

“(ii) to detect or prevent the unlawful bringing into the building or onto its grounds of weapons, explosives, hazardous materials, or other property capable of harming the occupants of the building or damaging the building, or

“(iii) to protect occupants of the building or the building from the effects of property described in clause (ii).

“(B) CERTAIN PROPERTY INCLUDED.—The term ‘security enhancement property’ includes—

“(i) any security device, or

“(ii) any barrier to access to the building grounds.

“(3) SECURITY DEVICE.—The term ‘security device’ means any of the following:

“(A) An electronic access control device or system.

“(B) Biometric identification or verification device or system.

“(C) Closed-circuit television or other surveillance and security cameras and equipment.

“(D) Locks for doors and windows, including tumbler, key, and numerical or other coded devices.

“(E) Computers and software used to combat cyberterrorism.

“(F) Electronic alarm systems to provide detection notification and off-premises transmission of an unauthorized entry, attack, or fire.

“(G) Components, wiring, system displays, terminals, auxiliary power supplies, and other equipment necessary or incidental to the operation of any item described in subparagraph (A), (B), (C), (D), (E), or (F).

“(4) BUILDING.—The term ‘building’ includes any structure or part of a structure used for commercial, retail, or business purposes.

“(c) SPECIAL RULES.—

“(1) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to the purchase of a qualifying security device, the basis of such device shall be reduced by the amount of the deduction so allowed.

“(2) ONLY INCREMENTAL COST INCLUDED.—If qualifying security enhancement property has a use or function other than that described in subsection (b)(2), only the incremental cost of the use or function so described shall be taken into account.

“(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3) and (4) of section 179(b), section 179(c), and paragraphs (3), (4), (8), and (10) of section 179(d), shall apply for purposes of this section.”

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 263(a)(1) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting “, or”, and by inserting after subparagraph (H) the following new subparagraph:

“(I) expenditures for which a deduction is allowed under section 179B.”

(2) Section 312(k)(3)(B) of such Code is amended—

(A) by striking “or 179A” and inserting “, 179A, or 179B”, and

(B) by striking “OR 179A” in the heading and inserting “, 179A, OR 179B”.

(3) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting “, and”, and by inserting after paragraph (28) the following new paragraph:

“(29) to the extent provided in section 179B(c)(1).”

(4) Section 1245(a) of such Code is amended by inserting “179B,” after “179A,” both places it appears in paragraphs (2)(C) and (3)(C).

(5) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 179A the following new item:

“Sec. 179B. Security enhancement property.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after September 10, 2001.

By Mr. CRAIG (for himself, Mr. BAUCUS, and Mr. COCHRAN):

S. 1584. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise to introduce important legislation designed to correct a fundamental flaw within the North American Free Trade Agreement, NAFTA, dispute resolution mechanism, known as Chapter 19. As many of my colleagues are aware, Chapter 19 has revealed itself to be unacceptable in its current form. The Integrity of the U.S. Courts Act, that I introduce today with my colleague Mr. BAUCUS, is necessary to make certain bilateral dispute resolution decisions from the NAFTA are made pursuant to U.S. trade laws.

At present, antidumping and countervailing duty determinations made by NAFTA members are appealed to ad hoc panels of private individuals, instead of impartial courts created under national constitutions. These panels are supposed to apply the same standard of review as a U.S. court in order to determine whether a decision is supported by substantial evidence on the agency record, and is otherwise in accordance with the law. This standard requires that the agency’s factual findings and legal interpretations be given significant deference. Unfortunately, in spite of the panels’ mandate, they all too often depart from their directive and fail to ensure that the correct standard of review is applied.

The Integrity of the U.S. Courts Act would permit any party to a NAFTA dispute involving a U.S. agency decision to remove appellate jurisdiction from the Extraordinary Challenge Committee, ECC, to the U.S. Court of International Trade. Doing so would resolve some of the constitutional issues raised by the Chapter 19 system, expedite resolution of cases, and ensure conformity with U.S. law.

The infirmities of Chapter 19 are real, and have been problematic from the beginning. The Justice Department, the Senate Finance Committee, and other authorities are on record of having expressed serious concern about giving private panelists, sometimes a majority of whom are foreign nationals, the

authority to issue decisions about U.S. domestic law that have the binding force of law. These appointed panelists, coming from different legal and cultural disciplines and serving on an ad hoc basis, do not necessarily have the interest that unbiased U.S. courts have in maintaining the efficacy of the laws, as Congress wrote them.

One of the most egregious examples of the flaws of Chapter 19 is reflected in a case from early in this process, reviewing a countervailing duty finding that Canadian lumber imports benefit from enormous subsidies. Three Canadian panelists outvoted two leading U.S. legal experts to eliminate the countervailing duty based on patently erroneous interpretations of U.S. law—interpretations that Congress had expressly rejected only two months before. Two of the Canadian panelists served despite undisclosed conflicts of interest. The matter was then argued before a Chapter 19 appeals committee, and the two committee members outvoted the one U.S. member to once again insulate the Canadian subsidies from U.S. law.

The U.S. committee member was Malcolm Wilkey, the former Chief Judge of the federal Court of Appeals for the D.C. Circuit, and one of the United States’ most distinguished jurists. In his opinion, Judge Wilkey wrote that the lumber panel decision “may violate more principles of appellate review of agency action than any opinion by a reviewing body which I have ever read.” Judge Wilkey and former Judge Charles Renfrew, also a Chapter 19 appeals committee member, have since expressed serious constitutional reservations about the system. While some have claimed that Chapter 19 decides many cases well, its inability to resolve appropriately large disputes, and its constitutional infirmity, demand a remedy.

It is clear that the time is long past due to remedy Chapter 19. From the outset, the NAFTA agreement contemplated that given the sensitive and unusual subject matter, signatories might have to alter their obligations under Chapter 19. The Integrity of the U.S. Courts Act is a reasonable solution to a serious problem.

I urge my colleagues to join Senators BAUCUS and COCHRAN and me in our effort to fix this problem that is unfairly harming American industry, and more important, the U.S. Constitution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1969. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

SA 1970. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, supra.

SA 1971. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, supra.

SA 1972. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, supra.

SA 1973. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, supra.

SA 1974. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, supra.

SA 1975. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, supra.

SA 1976. Mr. SMITH, of Oregon (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1977. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1978. Mr. LEVIN (for himself, Ms. COLLINS, Ms. SNOWE, Mrs. CLINTON, Mrs. MURRAY, Mr. SCHUMER, Mr. LEAHY, Ms. STABENOW, Ms. CANTWELL, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mr. EDWARDS, and Mr. SMITH, of Oregon) submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra.

SA 1979. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1980. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1981. Mr. SMITH, of Oregon (for himself and Mr. WYDEN) proposed an amendment to the bill H.R. 2330, supra.

SA 1982. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1983. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1984. Mr. HARKIN proposed an amendment to the bill H.R. 2330, supra.

SA 1985. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1986. Mr. STEVENS (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill H.R. 2330, supra; which was ordered to lie on the table.

SA 1987. Mr. NELSON, of Nebraska (for himself and Mr. MILLER) proposed an amendment to amendment SA 1984 proposed by Mr. HARKIN to the bill (H.R. 2330) supra.

SA 1988. Mr. KOHL (for Mr. DORGAN) proposed an amendment to the bill H.R. 2330, supra.

SA 1989. Mr. KOHL (for Mrs. LINCOLN) proposed an amendment to the bill H.R. 2330, supra.

SA 1990. Mr. KOHL (for Mr. JOHNSON) proposed an amendment to the bill H.R. 2330, supra.

SA 1991. Mr. KOHL (for Mr. WYDEN (for himself and Mr. CRAIG)) proposed an amendment to the bill H.R. 2330, supra.

SA 1992. Mr. COCHRAN (for Mr. STEVENS) proposed an amendment to the bill H.R. 2330, supra.

SA 1993. Mr. KOHL (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2330, supra.

SA 1994. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2330, supra.

SA 1995. Mr. COCHRAN proposed an amendment to the bill H.R. 2330, supra.

SA 1996. Mr. KOHL proposed an amendment to the bill H.R. 2330, supra.

SA 1997. Mr. KOHL proposed an amendment to the bill H.R. 2330, supra.

SA 1998. Mr. KOHL (for Mr. BYRD) proposed an amendment to the bill H.R. 2330, supra.

SA 1999. Mr. COCHRAN (for Mr. STEVENS) proposed an amendment to the bill H.R. 2330, supra.

SA 2000. Mr. COCHRAN (for himself, Mrs. LINCOLN, Mr. SESSIONS, Mr. SHELBY, Mr. HUTCHINSON, and Mr. LOTT) proposed an amendment to the bill H.R. 2330, supra.

SA 2001. Mr. COCHRAN (for Mr. STEVENS) proposed an amendment to the bill H.R. 2330, supra.

SA 2002. Mr. COCHRAN (for Mr. CRAIG) proposed an amendment to the bill H.R. 2330, supra.

SA 2003. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2330, supra.

SA 2004. Mr. COCHRAN (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 2330, supra.

SA 2005. Mr. KOHL (for Mr. BREAU) proposed an amendment to the bill H.R. 2330, supra.

SA 2006. Mr. KOHL (for Mr. SARBANES (for himself and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2330, supra.

SA 2007. Mr. KOHL (for Mr. GRAHAM (for himself and Mr. NELSON, of Florida)) proposed an amendment to the bill H.R. 2330, supra.

SA 2008. Mr. COCHRAN (for Mr. BUNNING) proposed an amendment to the bill H.R. 2330, supra.

SA 2009. Mr. COCHRAN (for Mr. STEVENS) proposed an amendment to the bill H.R. 2330, supra.

SA 2010. Mr. KOHL (for Mr. DORGAN) proposed an amendment to the bill H.R. 2330, supra.

SA 2011. Mr. COCHRAN proposed an amendment to the bill H.R. 2330, supra.

SA 2012. Mr. COCHRAN (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 2330, supra.

SA 2013. Mr. KOHL (for Mr. HARKIN (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 2330, supra.

SA 2014. Mr. COCHRAN (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2330, supra.

SA 2015. Mr. COCHRAN (for Ms. COLLINS (for himself and Mr. NICKLES)) proposed an amendment to the bill H.R. 2330, supra.

SA 2016. Mr. KOHL (for Mr. REED) proposed an amendment to the bill H.R. 2330, supra.

TEXT OF AMENDMENTS

SA 1969. Mr. KOHL (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,992,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$7,648,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$12,766,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,978,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$10,261,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, \$59,369,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$5,335,000: *Provided*, That the Chief Financial Officer shall