

“(B) the extent to which the institution has the clinical specialties and subspecialties, and the clinical and research facilities, sufficient to meet the objective of the program of bridging clinical or post-doctoral training with a career in interdisciplinary research relevant to women’s health; and

“(C) other factors determined appropriate by the Directors.

“(2) RULE OF CONSTRUCTION.—With respect to the program described in subsection (a), nothing in this subsection shall be construed to prohibit the application by the Director of the Office of Research on Women’s Health of eligibility or other requirements, including requirements applied to applicants under such program in the fiscal year prior to the date of enactment of this section.”.

SEC. 3. WOMEN’S REPRODUCTIVE HEALTH RESEARCH CAREER DEVELOPMENT CENTERS.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 3, is further amended by adding at the end the following:

“SEC. 310B. WOMEN’S REPRODUCTIVE HEALTH RESEARCH CAREER DEVELOPMENT CENTERS.

“(a) PURPOSE.—It is the purpose of this section to provide for the funding of Women’s Reproductive Health Research Career Development Centers to enable the Director of the National Institute of Child Health and Human Development, in collaboration with the Director of the National Institutes of Health, to—

“(1) assist in improving the health of women and infants by training new researchers in reproductive health science;

“(2) address concerns raised in a recent study by the National Research Council about the declining number of physician-investigators; and

“(3) provide newly trained obstetric-gynecologic clinicians with training and support, through the Women’s Reproductive Health Research Career Development Centers, to assist in such clinicians in their pursuit of research careers to address problems in women’s obstetric and gynecologic health.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2006 to enable the Director of the National Institute of Child Health and Human Development to fund Women’s Reproductive Health Research Career Development Centers for the purposes described in subsection (a).

“(c) RULE OF CONSTRUCTION.—With respect to the program described in subsection (a), nothing in this section shall be construed to prohibit the application by the Director of the National Institute of Child Health and Human Development of eligibility or other requirements, including requirements applied to applicants under such program, in the fiscal year prior to the date of enactment of this section.”.

Mr. CRAIG (for himself and Mr. BAUCUS):

S. 3216. 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.

INTEGRITY OF THE U.S. COURTS ACT

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’s 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 Committees (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 benefits 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 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 Senator BAUCUS and me in our effort to fix this problem that is unfairly harming American industry, and more important, the U.S. Constitution. I ask unanimous consent that the full 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. 3216

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 “Integrity of the United States Courts Act of 2000”.

SEC. 2. JUDICIAL REVIEW OF BINATIONAL PANEL DECISIONS.

(a) IN GENERAL.—Subtitle A of title IV of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3431 et seq.) is amended by inserting after section 404 the following new section:

“SEC. 404A. REVIEW OF BINATIONAL PANEL DETERMINATIONS.

“(a) BASIS FOR REVIEW IN COURT OF INTERNATIONAL TRADE.—

“(1) IN GENERAL.—If, within 30 days after publication in the Federal Register of notice that a binational panel has issued a determination following a review under article 1904 of a decision of a competent investigating authority in the United States, a party or person within the meaning of paragraph 5 of article 1904 alleges that—

“(A)(i) the determination of the panel was based on a misinterpretation of United States law;

“(ii) a member of a panel was guilty of a gross misconduct, bias, or a serious conflict of interest, or otherwise materially violated the rules of conduct,

“(iii) the panel seriously departed from a fundamental rule of procedure, or

“(iv) the panel manifestly exceeded its powers, authority, or jurisdiction set out in article 1904, as in failing to apply the appropriate standard of review, and

“(B) any of the actions described in subparagraph (A) has materially affected the panel’s decision and threatens the integrity of the binational panel review process, then such party or person may file an appeal with the United States Court of International Trade, seeking review of the binational panel determination, pursuant to section 516A of the Tariff Act of 1930.

“(2) REVIEW IN COURT OF INTERNATIONAL TRADE WHERE BINATIONAL PANEL DOES NOT ACT.—If a request for a panel review has been made under article 1904 and a panel is not convened within 315 days of the request, the Party requesting the panel review or person within the meaning of paragraph 5 of article 1904 may file an appeal of the antidumping or countervailing duty determination with respect to which the request was filed with the United States Court of International Trade.

“(b) DECISIONS OF THE COURT.—

“(1) IN GENERAL.—In any appeal filed under subsection (a)(1) for review of a binational panel determination, the Court of International Trade shall, after examining the legal and factual analysis underlying the findings and conclusions of the panel’s decision, determine whether any of the actions described in subsection (a)(1)(A) has been established. If the court finds that any of those actions has been established, the court shall vacate the original panel decision and enter judgment accordingly. If the actions are not established, the court shall affirm the original binational panel decision. Decisions of the Court of International Trade under this section shall be binding on the parties with respect to the matters between the parties that were before the panel.

“(2) DECISIONS WHERE PANEL NOT CONVENED.—In the case of an appeal filed under subsection (a)(2) for review of a determination of a competent investigating authority, the Court of International Trade shall, after examining the legal and factual analysis underlying the findings and conclusions of the investigating authority’s determination, determine whether the determination was made in accordance with article 1904. If the court finds that the determination was not in accordance with article 1904 or is not supported by the legal and factual analysis, the court shall vacate the investigating authority’s determination and enter judgment accordingly. If the court finds that the determination was in accordance with article 1904 and is supported by the legal and factual analysis, the court shall affirm the investigating authority’s determination. Decisions of the Court of International Trade under this section shall be binding on the parties with respect to the matters between the parties that would have been before a panel had the panel been convened.

“(c) EXCLUSIVE JURISDICTION.—If a party or person within the meaning of paragraph 5 of article 1904 timely files a notice of appeal to the Court of International Trade pursuant to this section, then jurisdiction exclusively resides with the United States Court of International Trade, and such determinations are not subject to review by an extraordinary challenge committee under paragraph 13 of article 1904.

“(d) APPLICABILITY.—Subsections (a)(1), (b)(1), and (c) apply to all goods from NAFTA countries which were subject to an antidumping duty or countervailing duty determination of a competent investigating authority in the United States.”.

(b) CONFORMING AMENDMENT.—The table of contents of the North American Free Trade Implementation Act is amended by inserting after the item relating to section 404 the following:

“Sec. 404A. Review of binational panel determinations.”.

SEC. 3. JURISDICTION OF THE COURT OF INTERNATIONAL TRADE.

Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i)(I), by striking “or (viii)” and inserting “(viii), (ix), or (x)”; and

(B) in subparagraph (B), by adding at the end the following:

“(ix) A final determination of a binational panel convened pursuant to article 1904 of the NAFTA.

“(x) A final determination of an investigating authority described in section 404A(a)(2) of the North American Free Trade Agreement Implementation Act.”;

(2) in subsection (a)(5), in the matter preceding subparagraph (A), by inserting “(other than a determination described in subsection (g)(3)(A)(vii))” after “apply”; and

(3) in subsection (g)(3)(A)—

(A) in clause (v), by striking “or” at the end;

(B) in clause (vi), by striking the period and inserting “, or”; and

(C) by adding at the end the following:

“(vii) a determination of which either a party or person within the meaning of paragraph 5 of article 1904 of the NAFTA has requested review pursuant to section 404A of the North American Free Trade Agreement Implementation Act.”.

SEC. 4. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this Act shall apply with respect to goods from Canada and Mexico.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to any final determination of a binational panel convened pursuant to article 1904 of the North American Free Trade Agreement or to a final determination of a competent investigating authority with respect to which section 404A(a)(2) of the North American Free Trade Agreement Implementation Act applies, notice of which is published in the Federal Register on or after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 922, a bill to prohibit the use of the “Made in the USA” label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Washington

(Mr. GORTON) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child’s congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was withdrawn as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2341

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2393

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2440

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 2440, a bill to amend title 49, United States Code, to improve airport security.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2699

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2699, a bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of social security numbers and social security account numbers, and for other purposes.

S. 2726

At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2726, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against

criminal prosecution by an international criminal court to which the United States is not a party.

S. 2773

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Vermont (Mr. LEAHY), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2773, a bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2938

At the request of Mr. BROWNBACKE, the names of the Senator from Maine (Ms. SNOWE), the Senator from Louisiana (Mr. BREAUX), the Senator from Nevada (Mr. REID), the Senator from Missouri (Mr. BOND), the Senator from Rhode Island (Mr. REED), the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2964

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2964, a bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes.

S. 3009

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3072

At the request of Mr. GRAMS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3072, a bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Mr. STEVENS), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a tem-

porary education center at the Vietnam Veterans Memorial

S. 3127

At the request of Mr. SANTORUM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 3127, a bill to protect infants who are born alive

S. 3145

At the request of Mr. BREAUX, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities

S. 3152

At the request of Mr. ROTH, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3169

At the request of Mr. SESSIONS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3169, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Internal Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes.

S. 3175

At the request of Mr. CRAIG, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3175, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 3180

At the request of Mr. EDWARDS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 3180, a bill to provide for the disclosure of the collection of information through computer software, and for other purposes.

S. 3181

At the request of Mr. HAGEL, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Virginia (Mr. WARNER), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3198

At the request of Mr. JEFFORDS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 3198, a bill to provide a pool credit under Federal milk marketing orders for handlers of certified organic milk used for Class I purposes.

S. CON. RES. 130

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 130, concurrent reso-

lution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S. RES. 343

At the request of Mr. FITZGERALD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 353

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 353, a resolution designating October 20, 2000, as "National Mammography Day."

S. RES. 373

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. Res. 373, *supra*.

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 373, *supra*.

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Res. 373, *supra*.

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. Res. 373, a resolution recognizing the 225th birthday of the United States Navy.

S. RES. 375

At the request of Mr. LUGAR, the names of the Senator from Rhode Island (Mr. L. CHAFEE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 375, a resolution supporting the efforts of Bolivia's democratically elected government.

SENATE RESOLUTION 378—HONORING THE MEMBERS OF THE CREW OF THE GUIDED MISSILE DESTROYER U.S.S. "COLE" (DDG-67) WHO WERE KILLED OR WOUNDED IN THE TERRORIST BOMBING ATTACK ON THAT VESSEL IN ADEN, YEMEN, ON OCTOBER 12, 2000, EXPRESSING THE SYMPATHIES OF THE SENATE TO THE FAMILIES OF THOSE CREW MEMBERS, COMMENDING THE SHIP'S CREW FOR THEIR HEROIC DAMAGE CONTROL EFFORTS, AND CONDEMNING THE BOMBING OF THAT SHIP

Mr. WARNER (for himself, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. MCCAIN, Mr. BYRD, Mr. SMITH of New Hampshire, Mr. ROBB, Mr. INHOFE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. CLELAND, Ms. SNOWE, Ms. LANDRIEU, Mr. ROBERTS, Mr. REED, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. BOND, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. SARBANES, Ms. MIKULSKI, Mr. KERRY, Mr. MILLER, Mr. EDWARDS, Mr.