

energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4047

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4047 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. GRAMM, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. LUGAR), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of amendment No. 4047 proposed to H.R. 4733, *supra*.

AMENDMENT NO. 4070

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4070 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4071

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4071 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4072

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of amendment No. 4072 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4073

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of amendment No. 4073 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4076

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 4076 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4078

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 4078 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4085

At the request of Mr. REID, his name was added as a cosponsor of amend-

ment No. 4085 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4088

At the request of Mr. SMITH of Oregon, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of amendment No. 4088 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 349—TO DESIGNATE SEPTEMBER 7, 2000, AS "NATIONAL SAFE TELEVISION FOR ALL-AGES DAY"

Mr. HUTCHINSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 349

Whereas modern communication has made television a central reality in the lives of most Americans and one of the most pervasive socializing instruments in American culture;

Whereas family members and American citizens of all ages view an average of 17 hours of television per week;

Whereas there is a general consensus among researchers and the American public that violence on television correlates to violent and aggressive behavior in children and teenagers;

Whereas violent and antisocial behavior in American culture have increased as television depictions of violent actions and destructive attitudes have become more elaborate and more common place in television programming;

Whereas television programming portraying responsible conflict resolution and positive, meaningful role models have a profound impact on the values that influence American culture;

Whereas family oriented programming reinforces positive attitudes and sound cultural values in our homes, schools, and communities; and

Whereas the values and attributes portrayed in family oriented programming promote positive social change and movement away from the social apathy and moral deterioration which are currently promoted by a wide variety of media sources: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 7, 2000, as "National Safe Television for All-Ages Day"; and

(2) urges all citizens to observe "National Safe Television for All-Ages Day" by encouraging family and community members to advocate for socially responsible television and area broadcasting that offers such programming.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that I be recognized to speak for 5 minutes as if in Morning Business. Mr. President, I rise to introduce a resolution which designates September 7th of each year as "National Safe TV for All-Ages Day." On September 7, 1927, Philo Farnsworth, a young 21-year-old inventor in San Francisco, transmitted the first all-electronic television picture. By the time he died in 1971, Philo Farnsworth's invention had become one of the greatest innovations of the 20th Century.

Today, the modern television plays a central role in entertaining untold millions world-wide, and no where has it made more of an impact on society than in the United States. Television has become a fixture in almost every home. Americans view an average of 17 hours of television per week. This medium enjoys unprecedented access into the American home. Sadly, this access to the family has been abused as scenes of overtly violent and sexual acts on television have been on the rise for decades. As a result, there is a general consensus among researchers and the American public that violence on television correlates to violent and aggressive behavior in children and teenagers.

Given the continued rise of this negative behavior in American society—especially among young people—parents, teachers, law enforcement officials, sociologists, and politicians are looking for ways to fight back. That is why I have publicly encouraged television executives and movie makers to take responsibility for the impact their programming and movies are having on viewers, regardless of age. While the entertainment industry continues to market violence, families must decide how to protect against a barrage of negative images.

My resolution encourages families and viewers of all-ages to turn off the overtly violent and sexual programming and turn to safe, family oriented programming which reinforces positive attitudes and sound cultural values in our homes, schools, and communities. Television programming which portrays responsible conflict resolution and positive, meaningful role models has a profound impact on the values that influence American culture.

It is my hope that parents take matters into their own hands by making September 7th the day families use the remote control to send a message to the television executives that violent programming is not wanted in our homes. It is my sincere hope that more Americans consider what kind of cumulative affect negative television programming has on families. I encourage my colleagues to cosponsor this measure and support safe TV for all ages. Mr. President, I yield the floor.

AMENDMENTS SUBMITTED

U.S.-CHINA RELATIONS ACT OF 2000

WELLSTONE (AND OTHERS)
AMENDMENTS NOS. 4114

Mr. WELLSTONE (for himself Mr. HELMS, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China; as follows:

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999; and

(2) following the recommendations of the United States Commission on International Religious Freedom, the People's Republic of China has made substantial improvements in respect for religious freedom, as measured by the fact that—

(A) the People's Republic of China has agreed to open a high-level and continuing dialogue with the United States on religious-freedom issues;

(B) the People's Republic of China has ratified the International Convention on Civil and Political Rights, which it has signed;

(C) the People's Republic of China has agreed to permit the United States Commission on International Religious Freedom and international human rights organizations unhindered access to religious leaders, including those imprisoned, detained, or under house arrest;

(D) the People's Republic of China has responded to inquiries regarding persons who are imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known, although they were last seen in the custody of Chinese authorities; and

(E) the People's Republic of China has released from prison all persons incarcerated because of their religion or beliefs.

On page 5, line 10, strike "section 101(a)" and insert "section 101".

BYRD (AND FEINGOLD) AMENDMENT NO. 4115

(Ordered to lie on the table.)

Mr. BYRD (for himself, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, H.R. 4444, supra; as follows:

On page 69, after line 16, insert the following:

SEC. 702. UNITED STATES SUPPORT FOR THE TRANSFER OF CLEAN ENERGY TECHNOLOGY AS PART OF ASSISTANCE PROGRAMS WITH RESPECT TO CHINA'S ENERGY SECTOR.

(a)(1) the People's Republic of China faces significant environmental and energy infrastructure development challenges in the coming century;

(2) economic growth and environmental protection should be fostered simultaneously;

(3) China has been recently attempting to strengthen public health standards, protect natural resources, improve water and air quality, and reduce greenhouse gas emissions levels while striving to expand its economy;

(4) the United States is a leader in a range of clean energy technologies; and

(5) the environment and energy infrastructure development are issues that are equally important to both nations, and therefore, the United States should work with China to encourage the use of American-made clean energy technologies.

(b) SUPPORT FOR CLEAN ENERGY TECHNOLOGY.—Notwithstanding any other provision of law, each department, agency, or other entity of the United States carrying

out an assistance program in support of the activities of United States persons in the environment and energy sector of the People's Republic of China shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of the People's Republic of China.

BYRD AMENDMENTS NOS. 4116-4117

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4116

Beginning on page 16, strike line 11 and all that follows through line 2 on page 17 and insert the following:

"(K) STANDARD FOR PRESIDENTIAL ACTION.—

"(1) FINDINGS.—Congress finds that—

"(A) market disruption causes serious harm to the United States industrial and agricultural sectors which has grave economic consequences;

"(B) product-specific safeguard provisions are a critical component of the United States-China Bilateral Agreement to remedy market disruptions; and

"(C) where market disruption occurs it is essential for the Commission and the President to comply with the timeframe stipulated under this Act.

"(2) TIMEFRAME FOR ACTION.—Not later than 15 days after receipt of a recommendation from the Trade Representative under subsection (h) regarding the appropriate action to take to prevent or remedy a market disruption, the President shall provide import relief for the affected industry pursuant to subsection (a), unless the President determines and certifies to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that taking action pursuant to subsection (a) would cause serious harm to the national security of the United States.

"(3) BASIS FOR PRESIDENTIAL CERTIFICATION.—The President may determine and certify under paragraph (2) that providing import relief is not in the national economic interest of the United States only if the President finds that taking such action would have an adverse impact on the United States economy clearly greater than the benefits of such action.

"(4) AUTOMATIC RELIEF.—

"(A) IN GENERAL.—If, within 70 days after receipt of the Commission's report described in subsection (g), the President and the United States Trade Representative have not taken action with respect to denying or granting the relief recommended by the Commission, the relief shall automatically take effect.

"(B) PERIOD RELIEF IN EFFECT.—The relief provided for under subparagraph (A) shall remain in effect without regard to any other provision of this section.

AMENDMENT NO. 4117

On page 53, between lines 3 and 4, insert the following:

SEC. 402. PRC COMPLIANCE WITH WTO SUBSIDY OBLIGATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) A significant portion of the economy of the People's Republic of China consists of state-owned enterprises.

(2) Chinese state-owned enterprises receive significant subsidies from the Government of the People's Republic of China.

(3) These Chinese state-owned enterprises account for a significant portion of exports from the People's Republic of China.

(4) United States manufacturers and farmers should not be expected to compete with these subsidized state-owned enterprises.

(b) COMMITMENT TO DISCLOSE CERTAIN INFORMATION.—The United States Trade Representative—

(1) acting through the Working Party on the Accession of China to the World Trade Organization, shall obtain a commitment by the People's Republic of China to disclose information—

(A) identifying current state-owned enterprises engaged in export activities;

(B) describing state support for those enterprises; and

(C) setting forth a time table for compliance by the People's Republic of China with the subsidy obligations of the World Trade Organization; and

(2) shall vote against accession by the People's Republic of China to the World Trade Organization without such a commitment.

(c) STATE-OWNED ENTERPRISE.—The term "state-owned enterprise" means a person who is affiliated with, or wholly owned or controlled by, the Government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by a central or provincial government authority. A person shall be considered to be state-owned if—

(1) the person's assets are primarily owned by a central or provincial government authority;

(2) in whole or in part, the person's profits are required to be submitted to a central or provincial government authority;

(3) the person's production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or

(4) a license issued by a government authority classifies the person as state-owned.

WELLSTONE AMENDMENTS NOS. 4118-4121

Mr. WELLSTONE proposed four amendments to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4118

On page 4, line 22, beginning with "Prior" strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, signed in October 1998, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation

through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies, foreign journalists, diplomats, and independent human rights monitors;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and ongoing dialogue with the United States on religious freedom; and

(7) the leadership of the People's Republic of China has entered into a meaningful dialogue with the Dalai Lama or his representatives.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4119

On page 4, line 22, beginning with "Prior", strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China is complying with the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on August 7, 1992;

(3) the People's Republic of China is complying with the Statement of Cooperation on the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on March 14, 1994; and

(4) the People's Republic of China is fully cooperating with all outstanding requests made by the United States for visitation or investigation pursuant to the Memorandum referred to in paragraph (2) and the Statement of Cooperation referred to in paragraph (3), including requests for visitations or investigation of facilities considered "reeducation through labor" facilities.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4120

On page 4, line 22, beginning with "Prior", strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of union organizing; and

(3) the People's Republic of China has made substantial progress in releasing from prison all persons incarcerated for organizing independent trade unions.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4121

At the end of the bill, add the following:

TITLE VIII—WORKER RIGHTS

SEC. 801. SHORT TITLE.

This title may be cited as the "Right to Organize Act of 2000".

SEC. 802. EMPLOYER AND LABOR ORGANIZATIONS PRESENTATIONS.

Section 8(c) of the National Labor Relations Act (29 U.S.C. 158(c)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraphs:

"(2) If an employer or employer representative addresses the employees on the employer's premises or during work hours on issues relating to representation by a labor organization, the employees shall be assured, without loss of time or pay, an equal opportunity to obtain, in an equivalent manner, information concerning such issues from such labor organization.

"(3) Subject to reasonable regulation by the Board, labor organizations shall have—

"(A) access to areas in which employees work;

"(B) the right to use the employer's bulletin boards, mailboxes, and other communication media; and

"(C) the right to use the employer's facilities for the purpose of meetings with respect to the exercise of the rights guaranteed by this Act."

SEC. 803. LABOR RELATIONS REMEDIES.

(a) BOARD REMEDIES.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the fourth sentence the following new sentence:

"If the Board finds that an employee was discharged as a result of an unfair labor practice, the Board in such order shall (1) award back pay in an amount equal to 3 times the employee's wage rate at the time of the unfair labor practice and (2) notify such employee of such employee's right to sue for punitive damages and damages with respect to a wrongful discharge under section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187), as amended by the Fair Labor Organizing Act."

(b) COURT REMEDIES.—Section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187) is amended by adding at the end the following new subsections:

"(c) It shall be unlawful, for purposes of this section, for any employer to discharge an employee for exercising rights protected under the National Labor Relations Act.

"(d) An employee whose discharge is determined by the National Labor Relations

Board under section 10(c) of the National Labor Relations Act to be as a result of an unfair labor practice under section 8 of such Act may file a civil action in any district court of the United States, without respect to the amount in controversy, to recover punitive damages or if actionable, in any State court to recover damages based on a wrongful discharge."

SEC. 804. INITIAL CONTRACT DISPUTES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h)(1) If, not later than 60 days after the certification of a new representative of employees for the purpose of collective bargaining, the employer of the employees and the representative have not reached a collective bargaining agreement with respect to the terms and conditions of employment, the employer and the representative shall jointly select a mediator to mediate those issues on which the employer and the representative cannot agree.

"(2) If the employer and the representative are unable to agree upon a mediator, either party may request the Federal Mediation and Conciliation Service to select a mediator and the Federal Mediation and Conciliation Service shall upon the request select a person to serve as mediator.

"(3) If, not later than 30 days after the date of the selection of a mediator under paragraph (1) or (2), the employer and the representative have not reached an agreement, the employer or the representative may transfer the matters remaining in controversy to the Federal Mediation and Conciliation Service for binding arbitration."

HOLLINGS AMENDMENT NO. 4122

Mr. HOLLINGS proposed an amendment to the bill, H.R. 4444, supra; as follows:

On page 4, beginning with line 4, strike through line 18 on page 5 and insert the following:

SEC. 101. ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.

Pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

On page 5, line 19, strike "SEC. 103." and insert "SEC. 102."

HELMS AMENDMENTS NOS. 4123–4124

(Ordered to lie on the table.)

Mr. HELMS submitted two amendment intended to be proposed by him to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4123

At the end of the bill, insert the following:

SEC. ____ CODE OF CONDUCT FOR BUSINESSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Chief Executive of Viacom media corporation told the Fortune Global Forum, a gathering of hundreds of corporate leaders in Shanghai to celebrate the 50th anniversary of communism in China in September 1999, that Western media groups "should avoid being unnecessarily offensive to the Chinese government. We want to do business. We cannot succeed in China without being a friend of the Chinese people and the Chinese government."

(2) The owner of Fox and Star TV networks has gained favor with the Chinese leadership in part by dropping programming and publishing deals that offend the Communist Government of China, including the book by the last British Governor of Hong Kong.

(3) The Chief Executive of Time Warner, which owns the Fortune company that organized the Global Forum, called Jiang Zemin his "good friend" as he introduced Jiang to make the keynote speech at the conference. Jiang went on to threaten force against Taiwan and to warn that comments by the West on China's abysmal human rights record were not welcome.

(4) The Chief Executive of American International Group was reported to be so effusive in his praise of China's economic progress at the Global Forum that one Chinese official described his remarks as "not realistic".

(5) The founder of Cable News Network, one of the world's richest men, told the Global Forum that "I am a socialist at heart."

(6) During the Global Forum, Chinese leaders banned an issue of Time magazine (owned by Time-Warner, the host of the Global Forum) marking the 50th anniversary of communism in China, because the issue included commentaries by dissidents Wei Jingsheng, Wang Dan, and the Dalai Lama. China also blocked the web sites of Time Warner's Fortune magazine and CNN.

(7) Chinese officials denied Fortune the right to invite Chinese participants to the Global Forum and instead padded the guest list with managers of state-run firms.

(8) At the forum banquet, Chinese Premier Zhu Rongji lashed out at the United States for defending Taiwan.

(9) On June 5, 2000, China's number two phone company, Unicom, broke an agreement with the Qualcomm Corporation by confirming that it will not use mobile-phone technology designed by Qualcomm for at least 3 years, causing a sharp sell off of the United States company's stock.

(10) When the Taiwanese pop singer Ah-mei, who appeared in advertisements for Sprite in China, agreed to sing Taiwan's national anthem at Taiwan's May 20, 2000, presidential inauguration, Chinese authorities immediately notified the Coca-Cola company that its Ah-mei Sprite ads would be banned.

(11) The company's director of media relations said that the Coca-Cola Company was "unhappy" about the ban, but "as a local business, would respect the authority of local regulators and we will abide by their decisions".

(12) In 1998, Apple Computer voluntarily removed images of the Dalai Lama from its "Think Different" ads in Hong Kong, stating at the time that "where there are political sensitivities, we did not want to offend anyone".

(13) In 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with China's Internet rules which provide for censoring any political information deemed unacceptable to the Communist government.

(b) SENSE OF SENATE.—It is the sense of Senate that in order for the presence of United States businesses to truly foster political liberalization in China, those businesses must conduct themselves in a manner that reflects basic American values of democracy, individual liberty, and justice.

(c) CONSULTATION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall consult with American businesses that do business in, have significant trade with, or invest in the People's Republic of China, to encourage the businesses to adopt a voluntary code of conduct that—

(1) follows internationally recognized human rights principles, including freedom of expression and democratic governance;

(2) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief;

(3) ensures that no convict, forced, or indentured labor is knowingly used;

(4) supports the principle of a free market economy and ownership of private property;

(5) recognizes the rights of workers to freely organize and bargain collectively; and

(6) discourages mandatory political indoctrination on business premises.

AMENDMENT No. 4124

On page 5, between lines 18 and 19, insert the following new section and redesignate the remaining sections and cross references thereto:

SEC. 103. ADDITIONAL CONDITION.

(a) FINDINGS.—Congress makes the following findings:

(1) Permanent normal trade relations treatment would ostensibly be granted to the People's Republic of China in large part to promote political liberalization through free trade and to open the exchange of ideas.

(2) The Broadcasting Board of Governors testified before the Senate Foreign Relations Committee on April 26, 2000, that the Government of the People's Republic of China jams 242 hours a day of Radio Free Asia and Voice of America programs, which includes 100 hours of Mandarin language transmissions, 34 hours of Tibetan language transmissions, and 3 hours of Uyghur language transmissions.

(3) The Broadcasting Board of Governors testified before the Senate Foreign Relations Committee on April 26, 2000, that the Government of the People's Republic of China spends at least \$5,400,000 a year to jam Radio Free Asia and Voice of America Mandarin language programs.

(4) The fact that the Government of the People's Republic of China spends at least as much to jam Radio Free Asia and Voice of America broadcasts as the United States spends to transmit broadcasts to China indicates an intense commitment on the part of the People's Republic of China to block the free flow of ideas and news in China.

(b) ADDITIONAL CERTIFICATION.—Notwithstanding any other provision of this Act, the extension of nondiscriminatory trade treatment (normal trade relations treatment) to the People's Republic of China shall not take effect until the President certifies to Congress that the People's Republic of China is no longer jamming or otherwise interfering with broadcasts of Radio Free Asia or the Voice of America.

HELMS (AND WELLSTONE)

AMENDMENT NO. 4125

(Ordered to lie on the table.)

Mr. HELMS (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, H.R. 4444, supra; as follows:

On page 2, line 4, before the end period, insert the following: "FINDINGS".

On page 4, before line 1, insert the following:

(c) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China has not yet ratified the United Nations Covenant on Civil and Political Rights, which it signed in October of 1998.

(2) The 1999 State Department Country Reports on Human Rights Practices found that—

(A) the Government of the People's Republic of China continues to commit widespread

and well-documented human rights abuses in violation of internationally accepted norms;

(B) the Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent;

(C) abuses by Chinese authorities exist, including instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrests and detentions, lengthy incommunicado detentions, and denial of due process;

(D) violence against women exists in the People's Republic of China, including coercive family planning practices such as forced abortion and forced sterilization, prostitution, discrimination against women, trafficking in women and children, abuse of children, and discrimination against the disabled and minorities; and

(E) tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July 1999, several leaders of the movement were sentenced to long prison terms in late December, hundreds were sentenced administratively to reeducation through labor, and according to some reports, the Government of the People's Republic of China started confining some Falun Gong adherents to psychiatric hospitals.

(3) The Department of State's 2000 Annual Report on International Religious Freedom states that during 1999 and 2000—

(A) "the Chinese government's respect for religious freedom deteriorated markedly";

(B) the Chinese police closed many "underground" mosques, temples, seminaries, Catholic churches, and Protestant "house churches";

(C) leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse in the People's Republic of China;

(D) in some areas, Chinese security authorities used threats, demolition of unregistered property, extortion of "fines", interrogation, detention, and at times physical abuse to harass religious figures and followers; and

(E) the Government of the People's Republic of China continued its "patriotic education" campaign aimed at enforcing compliance with government regulations and either cowering or weeding out monks and nuns who refuse to adopt the Party line and remain sympathetic to the Dalai Lama.

(4) The report of the United States Commission on International Religious Freedom—

(A) found that the Government of the People's Republic of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs, and that Chinese law criminalizes collective religious activity by members of religious groups that are not registered with the State;

(B) noted that the Chinese authorities exercise tight control over Tibetan Buddhist monasteries, select and train important religious figures, and wage an invasive ideological campaign both in religious institutions and among the Tibetan people generally;

(C) documented the tight control exercised over the Uighur Muslims in Xinjiang in northwest China, and cited credible reports of thousands of arbitrary arrests, the widespread use of torture, and extrajudicial executions; and

(D) stated that the Commission believes that Congress should not approve permanent normal trade relations treatment for China until China makes substantial improvements with respect to religious freedom, as measured by certain objective standards.

(5) On March 4, 2000, four days before the President forwarded to Congress legislation to grant permanent normal trade relations treatment to the People's Republic of China, the Government of the People's Republic of China arrested four American citizens for practicing Falun Gong in Beijing.

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and on-going dialogue with the United States on religious freedom;

(7) the People's Republic of China has agreed to permit unhindered access to religious leaders by the United States Commission on International Religious Freedom and recognized international human rights organizations, including access to religious leaders who are imprisoned, detained, or under house arrest;

(8) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of religious beliefs or whose whereabouts are not known but who were seen in the custody of officials of the People's Republic of China;

(9) the People's Republic of China intends to release from prison all persons incarcerated because of their religious beliefs;

(10) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest for reasons of union organizing; and

(11) the People's Republic of China intends to release from prison all persons incarcerated for organizing independent trade unions.

On page 5, line 10, strike "section 101(a)" and insert "section 101".

HELMS AMENDMENTS NOS. 4126–4128

(Ordered to lie on the table.)

Mr. HELMS submitted three amendments intended to be proposed by him to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4126

At the end of the bill, insert the following:

SEC. ____ REPORTS BY UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—Not later than 1 year after the People's Republic of China accedes to the World Trade Organization, the United States Trade Representative shall submit a report to the appropriate congressional committees regarding the compliance of the People's Republic of China with the concessions made in the bilateral agreement entered into with the United States.

(b) CONTENTS OF THE REPORT.—The report required by subsection (a) shall include the following:

(1) The status of the People's Republic of China's compliance with its agreement to reduce tariffs on United States agricultural products, including priority agricultural products, beef, poultry, cheese, and other commodities.

(2) The status of the People's Republic of China's compliance with its agreement to expand market access for United States corn, cotton, wheat, rice, barley, soybeans, meats, and other agricultural products.

(3) The status of the People's Republic of China's compliance with its agreement to eliminate trade-distorting export subsidies.

(4) The status of the People's Republic of China's compliance with its agreement to give full trading rights to United States businesses, including full right to import, export, own and operate distributions networks inside the People's Republic of China, and the elimination of state-owned middlemen.

(5) The status of the People's Republic of China's compliance with its agreement to open markets for telecommunications, insurance, banking, securities, audio visual, and professional services.

(6) The status of the People's Republic of China's compliance with its agreement to open its markets for foreign investment in information technology.

(7) The status of the People's Republic of China's compliance with its agreement to expand significantly the number of foreign movies shown in the People's Republic of China.

(8) The status of the People's Republic of China's agreement to reduce tariffs on automobiles.

(9) The status and effectiveness of the special safeguard provisions of the United States-China bilateral agreement.

(c) OTHER REPORTS.—In addition to the report required by subsection (a), the United States Trade Representative shall submit to the appropriate congressional committees the following reports.

(1) REPORT DUE IN 2003.—Not later than March 1, 2003, the United States Trade Representative shall report on the status of the People's Republic of China's compliance with its agreement to reduce tariffs on United States goods identified in subsection (b) (1), (2), and (8) and other United States priority goods.

(2) REPORT DUE IN 2005.—Not later than March 1, 2005, the United States Trade Representative shall report on the status of the People's Republic of China's compliance with its agreement—

(A) to reduce average overall tariffs on United States industrial goods from 24.6 percent to 9.4 percent or less; and

(B) to eliminate tariffs on United States high-technology goods.

(d) NEGATIVE DETERMINATIONS.—

(1) IN GENERAL.—If the United States Trade Representative in any of the reports described in subsection (c) (1) or (2) finds that the People's Republic of China is not complying with its commitments to reduce or eliminate the tariffs described in such subsection (c), and a joint resolution described in paragraph (2) is enacted into law pursuant to the provisions of paragraph (3), the Presi-

dent shall suspend, withdraw, or prevent the application of benefits of the bilateral trade agreement between the United States and the People's Republic of China including the extension of nondiscriminatory treatment (normal trade relations treatment) and may impose duties or other import restrictions on the goods of, and, notwithstanding any other provision of law, fees or restrictions on the services of, the People's Republic of China for such time as the President determines appropriate.

(2) JOINT RESOLUTION DESCRIBED.—For purposes of paragraph (1), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That the Congress finds that the People's Republic of China has failed to comply with its commitments to reduce or eliminate tariffs and the Congress withdraws its approval of the extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China and the President may impose duties or other import restrictions on the goods of, and, notwithstanding any other provision of law, fees or restrictions on the services of, the People's Republic of China for such time as the President determines appropriate."

(3) PROCEDURAL PROVISIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if the joint resolution is enacted in accordance with this subsection, and Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives a negative report from the United States Trade Representative pursuant to subsection (c) (1) or (2).

(B) PRESIDENTIAL VETO.—In any case in which the President vetoes the joint resolution, the requirements of this paragraph are met if each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in subparagraph (A), or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives the veto message from the President.

(C) INTRODUCTION.—

(i) TIME.—A joint resolution to which this subsection applies may be introduced at any time on or after the date on which the United States Trade Representative transmits to Congress a negative report pursuant to subsection (c) (1) or (2), and before the end of the 90-day period referred to in subparagraph (A).

(ii) ANY MEMBER MAY INTRODUCE.—A joint resolution described in paragraph (2) may be introduced in either House of Congress by any Member of such House.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on International Relations and the Committee on Ways and Means of the House of Representatives.

AMENDMENT NO. 4127

At the end of the bill, insert the following:

SEC. 702. REPORTING REQUIREMENTS REGARDING AGRICULTURAL TRADE DEFICIT WITH CHINA.

(a) IN GENERAL.—The United States-China bilateral agreement on agriculture is designed to substantially lower tariffs, eliminate export subsidies, end discriminatory licensing and import bans, and eliminate unjustified restrictions on agricultural products. The reports described in subsection (b)

shall be submitted to Congress in order to evaluate the progress being made in carrying out the agreement.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall report to Congress on the existing United States agricultural trade deficit with the People's Republic of China.

(2) **SUBSEQUENT REPORT.**—Not later than 3 years after the report described in the paragraph (1), the United States Trade Representative shall report to Congress regarding the size and status of the agricultural trade deficit with the People's Republic of China and whether the People's Republic of China has taken steps to eliminate all barriers to trade in the agricultural sector.

(c) **SENSE OF CONGRESS.**—If the report described in subsection (b)(2) indicates that 3 years after the date nondiscriminatory treatment is permanently extended to the People's Republic of China, the agricultural trade deficit has not been reduced to one-third or less of the deficit reported under subsection (b)(1), it is the sense of Congress that the extension of nondiscriminatory trade treatment has not produced adequate benefits for United States farmers and the People's Republic of China is manifestly not implementing its bilateral agreement with the United States.

AMENDMENT NO. 4128

At the end of the bill, insert the following:
SEC. 702. SENSE OF CONGRESS REGARDING FORCED ABORTIONS IN CHINA.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For more than 18 years there have been frequent, consistent, and credible reports of forced abortion and forced sterilization in the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion has no role in the population control program, in fact the Communist Chinese Government encourages forced abortion and forced sterilization through a combination of strictly enforced birth quotas, rewards for informants, and impunity for local population control officials who engage in coercion.

(B) A recent defector from the population control program, testifying at a congressional hearing on June 10, 1998, made clear that central government policy in China strongly encourages local officials to use coercive methods.

(C) Population control officials of the People's Republic of China, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical punishment.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. According to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to enforcement measures including torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy, including numerous examples of actual infanticide.

(F) Since 1994 forced abortion has been used in Communist China not only to regu-

late the number of children, but also to destroy those who are regarded as defective because of physical or mental disabilities in accordance with the official eugenic policy known as the "Natal and Health Care Law".

(3) According to every annual State Department Country Report on Human Rights Practices for the People's Republic of China since 1983, Chinese officials have used coercive measures such as forced abortion, forced sterilization, and detention of resisters.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the President should urge the People's Republic of China to cease its forced abortion and forced sterilization policies and practices; and

(2) the President should urge the People's Republic of China to cease its detention of those who resist abortion or sterilization.

**SMITH OF NEW HAMPSHIRE
AMENDMENT NO. 4129**

Mr. SMITH of New Hampshire proposed an amendment to the bill, H.R. 4444, *supra*; as follows:

DIVISION I

On page 46, between lines 3 and 4, insert the following:

SEC. 302A. MONITORING COOPERATION ON POW/MIA ISSUES.

(a) **IN GENERAL.**—The Commission shall monitor and encourage the cooperation of the People's Republic of China in accounting for United States personnel who are unaccounted for as a result of service in Asia during the Korean War, the Vietnam era, or the Cold War, including, but not limited to—

(1) providing access by Commission members and other representatives of the United States Government to reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, and to archives, museums, and other holdings of the People's Republic of China, that are believed by the Commission to contain documents and other materials relevant to the accounting for such personnel; and

(2) providing access by Commission members and other representatives of the United States Government to military and civilian officials of the Government of the People's Republic of China, and facilitating access to private individuals in the People's Republic of China, who are determined by the Commission potentially to have information regarding the fate of such personnel.

(b) **SPECIFIC INFORMATION IN ANNUAL REPORTS.**—The Commission's report under section 302(g) shall also include the following:

(1) An assessment of the contribution to the accounting for missing United States personnel covered by subsection (a) of the information obtained by the Commission and other United States Government agencies under that subsection during the period covered by the report.

(2) A description and assessment of the cooperation of the People's Republic of China in accounting for United States personnel covered by subsection (a) during the period covered by the report.

(3) A list of the archives, museums, and holdings in the People's Republic of China, and of the reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, proposed to be visited by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

(4) A list of the military and civilian officials of the Government of the People's Republic of China, and of the private individuals in the People's Republic of China, pro-

posed to be interviewed by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

DIVISION II

SEC. 302B. MONITORING AND REPORTING ON COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PEOPLE'S LIBERATION ARMY COMPANIES.

(a) **MONITORING OF COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PLA COMPANIES.**—

(1) **REQUIREMENT.**—Beginning not later than 90 days after the date of enactment of this Act, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall provide for the on-going monitoring of commercial activities, whether direct or indirect, between People's Liberation Army companies and United States companies.

(2) **COORDINATION WITH OTHER FEDERAL AGENCIES.**—

(A) **IN GENERAL.**—The monitoring required under paragraph (1) shall be carried out using the information, services, and assistance of any department or agency of the Federal Government, whether civilian or military, that the Director considers appropriate, including the Defense Intelligence Agency, the Central Intelligence Agency, and the United States Customs Service.

(B) **COOPERATION.**—The head of any department or agency of the Federal Government shall, upon request of the Director, provide the Federal Bureau of Investigation with such information, services, and other assistance in the monitoring required under paragraph (1) as the Director and the head of such department or agency jointly consider appropriate.

(b) **ANNUAL REPORTS ON MONITORING.**—

(1) **REQUIREMENT.**—Not later than six months after the date of enactment of this Act, and annually thereafter, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall submit to Congress a report on the results of the monitoring activities carried out under subsection (a) during the one-year period ending on the date of the report.

(2) **REPORT ELEMENTS.**—Each report under this subsection shall set forth, for the one-year period covered by such report, the following:

(A) Information on the People's Liberation Army companies engaged in commercial activities with United States companies during such period, including—

(i) a list setting forth each People's Liberation Army company conducting business in the United States;

(ii) a list setting forth all People's Liberation Army products sold by United States companies to other United States companies or United States nationals;

(iii) a statement of the profits realized by the People's Liberation Army from the sale of products set forth in clause (ii) and on products sold directly to United States companies and United States nationals; and

(iv) a statement of the dollar amount spent for the purchase of the products covered by clause (iii).

(B) An assessment of the consequences for United States national security of the sale of People's Liberation Army products to United States companies and United States nationals, including—

(i) an assessment of the relationships between People's Liberation Army companies and United States companies;

(ii) an assessment of the use of the profits of such sales by the People's Liberation Army; and

(iii) a description and assessment of any technology transfers between United States

companies and People's Liberation Army companies.

(3) **FORM OF REPORT.**—Each report under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(c) **DEFINITIONS.**—In this section:

(1) **PEOPLE'S LIBERATION ARMY COMPANY.**—The term "People's Liberation Army company" means any commercial person or entity that is owned by, associated with, or an auxiliary to the People's Liberation Army, including any armed force of the People's Liberation Army, any intelligence service of the People's Republic of China, or the People's Armed Police.

(2) **ORGANIZED UNDER THE LAWS OF THE UNITED STATES.**—The term "organized under the laws of the United States" means organized under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(3) **UNITED STATES COMPANY.**—The term "United States company" means a corporation, partnership, or other business association organized under the laws of the United States.

DIVISION III

SEC. 302C. MONITORING AND REPORTING ON DEVELOPMENT OF SPACE CAPABILITIES.

(a) **IN GENERAL.**—The Commission shall, with the support of other United States Government agencies, monitor the development of military space capabilities in the People's Republic of China, including—

(1) the extent to which the membership of the People's Republic of China in the World Trade Organization facilitates its acquisition of space and space-applicable technologies;

(2) the extent to which commercial space revenues in the People's Republic of China support and enhance space activities in the People's Republic of China;

(3) the extent to which Federal subsidies for United States companies doing business in the People's Republic of China enhances space activities in the People's Republic of China;

(4) the extent to which the People's Republic of China proliferates space technology to other Nations; and

(5) the extent to which both manned and unmanned space activities in the People's Republic of China—

(A) support land, sea, and air forces of the People's Republic of China;

(B) threaten the United States and its allies' land, sea, and air forces and

(C) threaten the United States and its allies' military, civil, and commercial space assets.

(b) **SPECIFIC INFORMATION IN ANNUAL REPORTS.**—The Commission's report under section 302(g) shall include specific information on the nature of the technologies and programs relating to military space development by the Peoples Republic of China described in subsection (a). The report may contain separate classified annexes if necessary.

DIVISION IV

SEC. 302D. MONITORING AND REPORTING ON COOPERATION ON ENVIRONMENTAL PROTECTION.

(a) **IN GENERAL.**—The Commission shall monitor and encourage the cooperation of the People's Republic of China in—

(1) the implementation and enforcement of laws for the protection of human health and the protection, restoration, and preservation of the environment that are at least as com-

prehensive and effective as comparable laws of the United States, including—

(A) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(B) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(E) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(F) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(G) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(H) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(I) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(J) the Clean Air Act (42 U.S.C. 7401 et seq.);

(K) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(L) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.); and

(M) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.); and

(2) the allocation, for assisting and ensuring compliance with the laws specified in paragraph (1), of sufficient resources, including funds, to achieve material and measurable progress on a permanent basis in the protection of human health and the protection, restoration, and preservation of the environment.

(b) **SPECIFIC INFORMATION IN ANNUAL REPORTS.**—The Commission's report under section 302(g) shall also include, for the period for which the report is submitted, a description of the results of the monitoring required under subsection (a), including an analysis of any progress of the People's Republic of China in implementing and enforcing environmental laws as described in that subsection.

DIVISION V

SEC. 302F. MONITORING AND REPORTING ON CONDITIONS RELATING TO ORPHANS AND ORPHANAGES.

(a) **MONITORING.**—The Commission shall monitor the actions of the People's Republic of China, and particularly the Ministry of Civil Affairs, to determine if the People's Republic of China has demonstrated that—

(1) the quality of care of orphans in the People's Republic of China has improved by providing specific data such as survival rates of orphans and the ratio of workers-to-orphans in orphanages;

(2) orphans are receiving proper medical care and nutrition;

(3) there is increased accountability of how public and private funds are spent with respect to the care of orphans;

(4) international adoption and Chinese adoptions are being encouraged; and

(5) efforts are being made to help children (and particularly children with special needs) get adopted.

(b) **SPECIFIC INFORMATION IN ANNUAL REPORTS.**—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to improving the quality of care of orphans and encouraging international and Chinese adoptions.

DIVISION VI

SEC. 302H. MONITORING AND REPORTING ON ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) **MONITORING.**—The Commission shall monitor the actions of the Government of the People's Republic of China with respect to its practice of harvesting and transplanting organs for profit from prisoners that it executes.

(b) **SPECIFIC INFORMATION IN ANNUAL REPORTS.**—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to eliminating the practice of harvesting and transplanting organs for profit.

KING AND TSIORVAS PIPELINE SAFETY IMPROVEMENT ACT OF 2000

MCCAIN (AND OTHERS) AMENDMENT NO. 4130

Mr. GORTON (for Mr. MCCAIN (for himself, Mr. GORTON, Mrs. MURRAY, Mr. BINGAMAN, Mr. DOMENICI, and Mr. ROBB)) proposed an amendment to the bill (S. 2438) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; as follows:

On page 18, strike lines 22 through 25 and insert the following:

"(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods;"

On page 19, line 2, strike "inspection or testing done" and insert "periodic assessment methods carried out".

On page 19, line 4, insert "and" after the semicolon.

On page 19, line 8, strike "measures; and" and insert "measures."

On page 19, strike lines 9 through 13.

On page 19, beginning in line 15, strike "inspections or testing" and insert "assessment methods carried out".

On page 21, line 2, strike the closing quotation marks and the second period.

On page 21, between lines 2 and 3, insert the following:

"(6) **OPPORTUNITY FOR LOCAL INPUT ON INTEGRITY MANAGEMENT.**—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

"(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

"(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

"(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

“(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

“(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.”.

On page 21, line 14, strike “of” the first place it appears and insert “or”.

On page 21, line 17, insert “and” after the semicolon.

On page 21, line 19, strike “hazardous;” and” and insert “hazardous;.”

On page 21, beginning with line 20, strike through line 13 on page 22.

On page 24, line 16, strike “any” and insert “the operator’s”.

On page 24, line 23, insert a comma after “facility”.

On page 27, between lines 3 and 4, insert the following:

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) is amended by striking “authorities.” and inserting “officials, including the local emergency responders.”.

On page 27, line 4, strike “(b)” and insert “(c)”.

On page 30, line 8, after the period insert: “Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.”.

On page 31, strike lines 7 through 13 and insert the following:

“(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2001, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2000 if—

“(A) the State Authority fails to comply with the terms of the agreement;

“(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

“(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.”.

On page 32, line 10, strike “is not promoting” and insert “would not promote”.

On page 32, beginning with line 22, strike through line 4 on page 34.

On page 36, beginning with line 12, strike through line 9 on page 37 and insert the following:

SEC. 11. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation’s research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) PIPELINE SAFETY AND RELIABILITY, RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) PURPOSE.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipeline materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) POINTS OF CONTACT.—

(A) IN GENERAL.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) DUTIES.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(6) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report

shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) **MEMBERSHIP.**—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

On page 37, line 10, strike “**SEC. 12.**” and insert “**SEC. 13.**”.

On page 38, between lines 21 and 22, insert the following:

(d) **PIPELINE INTEGRITY PROGRAM.**—

(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 11(b) and 12 of this Act \$3,000,000, to be derived from user fees under section 60125 of title 49, United States Code, for each of the fiscal years 2001 through 2005.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), \$3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention and mitigation of oil spills under sections 11(b) and 12 of this Act for each of the fiscal years 2001 through 2005.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 11(b) and 12 of this Act such sums as may be necessary for each of the fiscal years 2001 through 2005.

On page 38, line 22, strike “**SEC. 13.**” and insert “**SEC. 14.**”.

On page 39, strike lines 6 through 14 and insert the following:

(b) **CORRECTIVE ACTION ORDERS.**—Section 60112(d) is amended—

(1) by inserting “(1)” after “**CORRECTIVE ACTION ORDERS.**—”; and

(2) by adding at the end the following:

“(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the

Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until—

“(A) the Secretary determines that the employee’s performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

“(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 4 of the Pipeline Safety Improvement Act of 2000 and can safely perform those activities.

“(3) Disciplinary action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.”.

On page 39, line 15, strike “**SEC. 14.**” and insert “**SEC. 15.**”.

On page 49, beginning with line 4, strike through line 16 on page 52 and insert the following:

SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary’s reasons for acting or not acting upon any of the recommendations.

On page 52, line 17, strike “**SEC. 16.**” and insert “**SEC. 17.**”.

On page 53, line 5, strike “**SEC. 17.**” and insert “**SEC. 18.**”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Friday, September 15, 2000 at 10:00 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on Federal agency preparedness for the Summer 2000 wildfires.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 7, 2000, at 9:00 a.m. to conduct a business meeting to consider S. 2962, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 7, 2000 to mark up a reconciliation bill on the subject of retirement security.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 7, 2000, at 9:30 a.m. to hold a hearing.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. HAGEL. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Thursday, September 7, 2000, at 10:00 a.m. for a hearing on the E-Commerce Activities of the United States Postal Service.

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

PRIVILEGE OF THE FLOOR

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I ask unanimous consent that David Dorman, a fellow in my office, be granted floor privileges during the course of today’s proceedings.

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

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel: