

(C) 2,000 copies of the pamphlet for the use of the Joint Committee on Printing; and

(D) 1,400 copies of the pamphlet for distribution to the depository libraries; or

(2) if the total printing and production costs of copies in paragraph (1) exceed \$120,000, such number of copies of the pamphlet as does not exceed total printing and production costs of \$120,000, with distribution to be allocated in the same proportion as in paragraph (1).

SENATE RESOLUTION 143—TO AUTHORIZE A PRINTING

Mr. WARNER (for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 143

Resolved, That the Committee on Rules and Administration is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate Document 104-12, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

GRAHAM AMENDMENT NO. 1571

(Order to lie on table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill (S. 1269) to establish objectives for negotiating and procedures for implementing certain trade agreements; as follows:

On page 41, between lines 16 and 17, insert the following new section and redesignate the remaining sections and cross references thereto accordingly:

SEC. 6. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

At the time the President submits the final text of the agreement pursuant to section 5(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) **BORDER PERSONNEL REQUIREMENTS.**—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) **AGENCY STAFFING REQUIREMENTS.**—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture, and the Department of the Treasury.

(3) **CUSTOMS INFRASTRUCTURE REQUIREMENTS.**—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) **IMPACT ON STATE AND LOCAL GOVERNMENTS.**—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) **COST ANALYSIS.**—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

BYRD AMENDMENTS NOS. 1572-1573

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, S. 1269, supra; as follows:

AMENDMENT NO. 1572

Beginning on page 27, strike out line 1 and all that follows through page 31, line 3, and insert in lieu thereof the following:

(B) subsections (a) and (b) shall apply with respect to agreements entered into on or after October 1, 2001, and before October 1, 2005, if (and only if)—

(i) the President requests, under paragraph (2), an extension of the authority provided in such subsections; and

(ii) a law extending that authority is enacted before October 1, 2001.

(2) **REPORT TO CONGRESS BY THE PRESIDENT.**—If the President is of the opinion that the authority under subsections (a) and (b) should be extended, the President shall submit to Congress, not later than July 1, 2001, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsections (a) and (b) and, where applicable, the anticipated schedule for submitting such agreements to Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, and objectives set out in section 2 (a) and (b) of this Act, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) **REPORT TO CONGRESS BY THE ADVISORY COMMITTEE.**—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to Congress under paragraph (2). The Advisory Committee shall submit to Congress as soon as practicable, but not later than August 1, 2001, a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this Act; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) **REPORTS MAY BE CLASSIFIED.**—The reports submitted to Congress under paragraphs (2) and (3), or any portion of the reports, may be classified to the extent the President determines appropriate.

AMENDMENT NO. 1573

At the end of the bill, add the following:

SEC. 11. ESTABLISHMENT OF ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—There is established a council to be known as the WTO Advisory Council (hereafter in this section referred to as the "Council").

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Council shall be composed of 10 members of whom—

(A) 1 shall be appointed by the Speaker of the House of Representatives,

(B) 1 each shall be appointed by the Majority and Minority leaders of the House of Representatives,

(C) 1 each shall be appointed by the Majority and Minority Leaders of the Senate, and

(D) 5 shall be appointed by the President of the United States from the membership of the President's Advisory Committee for Trade and Policy Negotiations.

Members appointed pursuant to the paragraph (1)(D) shall serve for the term specified in paragraph (3)(A) or until their membership on the President's Advisory Committee for Trade and Policy Negotiations expires, whichever occurs first.

(2) **PERSONS FROM WHOM APPOINTMENTS MADE.**—Appointments under paragraph (1) shall be made from the following categories:

(A) Attorneys in the practice of international law.

(B) Academic experts in the field of international trade and economy.

(C) Representatives of United States labor interests.

(D) Representatives of United States industrial interests.

At least one of the Presidential appointments under paragraph (1)(D) shall be a Representative of United States labor interests and at least one shall be a representative of United States industrial interests.

(3) **TERMS.**—

(A) **IN GENERAL.**—The members described in paragraph (1) shall each be appointed for a term of 2 years, and may be reappointed for any number of terms.

(B) **INITIAL APPOINTMENTS.**—The initial appointments of the members of the Council under paragraph (1) shall be made no later than 90 days after the date of the enactment of this Act.

(4) **VACANCIES.**—

(A) **IN GENERAL.**—Any vacancy on the Council shall not affect its powers, but shall be filled in the same manner as the original appointment and shall be subject to the same conditions as the original appointment.

(B) **UNEXPIRED TERM.**—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(5) **INITIAL MEETING.**—No later than 30 days after the date on which all members described in paragraph (1) have been appointed, the Council shall hold its first meeting.

(6) **MEETINGS.**—The Council shall meet at the call of the Chairperson.

(7) **QUORUM.**—A majority of the members described in paragraph (1) shall constitute a quorum, but a lesser number of members may hold hearings.

(8) **CHAIR AND VICE-CHAIR.**—The Chairperson and Vice Chairperson shall be appointed by the members of the Council from among its members.

(c) **DUTIES.**—The Council shall review each report of WTO dispute settlement panels and Appellate Body, that is adopted by the Dispute Settlement Body and in which the United States is a party to the dispute, to determine the short term and long term effect of any actions that are taken in response to such reports, on the United States economy and on particular industries. Within 120 days after all actions have been taken by the parties, the Council shall provide an assessment of, and recommendations regarding, each report to the Speaker of the House of Representatives, the Majority and Minority Leaders of the Senate and the House of Representatives, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the President. An assessment may contain minority views. The Council may, in making its assessment, take into account the history of previous, relevant reports of dispute settlement panels and the Appellate Body. In the event the case load of assessments strains the resources of the Council, priority shall be given to reports which are adverse to the United States.

(d) **REVIEW BY ADVISORY COMMITTEES.**—For each report that is reviewed, the Chairman of the Council shall ensure that the relevant industry sector advisory committees and industry policy advisory committees, established pursuant to section 135 of the Trade

Act of 1974, provide their analysis and assessment in a manner timely for the assessment by the Council. Subsections (e), (f), and (g) of section 135 of the Trade Act of 1974 (19 U.S.C. 2155) shall apply to the operation of the advisory committees under this section.

(e) PERSONNEL MATTERS.—

(1) EXPENSE REIMBURSEMENT.—There are hereby authorized to be appropriated such sums as may be necessary to defray or reimburse any expenses incurred by the members of the Council in carrying out their official duties.

(2) MEETING ROOMS.—The Council may meet in Senate offices and meeting rooms.

HOLLINGS AMENDMENTS NOS.
1574-1587

(Ordered to lie on the table.)

Mr. HOLLINGS submitted 14 amendments intended to be proposed by him to the bill, S. 1269, supra; as follows:

AMENDMENT NO. 1574

On page 25, strike lines 17 through 25 and insert the following:

(3) FOREIGN TRADE AGREEMENT WITH CHILE.—The provisions of section 151 of the Trade Act of 1974 (in this Act referred to as "trade agreement approval procedures contained within this Act") apply only to an implementing bill submitted with respect to a trade agreement entered into with Chile, but do not apply to any portion of that agreement that affects the duty on imports of wine the product of Chile. For the purpose of applying section 151(b)(1) to that agreement, the implementing bill may contain only—

AMENDMENT NO. 1575

On page 42, between lines 14 and 15, insert the following:

(c) TRADE AGREEMENT APPROVAL PROCEDURES NOT TO APPLY.—The trade agreement approval procedures contained within this Act do not apply to any trade agreement that includes any change in the application of subtitle B of title VII of the Trade Act of 1930 (19 U.S.C. 1673 et seq.).

AMENDMENT NO. 1576

On page 42, between lines 14 and 15, insert the following:

(c) MULTILATERAL AGREEMENT ON FOREIGN INVESTMENT.—The trade agreement approval procedures do not apply to the international agreement commonly known as the Multilateral Agreement on Foreign Investment.

AMENDMENT NO. 1577

On page 42, between lines 14 and 15, insert the following:

(c) TRADE AGREEMENT APPROVAL PROCEDURES NOT TO APPLY.—The trade agreement approval procedures contained within this Act do not apply to any trade agreement that has any affect or impact on the safety of food sold for consumption in the United States.

AMENDMENT NO. 1578

On page 42, between lines 14 and 15, insert the following:

"SEC. 7. TARIFF SNAPBACK.

"Whenever the United States dollar value of the currency of a country the products of which may be imported into the United States at a reduced rate of duty under an agreement authorized by this Act between the United States and that country falls by 10 percent from the value of the currency on the date of the agreement (as reported by the Dow Jones Markets as of 4 p.m. in New York City), any duty imposed on imports of products of that country is increased to the level

at which it was imposed before reduction under the agreement for products entered or".

AMENDMENT NO. 1579

On page 42, between lines 14 and 15, insert the following:

(c) TRADE AGREEMENT APPROVAL PROCEDURES NOT TO APPLY.—The trade agreement approval procedures do not apply to any trade agreement that includes any change in the application of subtitle A of title VII of the Trade Act of 1930 (19 U.S.C. 1671 et seq.).

AMENDMENT NO. 1580

On page 42, between lines 14 and 15, insert the following:

(c) TRADE AGREEMENT APPROVAL PROCEDURES NOT TO APPLY.—The trade agreement approval procedures contained within this Act do not apply to any trade agreement covering a product which has an import penetration in the United States of more than 10 percent, as determined annually by the International Trade Commission in its most recent determination published before the submission of the trade agreement to the Congress.

AMENDMENT NO. 1581

On page 42, between lines 14 and 15, insert the following:

SEC. 7. DISPUTE RESOLUTION PROCEDURES MUST BE PUBLIC.

The trade agreement approval procedures contained within this Act do not apply to any trade agreement unless the dispute resolution procedures applicable to any dispute arising under the agreement are open to the public.

AMENDMENT NO. 1582

On page 32, beginning on line 10, strike through line 20 and insert the following:

(1) CONSULTATION.—Before entering into any trade agreement under section 3 (a) or (b), the President shall consult each committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters that would be affected by the trade agreement.

AMENDMENT NO. 1583

On page 37, line 16, beginning with "if" strike through line 16 on page 39 and insert the following: "unless the Congress by fast-track approval resolution approves the application of the trade authorities procedures to that bill.

(2) FAST-TRACK APPROVAL RESOLUTION.—For purposes of this section, the term "fast-track approval resolution" means a concurrent resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the Congress approves the application of section 151 of the Trade Act of 1974 to the implementing bill submitted to the Congress under section 3(b)(3) of the Reciprocal Trade Agreements Act of 1997 on _____", with the blank being filled with the date on which the implementing bill was received by the Congress.

AMENDMENT NO. 1584

On page 31, beginning with line 20 strike line 2 on page 32 and insert the following:

(2) before and after submission of the notice described in paragraph (1), consult regarding the negotiations with—

(A) the committees of the Senate and the House of Representatives with jurisdiction over legislation involving subject matters that would be affected by a trade agreement; and

(B) the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

AMENDMENT NO. 1585

On page 37, beginning with line 12, strike through line 23 and insert the following:

(1) DISAPPROVAL OF THE NEGOTIATION.—The trade agreement authorities procedures shall not apply to any implementing bill that contains a provision approving any trade agreement that is entered into under section 3(b) with any foreign country if—

(A) any committee of the Senate and the House of Representatives with jurisdiction over legislation involving subject matters that would be affected by a trade agreement; or

(B) the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives,

disapproves of the negotiation of the agreement before the close of the 90-calendar day period that begins on the date notice is provided under section 4(a)(1) with respect to the negotiation of the agreement.

AMENDMENT NO. 1586

On page 42, between lines 14 and 15, insert the following:

SEC. 7. FIXED-RATE CURRENCY AGREEMENT.

The President should negotiate a fixed-rate currency agreement between the United States and other Nations.

AMENDMENT NO. 1587

On page 42, between lines 14 and 15, insert the following:

SEC. 7. TRADE AGREEMENT MUST PROVIDE FORCED LABOR SANCTIONS.

The trade agreement approval procedures contained within this Act do not apply to any trade agreement unless the agreement provides for sanctions against countries the products of which that are covered by the agreement are produced by forced labor.

BYRD AMENDMENT NO. 1588

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 1269, supra; as follows:

Beginning on page 33, strike out line 9 and all that follows through page 34, line 24, and insert in lieu thereof the following:

"agreement approval procedures;

"(D) any other agreement the President has entered into or intends to enter into with the country or countries in question; and

"(E) the economic costs and benefits of the agreement to the United States in order to ensure that the purposes of section 2(a)(4) are met.

"(c) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 3(b) of this Act shall be provided to the President, Congress, and the United States Trade Representative not later than 30 calendar days after the date on which the President notifies Congress under section 5(a)(1)(A) of the President's intention to enter into the agreement.

"(d) CONSULTATION BEFORE AGREEMENT INITIALED.—In the course of negotiations conducted under this Act, the United States Trade Representative shall consult closely and on a timely basis (including immediately before initiating an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 161

of the Trade Act of 1974 (19 U.S.C. 2211), the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives.

“SEC. 5. IMPLEMENTATION OF TRADE AGREEMENTS.

“(a) IN GENERAL.—

“(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 3(b) shall enter into force with respect to the United States if (and only if)—

“(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

“(B) within 60 calendar days after entering into the agreement, the President submits to Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement, and an analysis of the economic costs and benefits of the agreement to the United States;”.

THE OTTAWA AND CHIPPEWA INDIANS JUDGMENT FUNDS ACT OF 1997

INOUYE AMENDMENTS NOS. 1589-1590

(Ordered to lie on the table.)

Mr. INOUYE submitted two amendments intended to be proposed by him to the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364, and 18-R before the Indian Claims Commission; as follows:

AMENDMENT No. 1589

In section 11, strike the section heading and all that follows through “The eligibility” and insert the following:

“SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

“(a) APPLICABILITY OF PUBLIC LAW 93-134.—All funds distributed under this Act or any plan approved in accordance with this Act, including interest and investment income that accrues on those funds before or while those funds are held in trust, shall be subject to section 7 of Public Law 93-134 (87 Stat. 468).

“(b) TREATMENT OF FUNDS WITH RESPECT TO CERTAIN FEDERAL ASSISTANCE.—The eligibility”.

AMENDMENT No. 1590

In section 11, strike the section heading and all that follows through “The eligibility” and insert the following:

“SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

“(a) APPLICABILITY OF PUBLIC LAW 93-134.—All funds distributed under this Act or any plan approved in accordance with this Act, including interest and investment income that accrues on those funds before or while those funds are held in trust, shall be subject to section 7 of Public Law 93-134 (87 Stat. 468).

“(b) TREATMENT OF FUNDS WITH RESPECT TO CERTAIN FEDERAL ASSISTANCE.—The eligibility”.

THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

REED AMENDMENTS NOS. 1591-1592

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, S. 1269, supra; as follows:

AMENDMENT No. 1591

On page 41, between lines 16 and 17, insert the following new section and redesignate the remaining sections and cross references thereto accordingly:

SEC. 6. ACTIONABLE UNFAIR TRADE PRACTICES.

(a) IN GENERAL.—Every applicable trade agreement shall provide that it shall be an actionable unfair trade practice for purposes of section 301 of the Trade Act of 1974 for any party to the agreement or the industries of any party to gain a competitive advantage in international trade, commerce, or finance by systematically denying or practically nullifying internationally recognized worker rights or internationally recognized environmental standards.

(b) DEFINITIONS.—In this section:

(1) APPLICABLE TRADE AGREEMENT.—the term “applicable trade agreement” means a trade agreement approved pursuant to the trade agreement approval procedures provided for in this Act.

(2) INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—The term “internationally recognized worker rights” has the meaning given that term in section 502(a)(4) of the Trade Act of 1974.

(3) INTERNATIONALLY RECOGNIZED ENVIRONMENTAL STANDARDS.—The term “internationally recognized environmental standards” includes—

(A) mitigation of global climate change;

(B) reduction in the consumption and production of ozone-depleting substances;

(C) reduction in ship pollution of the oceans from such sources as oil, noxious bulk liquids, hazardous freight, sewage, and garbage;

(D) a ban on international ocean dumping of high-level radioactive waste, chemical warfare agents, and hazardous substances;

(E) government control of the transboundary movement of hazardous waste materials and their disposal for the purpose of reducing global pollution on account of such materials;

(F) preservation of endangered species;

(G) conservation of biological diversity;

(H) promotion of biodiversity; and

(I) preparation of oil-spill contingency plans.

(4) ACTIONABLE UNFAIR TRADE PRACTICE.—The term “actionable unfair trade practice” means, under the laws of the United States, an act, policy, or practice that, under section 301 of the Trade Act of 1974, is unjustifiable and burdens or restricts United States commerce.

AMENDMENT No. 1592

On page 15, between lines 23 and 24 insert the following:

(C) In pursuing the negotiating objective described in subparagraph (A), the United States shall seek to prohibit practices that require a transfer of United States developed technology to foreign governments as a condition of trade.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on

Commerce, Science, and Transportation be authorized to meet at 9:30 a.m. on global warming.

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

COMMITTEE ON FINANCE

Mr. ROTH. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, November 5, 1997 beginning at 2 p.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 5, 1997, at 10 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, November 5, at 10 a.m. on a markup on the following agenda nomination only.

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

COMMITTEE ON THE JUDICIARY

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 5, 1997 at 2 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on the nomination of Seth Waxman to be Solicitor General.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, November 5, 1997, beginning at 9:30 a.m. until business is completed, to conduct a business meeting to vote on matters pending before the committee including the use of laptop computers on the Senate floor; release of documents to Harry Connick, District Attorney of New Orleans; and, reimbursement of expenses in connection with the contested Senate election in Louisiana.

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND REGULATORY RELIEF

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, November 5, 1997, to conduct a hearing on S. 1315 and the presence of foreign governments and companies, particularly China, in our securities and banking sectors.

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