be more sympathetic towards 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 students 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, the other side—what is it called?

CONGRESSMAN SANDERS: Alternative.

SELENA COGHLAN: Alternative schools. I think these are really great for kids. Some people do have problems maybe, with family, and that is why the are there, but some kids learn slower than other kids. Like me, I have to have somebody explain it to me, you know, 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 do it.

CONGRESSMAN SANDERS: So you think different types of kids respond to different—

SELENA COGHLAN: Everybody is different. I feel like everybody 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 alternatives for pregnant and parenting teens, and just for other kids that need the extra help, even if they are not pregnant or parenting.
EXPRESSIONS OF REMEMBRANCE OF MARYLAND

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 1956, 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 Chairman 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, well.

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 slave 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 seminar 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 apartheid, from the companion Diocese of Cape-town, South Africa.

Of course, worship is the primary function in the Parish. The Reverends John S. McDuffie and Susan Astarita lead the parishioners in worship every Wednesday and Sunday.

I am extremely proud to have the Prince George’s Parish in my Congressional district. Its fascinating history and rich tradition of education, service, and faith, is a source of inspiration for all Americans. I join with the Prince George’s parishioners in celebrating this impressive 275th anniversary.

TAIWAN BELONGS IN THE UNITED NATIONS

HON. GARY L. ACKERMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. ACKERMAN. Mr. Speaker, in 1996 Taiwan held the first ever direct election for president and four years later, in the presidential election of 2000, opposition party candidate Chen Shui-bian won the presidential election. Miraculously, Taiwan had a peaceful transfer of power, and for the first time in fifty years, an opposition party replaced the ruling party.

Today, Taiwan’s democracy is in full bloom. Every political office is contested through free and fair elections, thus dispelling the myth that Taiwan is ready to play a larger role on the international stage. Already, Taiwan is a member of the Asia-Pacific Economic Cooperation and participates actively in the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank.

Congress has repeatedly recognized Taiwan’s desire to broaden its participation in the international arena by adopting legislation supporting Taiwan’s participation in the World Health Organization. The aftermath of the 1999 earthquake is a perfect example of why Taiwan should be allowed to participate. Unlike other disasters around the world, the United Nations delayed providing assistance to Taiwan until they got permission from China. If Taiwan had been a participant in the WHO, or better still, a member of the United Nations, no such delays would have occurred.

Instead, thousands of Taiwanese suffered needlessly until the international community finally responded.

Unfortunately, despite Taiwan’s desire to be a helpful global partner, Taiwan is not a member of the United Nations. It is time for the United Nations, on the principles of universality enshrined in the United Nations Charter, to acknowledge Taiwan’s accomplishments and allow Taiwan to be a Member State.

Mr. Speaker, Taiwan belongs in the United Nations. I personally support Taiwan’s bid to return to the United Nations and I urge other members to do so as well.

RECOGNITION OF RICHARD H. WALKER’S PUBLIC SERVICE

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Richard H. Walker of New York State. Today, we bid him farewell as Director of Enforcement, the SEC’s largest division. Mr. Walker has worked tirelessly for reform in securities litigation and earned his reputation as a brilliant,
September 6, 2001

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.

America's investors benefited greatly while Mr. Walker headed the SEC's nationwide enforcement effort. He led the division's fight against earnings management and other financial reporting abuses. He was the key force behind some of the most significant financial fraud cases ever brought forward in the history of the Commission, including those cases against: W.R. Grace, Cendant, McKesson HBOC, Microstrategy, Sunbeam, Arthur Andersen, and the 1999 landmark auditor independence case against PricewaterhouseCoopers.

A well-respected leader, Mr. Walker also stood out as a team player. He forged working relationships with state and local prosecutors and the FBI, resulting in a record numbers of criminal prosecutions for violations of federal securities law. He passion for justice was evident as he attacked organized crime in securities activities by coordinating civil and criminal prosecutions. He led several major, successful undercover sting operations, revealing the largest number of people ever charged with securities fraud.

The Commission also established the Internet Enforcement Program to combat internet securities fraud under Mr. Walker's direction. Because of Mr. Walker's efforts, an estimated 250 violators were held accountable. He rose to the challenge of advancing technology with characteristic determination.

Mr. Walker received many awards for his outstanding contributions during his ten years at the SEC, including: two-time receipt of the Chairman's Award for Excellence, 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. vs. 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 his life behind.

Mr. Speaker, on behalf of the U.S. House of Representatives, I wish Mr. Walker the best of caring, effective public service.

The National Alliance of Sales Representatives Associations, Atlanta, GA, August 2, 2001.

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 sales representatives across the country. The National Alliance of Sales Representatives Associations (NASA) is based in Atlanta and represents more than 10,000 sales representatives who work in the categories 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 costs increases 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 increases have affected my business. My territory consists of Pennsylvania, Maryland, New Jersey, Delaware and the District of Columbia.

1. 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.

2. 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 and I am aware 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 winter, 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 diesel or gasoline 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 affect every phase of my business and my life.

1. The hotels I use have added energy surcharges without notice.

2. Food and restaurant prices have gone up due to transportation costs.

3. Airlines, busses and trains have also added energy surcharges.

4. The convention centers and hotels that host our trade shows have new energy clauses in their leases.

5. Retail prices on my products have increased because of rising production and shipping charges. When retail prices rise retail slows 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 shipped 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 proportionally. A business that is run without the ability to plan is doomed to fail.

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 these rising costs. Unfortunately, more and more of my colleagues are making similar decisions. It is well known small business is the engine for 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 me. We need a long view energy policy. 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 then 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 he made money, but rather 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 in its obituary of Mr. Gilbert that “in time his collection grew to comprise several collections. The silver and silver-gilt items include scores of ornate tankards, 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 house his collection in the newly 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 open 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 extraordinary 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 it will 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.

EXTENSIONS OF REMARKS

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, 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
HON. LYNN C. WOOLSEY
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. 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.

In 1957, James E. Coffee became the minister at Community Baptist Church in 1965 and has served the congregation for the past 36 years.

EXPRESSING SENSE OF HOUSE
THAT WORLD CONFERENCE AGAINST RACISM PRESENTS UNIQUE OPPORTUNITY TO ADDRESS GLOBAL DISCRIMINATION

SPEECH OF
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 Intolerance, 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 regard 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 has recouped its lost American audience by delivering the message of possibility to the world. Yet, unfortunately, this administration approached this conference with little interest and a miniscule 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 actions 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 within 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 inglorious past. 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 the service and dedication 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 this important milestone during a memorial mass and celebration on Sunday, September 16, 2001.

Established on May 26, 1926, and incorporated on August 9, 1926, St. Brigid’s was formed from a portion of the rapidly growing St. Patrick’s Parish on Tipperary Hill. While masses were first celebrated within St. Patrick’s School by St. Brigid’s founding pastor—Rev. William H. McCormick, the parish’s first sanctuary was constructed the following year at the corner of Willis Avenue and Herkimer Street at a cost of $165,000. The church’s cornerstone was laid on June 15, 1927 with its first mass on August 21st. St. Brigid’s School opened on September 6th of that year under the direction of the Sisters of St. Joseph of Carondelet.

Since that time, the parish has grown considerably. In 1937, St. Brigid’s was granted a second pastor—Rev. William J. Brennan, the parish’s debt was retired. Construction of a larger sanctuary began in 1955 with a Dedication Day Mass celebrated in the new church on November 6, 1956. Rev. J. James Bannon was pastor at that time. In 1964, St. Brigid’s merged with St. Joseph’s French Church to become St. Brigid and St. Joseph’s Parish.

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 clarify that the same right of privacy 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 collects as part of its programs 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.

EXTENSIONS OF REMARKS

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.

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 privatizing 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.

In 2000, the 60th Air Mobility Wing won the coveted Solano Trophy, which is awarded annually to the best active duty wing in the 15th Air Force.

General Kane is a graduate of the United States Air Force Academy and holds advanced degrees from the Naval War College and the University of Southern California. His military decorations include the Defense Superior Service Medal, Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal with four oak leaf clusters, Aerial Achievement Medal, Air Force Commendation Medal, Air Force Achievement Medal, Combat Readiness Medal, National Defense Service Medal with device and the Armed Forces Expeditionary Medal.

Mr. Speaker, Brig. General Thomas P. Kane is a true patriot and distinguished American who has devoted himself to the service of our country. It is appropriate that we honor him today by expressing our gratitude for his dedication and wishing him well on his new NATO posting.

September 6, 2001

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 innumerable hours at the helm to steer the course for an event that has left residents of Bay City swelling 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 just 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 by initiating and fulfilling a plan to bring the Applecore 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 Applecore, 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 downtown 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.

TRIBUTE TO DONNA SPEZIALE RICHARDS
HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

Mr. WALSH. Mr. Speaker, I rise today in tribute to a longtime Syracuse journalist who 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.

1988 she won an Emmy award as a member of a team of reporters covering the bombing of Pam Am Flight 103. During her tenure as a journalist, Donna’s work was recognized by the Associated Press Broadcasters Association, the state Broadcasters Association, and the Syracuse Press Club.

Most recently, Donna had left broadcasting 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.

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 rantedched 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 efforts and hard work paid off and the family eventually acquired 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.

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 her desk 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 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 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 Medicaid 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 Texan 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 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 our hometown of Bay City, Michigan. 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 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.

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 at the legendary Cooperstown, New York; and,

Whereas, Bill Mazeroski grew up in Turkeyfoot and Rush Run, Ohio where his dedication to the game lead him to perform arduous tasks for his Uncle so that he could earn enough money to purchase his first baseball 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 was a National League all-star and All-Star; and,

Whereas, his career total included 2,016 hits and a .293 field percentage at second base; and,

Christo’s ‘Running Fence’

HON. LYN 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 anniversary. A project of the internationally renowned 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 Impact 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 removed 14 days after its completion and all the materials given to the ranchers.

The beauty of the “Running Fence”, constructed of 240,000 square yards of white nylon, and the beauty of the California countryside 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.

Tribute to New York State School Food Service Association

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 6, 2001

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 impediments to participation in the School Breakfast Program.

On behalf of the people of the 25th Congressional District in the State of New York, I extend my appreciation to the New York State School Food Service Association for their decades of tireless work on behalf of New York State’s children. Additionally, it is my honor to congratulate the association on their semi-century anniversary conference and wish it continued success in “feeding America’s Future.”
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 rise 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 winning 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 Institute, their creations have been displayed in prominent places throughout Washington, D.C.

Congratulations Robert on this well-deserved award.

INDIAN RACISM EXPOSED AT RACISM CONFERENCE—PRESENTATION MOVES CONFERENCE TO TEARS

HON. EDOLPHUS 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 chanting 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 use separate living 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 incident, a Dalit girl was blinded by her teacher after she drank water from the community water pitcher. This kind of racism is unforgivable, 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 immediately, they received death threats from the upper-castes. “We have no protection, no protection from the president, functions without a head,” said one note. After he had been in office six months he was followed home on the bus. A group of men surrounded 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 India’s racism to the world’s attention. That is the first step towards ending it.

Mr. Speaker, India must learn that a democracy 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 façade 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 Khalistan, Kashmir, Nagaland, and the other minority nations living under the boot of Indian oppression. We should declare 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—RACE VICTIMS TELL STORIES (By Corinna Schuler)

DURBAN, SOUTH AFRICA.—In an oft-ignored chamber of the cavernous convention centre, the real victims of racism struggle to have their stories told. Their pain is raw.

This is not one of the dozens of rooms where international negotiators spend days behind closed doors, locked in debate about where to place commas or whether to spell “Holocaust” with a capital “H.”

Here, persecuted people from every corner of the globe take their turn on stage between 1:30 p.m. and 5 p.m. every day to tell simple stories about real suffering—the only forum at this massive United Nations gathering where the personal pain of discrimination is laid bare.

One day, the speaker was an escaped slave from Niger. The next, an aboriginal woman from Australia. Then, a migrant worker from Brazil.

Yesterday it was Murugesan Manimegalai’s turn. The 29-year-old mother of four, a member of India’s lowest caste, so impoverished she had never left the confines of her squallid settlement before boarding a plane this week for Durban. “I was very scared,” she confessed with a shy smile. But she pushed her fear aside yesterday, took a deep breath and told the story of her husband’s horrifying murder to a crowd of 200 human rights activists and a few journalists. By the time she was done, even the moderator was blinking back tears.

“We are Dalits”—un touchables—began Ms. Manimegalai.

As one of India’s 1.4 million lowest-caste people, she grew up in a segregated village— forbidden to draw water from the municipal well or to attend the same temple as upper-caste people.

Her husband only had a Grade 10 education, but became an elected activist, and was elected president of a village council. Members of the upper caste warned he would not last six months. “We will see how the protest functions without a head,” said one written death threat.

After six months in office, when Mr. Manimegalai took a two-week trip to visit upper-caste people followed him home in a bus. A crowd of men blocked off the road, screaming wildly for everyone to run away—“except Dalits.”

“They grabbed my husband by the shirt and stomped him in the stomach. Even then, my husband pleaded with the dominant caste people not to kill the rest of the Dalits, they ignored him, and chopped the (six) others in front of his eyes.” Ms. Manimegalai did not stop for a breath as the next words tumbled out. “Then after my husband’s death, the anger, the bitterness, the caste-fanatic feeling did not subside.”

“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 finally jalled.

When asked by the moderator if she would do it again, Ms. Manimegalai concluded, “that the caste system in our country be abolished. We demand education for our children, job opportunities, and dignity.”

The armies of suited government officials who have been 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 origin” 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 doubt the importance of doing that.

The sorry truth is that the powerful testi-
monies heard in the Voices Forum have lit-
tle chance of being incorporated into the
UN’s final declaration on racism, or its pro-
gram of action.

"Cast out Caste" posters have been plastered all across Durban and activists have handed out thousands of information bro-
chures in an effort to highlight the injustice of the caste system in Hindus society. But India has fought all attempts to include any
mention of caste, and neither the UN nor any government is pushing the point. The strong-
est language in the draft declaration comes in a single paragraph that refers to discrimi-
nation based on work or descent—and even those watered-down words seem set to be
withdrawn. Likewise, Eastern European countries refuse to acknowledge the dis-
crimination endured by the Roma, or gyps-
ies, no matter how many emotional stories
they have told in Durban this week.

The African slave girl who told her story
moved an audience to tears, too.

Inside conference rooms, however, African
government delegates are so engrossed in de-
bate about the slave trade of centuries past
there has been almost no talk of how people like 17-year-old Mariama Oumarou and 20,000
others in Niger could be spared the horror of
slavery today.

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 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 oppres-
sion. "I am destitute," she said. "My house
is just a matchbox and I do not have enough
money to care for my children. They are liv-
ing 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
RIDGEWOOD, 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 congratu-
late 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 begin-
ning, the Valley Hospital has become a pre-
mier example of quality and commitment to
medical excellence. This weekend, in celebra-
tion 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 commu-

ity. However, due to the perseverance of a
small group of concerned community mem-
bers, this vision of a hospital was transformed
into a reality. Plans began nearly forty years
before ground was even broken. In 1910, a


COMMUNITY HOSPITAL 50 YEARS OLD

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 vis-
ually impaired individuals to transcend the loss
of sight as independent contributors to the com-
munity members of Monterey County, in my dis-

340

2001

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

"forget that our workers are more than 130 million payroll professionals who
work tirelessly to ensure that workers re-
cieve 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 government

programs including the enforcement of
fair labor standards, child support deductions
and payments, unemployment insurance, So-

Social Security taxes and benefits, and Medica-

Payroll professionals deserve our thanks for
helping maintain this nation’s system of pre-
serving funds for the American community.

Regular efforts are made to educate ordinary
workers about the payroll tax withholding sys-
tem. Nationwide, 20,000 members of the
American Payroll Association organize out-
reach programs for their communities.

Mr. Speaker, I hereby ask you and our col-
leagues to join with me in thanking payroll
employees who are indeed, “Working for
America” and proclaim September 3–7, 2001, National Payroll Week.
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, 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.