

EC-1868. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries Off West Coast and Western Pacific" received on April 25, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1869. A communication from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Schedule of Fees" received on May 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1870. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska"; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 736. A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. CHAFFEE):

S. 737. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 736. A bill to convey real property within the Carlsbad project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

THE CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

• Mr. DOMENICI. Mr. President, today I am introducing legislation that will convey tracts of land, referred to as "acquired lands," to the Carlsbad Irrigation District in New Mexico. These are lands that were once owned by the beneficiaries of the irrigation project, and acquired by the Federal Government when the Bureau of Reclamation assumed the responsibility of construction and operation of the irrigation project in the early part of this century. Since that time, the Carlsbad Irrigation District has repaid its indebtedness to the Federal Government, which included not only its contractual share of construction costs, but also all costs associated with the project land and facilities that were acquired from the project beneficiaries.

This legislation is specific to the Carlsbad project in New Mexico, and directs the Carlsbad Irrigation District

to continue to manage the lands as they have been in the past, for the purposes for which the project was constructed. It will accomplish three things: First, convey title to acquired lands and facilities to the District; second, allow the District to assume the management of leases and the benefits of the receipts from these acquired lands; and third, provide authority for the Bureau of Reclamation to cooperate with the Carlsbad Irrigation District on water conservation projects at the Carlsbad project. This bill protects the interests that the State of New Mexico has in some of those lands.

During the 104th Congress, the Carlsbad Irrigation District presented testimony related to the transfer of acquired lands before the Committee on Energy and Natural Resources on one occasion, and before the House Committee on Resources on two occasions. Additionally, the administration expressed on several occasions before these two committees that they want to move forward with acquired land transfers where they make sense. The Commissioner of the Bureau of Reclamation, Eluid Martinez, has informed the district and me that he believes that the Carlsbad project is one of several projects where the Bureau would like to pursue transfer opportunities. With this in mind, I believe that the legislation I am introducing today will provide the Bureau with the ability to accomplish their stated goal in a fair and equitable manner.

Mr. President, I understand that similar legislation will soon be introduced in the House of Representatives by Congressman JOE SKEEN, and I am hopeful that we will be able to move this bill through Congress, and coordinate our efforts with the administration's stated objectives. I encourage my colleagues to support this legislation, and ask unanimous consent 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. 736

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 "Carlsbad Irrigation Project Acquired Land Transfer Act".

SEC. 2. CONVEYANCE.

(a) LANDS AND FACILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the conditions set forth in subsection (c) and section 2(b), the Secretary of the Interior (in this Act referred to as the "Secretary") is hereby authorized to convey all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the "acquired lands") in addition to all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the

State of New Mexico and in this Act referred to as the "District").

(2) LIMITATIONS.—

(A) The Secretary shall retain title to the surface estate of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir diversion structure.

(B) The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands in section (7) of the "Status of Lands and Title Report: Carlsbad Project" as reported by the Bureau of Reclamation in 1978.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, consistent with existing management of such lands and other adjacent project lands.

(2) Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2-LM-40-00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7-07-57-X0888) for the management and operation of Brantley Lake State Park.

(3) EXCEPTIONS.—In relation to agreements referred to in paragraph (2)—

(A) The District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) The District shall not be entitled to any receipts or revenues generated as a result of either agreement.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should complete the conveyance authorized by this Act, including such action as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. et seq.) within 9 months of the date of enactment of this Act.

(e) REPORT TO CONGRESS.—If the conveyance authorized by this Act is not completed by the Secretary within 9 months of the date of enactment of this Act, the Secretary shall prepare a report to the Congress which shall include a detailed explanation of problems that have been encountered in completion of the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance. The Secretary's report shall be transmitted to the Committee on Resources of the House of Representatives, and to the Committee on Energy and Natural Resources of the Senate within 30 days after the expiration of such 9 month period.

SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act, and the Secretary of the Interior shall notify all leaseholders of the conveyance authorized by this Act.

(b) MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses and permits accruing after the date of conveyance: *Provided*, That all such receipts shall be used for purposes for which the project was authorized. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project: *Provided further*, That all future mineral leases from acquired lands within a one mile radius of Brantley and Avalon dams shall subject to the approval of the Secretary prior to consummation of the lease.

(c) AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.—Receipts paid into the reclamation fund which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359) as amended shall be made available to the District as credits towards its ongoing operation and maintenance obligation to the United States until such credits are depleted: *Provided*, That immediately following the enactment of this Act, such receipts collected by the Minerals Management Service, not to exceed \$200,000, shall be made available to the Secretary for the purpose of offsetting the actual cost of implementing this Act: *Provided further*, That any receipts collected by the Minerals Management Service, prior to the actual date of conveyance, which are in excess of \$200,000 shall be deposited into the reclamation fund and added to existing construction credits to the Carlsbad Project.

SEC. 4. WATER CONSERVATION PRACTICES.

The Secretary, in cooperation with the District, is hereby authorized to expend not to exceed \$100,000 annually, from amounts appropriated for operation and maintenance within the Bureau of Reclamation, for the purposes of implementing water conservation practices at the Carlsbad Irrigation Project, including but not limited to phreatophyte control: *Provided*, That matching funds shall be provided by the District in direct proportion to the amount of project lands held by the District in relation to withdrawn or other project lands held by the United States: *Provided further*, That nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.●

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 737. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

CHINA TRADING RELATIONS LEGISLATION

Mr. CHAFEE. Mr. President, today I am joining with Senator BAUCUS to introduce legislation authorizing the President to extend most-favored-nation, or normal trading relations, status to China on a permanent basis.

Since 1989, Congress has engaged in an annual, and very public, debate about the extension of MFN to China. These debates have been highly charged. But over the years, the repetition of this debate has carried a heavy price tag, with little to no positive results to show for it.

In fact, the constant debate as to whether or not the United States

should continue normal trade relations with China has come at great expense to the overall health of the bilateral relationship between these two great and powerful nations. And that, in turn, has had real—and negative—repercussions for the United States, its citizens, and even the Chinese people themselves. We need to look toward a day where this annual MFN rollercoaster will be replaced by a stable, long-term economic foundation between these two superpowers. It is toward that end that we are introducing this legislation.

CONDITIONING MFN IN ORDER TO INFLUENCE CHINA'S BEHAVIOR HAS NOT WORKED

China has received MFN treatment every year since 1980. In 1989, however, after the brutal suppression of demonstrators at Tiananmen Square, some legislators proposed trying to influence Chinese behavior by threatening to revoke China's MFN status, starting this cycle of highly charged—and often political—debates.

But is MFN an effective tool for influencing Chinese behavior, as those legislators hoped? No. We saw that all too clearly in 1993, when President Clinton attempted to condition further renewal upon improvements in human rights. Were there improvements during that time? No. Finally, in 1994 the President came to the conclusion that retaining MFN, rather than threatening its removal, “offers us the best opportunity to lay the basis for long-term sustainable progress in human rights, and for the advancement of our other interests with China.”

It is clear that revoking MFN is not an effective tool for promoting change in China—a fact other nations recognized long ago. Therefore, we should begin removing MFN entirely from the debate, and eventually render it permanent.

ANNUAL MFN DEBATE OVERALL HAS NOT BEEN PRODUCTIVE FOR THE UNITED STATES-CHINA RELATIONSHIP

Not only is MFN status a poor tool for spurring change in China, but the annual debate itself has contributed to poor United States-China relations. By focusing solely on the renewal of MFN, we in the United States have found ourselves distracted from the larger, critically important issues involving the United States-China bilateral relationship. Indeed, I believe that for the past 8 years, the ability of the two nations to work together productively has been partly paralyzed by the ongoing MFN debate.

Progress on important matters—both those in which we and China have a common interest, such as stability in Asia, and those in which our two nations do not see eye to eye—such as international involvement in human rights—has not been helped by the continuing controversy over MFN. The Chinese, who, as history has shown, tend to react negatively to public confrontation, have been less open to working with the United States to address issues of common concern. The

United States, which must continue to deal with China as an emerging superpower, has been forced on the defensive when dealing with the Chinese.

This state of affairs cannot continue indefinitely. We need to move toward removing MFN as a factor in our already complicated and complex bilateral relationship with China if we want to stabilize that relationship and make progress on issues that matter to the American public. Too much else is at stake—for both nations.

THE STABILITY OF THE UNITED STATES-CHINA RELATIONSHIP IS IMPORTANT FOR AMERICANS—AND FOR THE CHINESE PEOPLE

Why is a stable United States-China relationship important for Americans? For a number of reasons.

First, Americans traditionally have worked to promote democratic ideals around the globe. As a society, we have an interest in encouraging such ideals as respect for human rights in other nations. A solid, stable relationship with the Chinese can, over time, bring such improvements to pass—with great benefit for the Chinese people.

Second, Americans have a vested interest in promoting international security. Securing nuclear nonproliferation and defusing regional conflicts overseas mean a great deal to the overall well-being of Americans and their families. If we want to see these goals advanced, we must work with China, an emerging superpower.

Third, and very importantly, Americans have a direct economic tie to the Chinese economy. We now export some \$12 billion worth of goods to China—exports that include plastic packaging systems made by the 125 employees at Marshall & Williams Co. in Providence, Rhode Island. And we import nearly four times as much—\$46 billion—from China—imports that include toys for children. Not only do families across the United States buy those toys, but the 1,600 workers at Hasbro in Pawtucket, RI, rely on those sales to keep their company strong and their jobs in place. Clearly, there is much to do to address the enormous trade imbalance between our two nations. But notwithstanding that imbalance, the current level of the United States-China economic interaction is so significant that if it were disrupted, the negative repercussions for our own economy would be staggering.

In sum, we have many important challenges facing us that require a steady, stable United States-China relationship. Whether it is nuclear nonproliferation, adherence to human rights, security around the globe, protection of intellectual property, or the transition of Hong Kong, we must continue to work with the Chinese, using the tools of diplomacy and of laws that are tailored to those purposes.

PERMANENT MFN WILL BE ESPECIALLY APPROPRIATE AS CHINA ENTERS THE GLOBAL TRADING SYSTEM

The eventual adoption of permanent MFN for China is in the interests of the United States. Our actions today are

meant to encourage Congress and the administration to begin consideration of that next step. We do not expect or intend for this bill to be considered this year.

But our action does come at an important time. The Chinese Government now is taking steps to join the world community and its institutions. Chief among these steps is China's bid to join the global trading system known as the World Trade Organization. If successful, this move will bring China into line with the trading practices of the 120-plus nations that now are WTO members.

To be successful, China will have to agree to accede to the WTO on terms that are commercially viable—or to put it more simply, that are fair to other nations in terms of market access, nondiscrimination, enforcement, and other important areas. Should China enter the global trading system on such terms, it would be a natural point at which the United States could move forward with permanent MFN.

If we begin considering this issue now, it may ripen at a time that is beneficial to both the United States and China.

SUMMARY: PERMANENT MFN IS IN THE BEST INTEREST OF THE UNITED STATES

In sum, the permanent grant of MFN to China is in the best interest of the United States and her citizens. It will end for once and for all the annual debate that is actively hindering—not helping—the achievement of important American goals, thereby allowing the establishment of a stable relationship that would bring prosperity and growth to both nations. Over the next year, as China takes serious steps toward full integration in the global economy, the granting of permanent MFN will make more and more sense. We think the United States should begin laying the groundwork now, and we are introducing our bill today toward that end.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. FAIRCLOTH, the names of the Senator from Nevada [Mr. REID], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 50, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable tax credit for the expenses of an education at a 2-year college.

S. 143

At the request of Mr. DASCHLE, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 143, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 294

At the request of Mrs. HUTCHISON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

S. 369

At the request of Mr. JEFFORDS, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 369, a bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 387

At the request of Mr. HATCH, the names of the Senator from Florida [Mr. MACK] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 422

At the request of Mr. DOMENICI, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 422, a bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act.

S. 456

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 456, a bill to establish a partnership to rebuild and modernize America's school facilities.

S. 460

At the request of Mr. BOND, the name of the Senator from Indiana [Mr.

LUGAR] was added as a cosponsor of S. 460, bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts and that require employees to pay union dues or fees as a condition of employment.

S. 586

At the request of Mr. MOYNIHAN, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 586, a bill to reauthorize the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes.

S. 609

At the request of Mr. KENNEDY, the names of the Senator from Georgia [Mr. CLELAND], the Senator from Arkansas [Mr. BUMPERS], and the Senator from South Dakota [Mr. JOHNSON] were added as cosponsors of S. 609, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies.

S. 693

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 693, a bill to amend the Internal Revenue Code of 1986 to provide that the value of qualified historic property shall not be included in determining the taxable estate of a decedent.

S. 717

At the request of Mr. COVERDELL, the name was added as a cosponsor of S. 717, a bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 16

At the request of Mr. LUGAR, the name of the Senator from Arkansas