

S. 2005. A bill to repeal the modification of the installment method; to the Committee on Finance.

By Mr. SPECTER:

S. 2006. A bill for the relief of Yongyi Song; read the first time.

By Mr. CONRAD:

S. 2007. A bill to amend title 38, United States Code, to improve procedures relating to the scheduling of appointments for certain non-emergency medical services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ASHCROFT:

S. 2008. A bill to require the pre-release drug testing of Federal prisoners; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. BYRD, Mr. BREAUX, and Mrs. LINCOLN):

S. 2009. A bill to provide for a rural education development initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. BYRD, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 245. A resolution relative to the Death of Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate; considered and agreed to.

By Mr. KERREY (for himself, Mr. HAGEL, Mr. LOTT, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL,

Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 246. A resolution relative to the death of Carl Curtis, former United States Senator for the State of Nebraska; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. HATCH, Mr. BURNS, Mr. JEFFORDS, Mr. COVERDELL, Mr. LEAHY, Mr. CLELAND, Mr. MOYNIHAN, Mr. DEWINE, Mr. GRAMM, Mr. BIDEN, Mr. CRAPO, Mr. AKAKA, Mr. LAUTENBERG, Mr. SARBANES, Mr. HAGEL, Mr. WARNER, Mr. GORTON, Mr. HELMS, Mr. INHOFE, Mr. INOUE, Mr. GRAMS, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. BAYH, Mr. DORGAN, Mr. LEVIN, Mrs. HUTCHISON, and Ms. COLLINS):

S. Res. 247. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. SCHUMER, Mr. BAUCUS, Ms. COLLINS, Mr. LEAHY, Mr. KERRY, and Mr. WELLSTONE):

S. Con. Res. 78. A concurrent resolution expressing the sense of the Congress that, the Government of the People's Republic of China should immediately release from prison and drop all criminal charges against Yongyi Song, and should guarantee in their legal system fair and professional treatment of criminal defense lawyers and conduct fair and open trials; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. LEAHY):

S. Con. Res. 79. A concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 2004. A bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes; to the

Committee on Commerce, Science, and Transportation.

PIPELINE SAFETY ACT OF 2000

Mrs. MURRAY. Mr. President, at the start of this session, I've come to the floor to introduce a bill that will improve the safety of all Americans by raising the safety standards on the oil and gas pipelines that run through our communities.

Today, I'm introducing the Pipeline Safety Act of 2000.

Until recently, like many Americans, I wasn't aware of the potential safety hazards that pipelines can pose. These pipelines stretch across America—running under our homes and near our schools and offices. Nationwide, the Office of Pipeline Safety oversees more than 157,000 miles of underground pipeline which transport hazardous liquids and more than 2.2 million miles of pipeline which transport natural gas. They perform a vital service—bringing oil and essential products to our homes and businesses. I rarely heard about them, so I assumed they were safe.

But last year, there was a deadly pipeline accident in my home state of Washington. And the more I learned about how pipelines are regulated in the United States—the more concerned I became.

Today, seven months after that disaster in Bellingham, I am here on the Senate floor with a bill that takes the lessons of pipeline disasters and turns them into law—so that these tragedies won't happen again.

Mr. President, on June 10th, in Bellingham, Washington, a gas pipeline ruptured—releasing more than a quarter of a million gallons of gasoline into Whatcom Creek. The gas ignited—sending a huge fireball racing down the creek—destroying everything in its path for more than a mile. The dramatic explosion killed three young people who happened to be playing by the creek. It created a plume of smoke which rose more than twenty-thousand feet into the air. This photo behind me was taken just moments after the explosion. One minute, a quiet residential area; the next moment, a disaster.

Besides the tragic loss of these three young lives, this explosion caused horrendous environmental damage. In fact, I was scheduled to be at this exact site just a few weeks later to designate a newly restored salmon spawning ground. When I saw the damage a short time after the explosion, frankly, I was shocked.

Take a look at these pictures. This was before the explosion where we were going to dedicate a salmon creek spawning ground. This is afterwards. As you can see, this explosion destroyed all of the plant and animal life in the creek, and it was once a lush and diverse habitat. In moments, it was destroyed and gone.

The explosion also had an impact on the entire community. Neighbors could not sleep at night, and young children—still to this day—panic during lightning storms. And, of course, three

families—who lost their children—will never be the same.

Mr. President, as I researched this issue, I learned that what happened in my state was not unique—in fact—it wasn't even rare. According to the Office of Pipeline Safety, since 1986, there have been more than 5,500 incidents, resulting in 310 deaths and 1,500 injuries. Those 5,500 incidents also caused nearly a billion dollars in property damage. On average, our nation suffers one pipeline accident every day.

Clearly, this is a national problem—requiring a national solution. This chart shows some of the major pipeline accidents since 1981. This chart only shows the accidents investigated by the National Transportation Safety Board—not all 5,500.

As you can see, these disasters can occur anywhere—in anyone's neighborhood, in anyone's community, close to anybody's school, near anybody's place of work. And they have devastating results.

While the pipeline industry—by and large—does a good job of safely delivering the fuel we need to heat our homes and drive our cars, there are some examples where they failed to protect the public.

According to a New York Times article from January 14th of this year:

One of the nation's largest pipeline operators quit inspecting its lines for much of the 1990's and instead found flaws by waiting for the pipes to break. Koch Industries agreed to pay a fine of \$30 million—the largest civil environmental penalty to date.

That company's behavior resulted in leaks of three million gallons of crude oil, gasoline, and other products in 300 separate incidents in the last nine years.

We can't just rely on the industry to police itself. As this example showed, one company decided it was cheaper to wait for accidents to happen, than to take steps to prevent them. The time has come to raise the standards for pipeline safety.

Too often the public is left in the dark. Neighbors don't know they live near pipelines. Schools and communities aren't told when there are problems with a pipeline. The time has come to expand the public's right to know about the pipelines that run near their homes.

Too often pipeline operators don't have the training or experience they need to handle emergencies. Sometimes their actions cause accidents, and many times they make these disasters even worse. We should certify pipeline inspectors so we will know they have the training they need. In fact, in 1992 Congress passed a law requiring certification of pipeline operators. But a few years later, that requirement was repealed. That's a mistake we need to correct, and today, the need for qualified, certified operators is even greater.

Too often there aren't enough resources to oversee the industry or to carry out vital safety programs. The time has come to put the resources behind these new standards.

The time has come to reduce the risks pipeline pose. And the bill I'm introducing today does just that.

Here are the key provisions of my bill:

First, my bill will expand state authority to give states more control over pipeline safety standards. It's time to make states equal partners when it comes to pipeline safety. States should be able to use their knowledge of local conditions and circumstances to increase safety. States should be able to set up even more stringent standards than the federal government in areas like:

Requiring additional training and education of inspectors and operators;

Allowing states to require additional leak detection devices;

Allowing states to certify procedures and responses to accidents; and

Allowing states to enforce regulations.

While some new state authority gives the Secretary of Transportation the discretion to allow states to regulate, it is my intent that the Secretary work aggressively at accomplishing these partnerships in the way I outline in my bill.

I also strongly support efforts to better equip states as they respond to accidents. This involves better coordination between state and federal agencies so that police, fire, and emergency medical personnel will be better able to respond to pipeline disasters. The federal government should also encourage states to work more closely with pipeline companies on prevention.

Second, my bill will improve inspection practices.

We must develop guidelines and requirements for the internal and external inspection of pipelines. Current law only requires that pipelines be inspected internally when they are new and being used for the first time.

My bill requires pipeline companies to periodically inspect their pipelines internally and externally and report their findings to federal and state authorities, as well as the public. My bill also requires pipeline companies to take action if those findings uncover problems.

Third, my bill will strengthen the public's "right to know."

Currently the public does not have the right to know about spills and problems with pipelines. My bill would require pipeline companies to disclose problems with the pipeline and what the company is doing to fix them. It will require pipeline companies to report to the public any spill and also to report the results of the periodic testing I am proposing.

Fourth, my bill will improve the quality of pipeline operators.

Current law allows companies to determine if their own operator is "qualified" to work on a pipeline. My bill would place the government in the position of determining whether the companies' assessment is accurate. We wouldn't want an airline pilot flying a

plane unless the FAA determined he was qualified. Similarly, we should require the Office of Pipeline Safety to review and certify the qualifications of pipeline operators.

Finally, my bill will increase funding to improve safety.

We should increase funding for research that will help improve the devices that inspect pipelines and detect leaks. We should also increase grant programs to state agencies that regulate and monitor pipelines. This should be a partnership that recognizes both the state and federal responsibility in making pipelines safer.

Mr. President, I am proud to introduce this bill today because I know it's the right thing to do. This has been a long process, and I've received a lot of cooperation. Specifically, I would like to thank U.S. Secretary of Transportation Rodney Slater, the Office of Pipeline Safety, the National Transportation Safety Board, the City of Bellingham, my colleagues in the Senate, Gov. Locke, other federal and state agencies, and industry representatives. Senator GORTON, my colleague from Washington State, is well aware of the importance of this issue and I look forward to his continued input.

I'm also looking forward to working with my colleagues in the House—specifically Representatives INSLEE, METCALF, and BAIRD—who have expressed interest in this issue.

This bill will raise safety standards so that every family that lives near a pipeline can sleep soundly at night. This accident should not happen again. The time has come to take the lessons of this tragedy and put them into law—so we can reduce the odds of another disaster. We have a responsibility to do it, this bill gives us the tools to do it, and I hope you will support me in this effort.

Mr. SESSIONS. Mr. President, I will be interested in the Senator's pipeline safety bill. That is a matter that is important. The pipelines are so much safer than trucks and other forms of distribution of fossil fuel. We are moving toward the use of natural gas, which burns so much cleaner than coal, fossil fuel, and other fuels. I think we will be having more pipelines around the country. I think it will be essential. It will be a positive environmental step to move forward with it.

I have been somewhat discouraged that the Vice President has indicated he opposes drilling for natural gas off the gulf coast where it can be done so much more safely than drilling for liquid gas. We have had very few problems of any kind drilling off the coast. In fact, it produces the cleanest burning fuel we have. We have the Vice President opposing nuclear power, and now we are shutting off our capacity to reach natural gas which we are now using to generate electricity at a fraction of the environmental pollutants that other forms of energy generate. We are reaching a point of boxing ourselves in. We are supposed to reach

cleaner air goals under the Kyoto agreement. The President and Vice President say we should go forward, but we are boxing ourselves in.

We need to maintain an efficient gas pipeline system in America to generate the energy for the needs we have while continuing to reduce pollutants in the atmosphere. It has to be safe, too. I am willing to look at that. I certainly don't favor additional regulations, but if it promotes safety, I think it is something we ought to talk about.

By Mr. BURNS (for himself, Mr. NICKLES, Mr. ROBERTS, Mr. GRAMS, and Mr. ALLARD):

S. 2005. A bill to repeal the modification of the installment method; to the Committee on Finance.

REPEAL OF A TAX ON THE SALE OF SMALL BUSINESSES

Mr. BURNS. Mr. President, today I introduce a bill that will repeal a little-noticed, yet extremely detrimental, installment tax provision on small businesses.

This provision, enacted at the end of last year's congressional session as part of the conference report of H.R. 1180, the Ticket to Work and Work Incentives Improvement Act of 1999 was placed into effect on December 17 when President Clinton signed the bill.

According to this provision, many small-business owners who sell their businesses will now have to immediately pay in one lump sum all capital gains taxes resulting from the sale, even if the sale's payments are spread out in installments over a period of several years. Under previous treatment, the capital gain tax payment could be spread over the life of the installment note.

An unintended consequence of this provision has been to adversely affect the sale of small businesses. Most sales of these businesses use the installment sales method. Larger publicly traded corporations are not impacted as they tend to use other financing methods involving cash or stock transactions.

According to the National Federation of Independent Business (NFIB), it is possible that most of the 200,000 small business sales which occur each year will be adversely affected by this provision. Some estimates show that, depending upon the circumstances, this provision could reduce the sale price of a business by 5, 10, 20 percent or more.

My legislation will repeal the elimination of this provision giving small business owners the opportunity to defer over the period of payments the capital gains tax on the sale of their business.

Mr. President, the American public is aware of this tax. I have seen press releases, newspaper articles and even a story on a national news network. This will effect not only the liquidity and price a seller is required to accept for a business.

We're not talking about major corporations—rather, we are talking about small businesses—a local ham-

burger joint, a laundromat, a car wash, the businesses that support a community.

I encourage my colleagues to support the small business owner by cosponsoring this legislation.

By Mr. SPECTER:

S. 2006. A bill for the relief of Yongyi Song; read the first time.

PRIVATE RELIEF LEGISLATION

Mr. SPECTER. The thrust of the private relief bill and the concurrent resolution is that they seek relief for Mr. Yongyi Song, who is a librarian at Dickinson College of Carlisle, PA. Mr. Song was detained in Beijing, China, on August 7 of this year and on Christmas Eve was charged with "the purchase and illegal provision of intelligence to foreign institutions."

Two days ago, the People's Republic of China announced that Yongyi Song had confessed, which I believe is a representation having absolutely no credibility because Mr. Song has been held in detention for months. Any statements made in that context are inherently coercive, intimidating, and really of no validity at all.

The facts are that Yongyi Song is a distinguished and noted scholar who has published extensive works about the Cultural Revolution in China and that he had made a trip to the People's Republic of China earlier this year in order to further his academic research. Then he was taken into custody without cause.

The resolution that has been filed calls for the People's Republic of China to release Yongyi Song promptly. It calls for the fair treatment of lawyers in the People's Republic of China so they may practice in a decent manner within their judicial system, and it calls for the People's Republic of China to put into practice the reforms in the judicial system which they have, in fact, adopted on paper but are not putting into effect as a matter of practice.

The relationship between the United States Government and the People's Republic of China is a complex one. We have seen repeated incidents by China of flagrant disregard for human rights, and this is another instance. By taking Yongyi Song into custody and holding him in detention without charges, and months later—from August 7 until Christmas Eve—finally filing charges, and then the representation of a confession, which legal experts interpret to mean that they have no case and are doing their best to try to fashion some make-way situation is perhaps the lowest ebb of disregard for human rights and for academic freedom.

The resolution will be taken up concurrently in the House of Representatives as well. The bill for naturalization will enable the Government of the United States to take stronger action on behalf of Mr. Song. It will enable our State Department officials, for example, to visit with Yongyi Song, may be instrumental in obtaining the right to counsel, and may be instrumental in

obtaining the right to observe any trial which is in process.

There has been a marked and serious determination in the activities of the People's Republic of China in their criminal justice system.

I ask unanimous consent that at the conclusion of my remarks the full text of an article from the New York Times, dated January 6 of this year, be printed in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. It concerns lawyer Liu Jian who represented the defendant in a criminal case. He found that none of the 37 witnesses he had lined up appeared to testify because of intimidation from the Government. He found himself, a lawyer, in police custody charged with "illegally obtaining evidence." While in custody, he was subjected to beatings and day-long interrogations without food or rest, and he later found his ability to practice law and his license to practice law in jeopardy.

It is obviously impossible to have a judicial system that functions without lawyers. The activities of the People's Republic of China have been absolutely reprehensible in this regard. Our resolution calls for relief for Yongyi Song and also calls for an improvement in the judicial system and the treatment of lawyers by the People's Republic of China.

Mr. President, this vital legislation would grant Mr. Yongyi Song U.S. citizenship. Mr. Song has been a resident of the United States for the past ten years, has passed his United States citizenship tests, and had been scheduled to be sworn in as a United States citizen in September 1999. However, Mr. Song, a respected researcher and librarian at Dickinson College in Carlisle, PA, was detained on August 7, 1999, in Beijing, China while collecting historical documents on the Chinese cultural revolution of the 1960's. After 5 months of detention, Mr. Song was formally "arrested" on Christmas Eve in China, on charges of "the purchase and illegal provision of intelligence to foreign institutions."

The People's Republic of China claims Mr. Song violated Chinese criminal law by collecting historical documents. However, the documents in Mr. Song's possession have reportedly been previously published in newspapers, books, and other "open" sources. The historical material Mr. Song was gathering in no way threatens the security of the Chinese Government or people. The case of Yongyi Song is an affront to basic human rights, an affront to academic freedom and affront to people around the world.

The bill that I am introducing today would waive the oath of allegiance and grant Mr. Song immediate citizenship, as Mr. Song passed the INS naturalization test on June 7, 1999. I believe it is vital that Congress become involved in this case: if Mr. Song were a U.S. citizen, the State Department would be in

a stronger position to insist on being able to see him while he is being detained, insist on monitoring any trial that may occur, and insist on Mr. Song's right to counsel. Further, U.S. citizenship would afford Mr. Song a better chance of being expelled by the Chinese government after the trial, rather than being forced to serve a prison sentence should the Chinese Government convict him in Chinese court.

Mr. Song was a young man in China during the Cultural Revolution and now, at age 50, he is languishing in a Chinese jail as a result of trying to study it. Considering the extremely high conviction rate in the Chinese judicial system, it is very probable that Mr. Song will be convicted despite my commitment to an all-out fight for his freedom and innocence.

This case presents an international challenge to academic freedom and the pursuit of truth. While private relief legislation is a last resort that should be used sparingly by the Congress, the urgency and the compelling nature of this situation is one that demands immediate and definitive action. I urge my colleagues to support me in this fight for justice.

THE YONGYI SONG RESOLUTION

Mr. President, I have sought recognition today to introduce legislation that will bring attention to a situation which is occurring in the People's Republic of China. On August 7, 1999, Mr. Yongyi Song, a resident of Carlisle, PA, was detained in Beijing, China while collecting historical documents on the Chinese cultural revolution of the 1966-76.

Mr. Song works as a researcher and librarian at Dickinson College in Carlisle, PA. He is a noted scholar of Chinese cultural history and has authored two books and several articles on the subject. On Christmas eve Mr. Song was formally arrested on charges of "the purchase and illegal provision of intelligence to foreign institutions." Yet, the documents in Mr. Song's possession have reportedly been previously published in newspapers, books and other "open" sources.

His case is complicated because although Mr. Song has lived in the United States for the past ten years and has passed his citizenship tests, he has not been sworn in as a U.S. citizen. He was scheduled to take the oath of allegiance on September 23, 1999, but was detained by the PRC before he could return home.

The case of Yongyi Song is an affront to basic human rights, an affront to academic freedom and an affront to people around the world. The People's Republic of China claims that Mr. Song violated Chinese criminal law by collecting historical documents, yet the documents in Mr. Song's possession have reportedly been previously published in newspapers, books and other "open" sources. At a time when the Chinese Government is looking for legitimacy, trying to get into the World

Trade Organization and talking about improving its criminal justice system, this is a sharp about face.

This legislation I am about to introduce, a Concurrent Resolution, will express the Sense of the Congress that the Government of the People's Republic of China (PRC) should immediately release from prison and drop all criminal charges against Yongyi Song. Further, it will encourage the PRC to make reforms to their legal system so that criminal defense lawyers are guaranteed fair and professional treatment and encourage the PRC to conduct fair and open court proceedings.

In working with Mr. Song's defense team, I have learned about several problems within the Chinese legal system. First, the difficulties criminal defense lawyers face in representing their clients in the People's Republic of China. Over the past several years China has attempted to reform its legal system yet it has not been successful. Police often refuse to let lawyers meet with their clients and lawyers are often not provided with legally guaranteed information they require to competently represent clients. Many times trials are not open to the public or defendants families so that fair treatment of both lawyer and client cannot be accurately ascertained or proven. Additionally, defense lawyers are subject to harassment and interference and at times even arrest and imprisonment by Chinese authorities while defending clients. For example, in July, 1998 Liu Jian, a criminal defense lawyer from Nanjing, China was imprisoned, subjected to beatings and "marathon" interrogations after he represented a local official accused of taking bribes.

I urge my colleagues to send a sharp message to the People's Republic of China that they immediately release Yongyi Song from prison and drop all charges against him. Further, we should encourage the PRC to provide fair and professional treatment to criminal defense lawyers and work to ensure that more court proceedings are open to the public.

EXHIBIT 1

[From the New York Times, Jan. 6, 2000]

IN CHINA'S LEGAL EVOLUTION, THE LAWYERS ARE HANDCUFFED

(By Elisabeth Rosenthal)

NANJING, CHINA.—Liu Jian was an idealistic new lawyer when his Nanjing firm sent him to a rural town 200 miles away to represent a local official accused of taking bribes.

Stationed in the town, Binhai, he worked round-the-clock doing what defense lawyers do to prepare for trial: interviewing witnesses, examining documents and—when the police would allow—brainstorming with his client.

But when the court convened on July 13, 1998, almost none of the 37 witnesses he had lined up appeared to testify. The prosecutor swore and ranted at Mr. Liu, calling him a criminal. And at trial's end, outside Binhai's courthouse, Mr. Liu found himself in police custody, charged with "illegally obtaining evidence."

Although legal experts around the country declared his innocence, Mr. Liu spent a

nightmarish five months in detention, subjected at times to beatings and daylong interrogations without food or rest.

"I was released on Dec. 11, and I've tried not to have any contact with the criminal law since," said Mr. Liu, a thin, serious man with a downtrodden air, whose son was born and whose mother had a heart attack while he was in jail. "I've really lost confidence in the system."

Over the past decade, China has tried to overhaul its legal system, training thousands of new lawyers and passing laws that greatly expand their role in criminal cases—for example, for the first time giving defendants in detention the right to a lawyer and allowing lawyers to conduct pretrial investigations.

But results have been mixed, especially in the country's vast rural areas, where the police, prosecutors and judges often chafe under the new rules. And China's young lawyers have been at once a tremendous force for change and also frequent victims: byproducts of a new legal system that is far better established on paper than in practice.

"The law has made great advances, but sometimes thinking has not," said Li Baoyue, a criminal lawyer who also teaches at Beijing's University of Politics and Law. "It is going to be a very difficult road ahead to get these new regulations implemented."

Although it is rare for criminal lawyers to end up in prison, defense lawyers say, it is common for them to suffer a barrage of problems, insults and lesser slights like these:

The police often refuse to let lawyers meet their clients in private or in a timely manner, despite a law giving them access within 48 hours.

Lawyers are often not provided with legally guaranteed access to court material, like transcripts of confessions, medical examinations and witness lists.

Intimidation of witnesses by the local police and prosecutors often leaves lawyers with few people willing to testify.

"Because of these problems, it's sometimes hard to find a lawyer for criminal cases," Professor Li said, adding that the work can be dangerous. "Many lawyers are scared they could become implicated in the case and lose their livelihood." Business law is much more lucrative, and safer.

Gu Yongzhong, a former criminal law specialist in Beijing who now takes on criminal cases only occasionally said: "For the amount of time it takes to prepare the case, it doesn't pay. And it's very hard to get a not-guilty verdict."

Lawyers agree that the obstacles are far greater in the rural areas, where the legal training of judges and the police is often poorest. But some problems are more widespread, like the difficulty in meting defendants, lawyers said.

Defendants in cases that are politically sensitive are rarely granted their legally guaranteed rights.

One lawyer said that he had recently spent two weeks trying to meet a client detained by the Beijing Public Security Bureau, which repeatedly deflected requests and turned him away at the gates of the detention center before finally allowing the meeting.

"It usually takes some time to get to see your clients," Mr. Gu said. "The law enforcement agencies are not willing at the start because they are worried it will interfere with their investigation. Although it seems to be getting somewhat better lately."

Unfortunately, experts say, those first days of detention are when some of the worst police abuses occur—when defendants are subjected to aggressive and sometimes brutal interrogation to obtain confessions. Although Chinese law forbids torture, and confessions obtained by torture cannot be used

in court, Chinese officials acknowledge that the practice is still relatively common.

The use of "confession by torture remains unchecked," said a recent commentary in the official China Youth Daily. "It is commonplace for citizens to be arbitrarily summoned, forcibly seized, detained and even detained beyond legal time limits, and for citizens whose freedom has been restricted to be treated inhumanely."

Transcripts of police interrogations with recalcitrant suspects often show breaks in the questioning marked by the words "Education takes place," defense lawyers say. And when the session resumes—voilà!—a confession.

"The use of torture to obtain a confession is something defendants often raise, but it puts us in a very delicate situation since we need facts and evidence to back up these claims," said Sun Guoxiang, a prominent defense lawyer in Nanjing who helped defend Mr. Liu. "But it is very hard to gather evidence because it is almost impossible to get access to clients at these times."

In Mr. Liu's case, the cultures of law and law enforcement repeatedly clashed, as Mr. Liu reminded his captors of his legal rights.

Just a high school graduate, Mr. Liu became a lawyer through an arduous self-study law program affiliated with Nanjing University, while working full time designing furniture. The first professional from a poor rural family, Mr. Liu regarded the law with a touch of awe.

"I thought it was a career where I could help people, that had meaning," he said.

He was admitted to the bar in 1994, when officials in Beijing were writing the new Criminal Procedure Code, which took effect in October 1997. That code allows lawyers to formulate a defense by conducting independent investigations during what prosecutors call the "investigative period," a stage that can last weeks if not months, when a suspect is in detention but has not yet been formally charged.

But the police in Binhai had other ideas. On his first trip to Binhai, Mr. Liu said, he and a colleague from his firm were never allowed to see their client, whose wife had retained the firm. When a meeting was finally permitted on a subsequent visit, they were given time only to "exchange a few words"—and these with the head of the county anticorruption bureau listening.

But a week before the trial, a longer meeting took place—and Mr. Liu discovered huge discrepancies between the bribery charges brought by the prosecutors and the story told by the defendant, who said he had been tortured into confessing.

For the next week, Mr. Liu frantically—and aggressively—sought out witnesses, many of whom contradicted the police and some of whom said they had been threatened by local officials.

"Our impression wasn't that our client was totally innocent," Mr. Liu said, "but we felt that the prosecution needed to provide better evidence to make the charges stand."

IT'S THE LAWYERS WHO ARE HANDCUFFED

Although the realist in him "kind of expected" a guilty verdict because "the prosecutor had a lot riding on the corruption case," his lawyer side thought he might have a chance.

That hope quickly dissipated once his witnesses failed to appear—except the defendant's wife and one nervous man who repeatedly contradicted himself—and the court struck down each point he raised.

Still, during closing arguments, Mr. Liu was "shocked" to hear the prosecutor attacking not the defendant, but the defense team. The prosecutor charged that Mr. Liu

had broken the law: that he had "deliberately induced witnesses to give false evidence" and then "presented testimony that he knew to be false to the court"—charges that Chinese legal experts have loudly protested.

Professor Li of the University of Politics and Law said, "In certain cases, when law enforcement bodies don't have a highly developed legal mentality, they assume lawyers doing their professional work are doing the bidding of villains."

He added that there was often tension between the rural police, few of whom have gone beyond high school, and the better-educated, relatively high-earning lawyers who enter their turf.

After Mr. Liu was detained, he refused to eat for a day, to protest a jailing he regarded as illegal. He repeatedly reminded the police about the legal time limit on detention and his right to see a lawyer, with little effect.

For the first 10 days he was not even allowed to contact his own law firm, he said. For the entire five months in custody he was not permitted to speak to his wife. He learned about the birth of his son from a prosecutor.

In marathon interrogations, the police first urged him to confess, then, when he demurred, "reminded" him that he had "forced witnesses" to change their testimony. Mr. Liu said they made him stand for hours or beat him until his mouth filled with blood when he refused to confirm their version of events. He said they wrote out a confession for him, which he eventually read to a camera.

Legal experts from Nanjing and Beijing rallied to his defense, sending lawyers to defend him at his trial, set for October 1998, and preparing statements declaring his innocence.

He was grateful for their support, but ultimately dared not test the system, deciding to plead guilty in exchange for a light sentence, consisting of time served.

"Because of the mental pressure I was under, I was forced to admit to their charges," he said. "I thought, 'I'm not going to receive justice here.' I wanted to get out as soon as possible and thought then I could set about clearing my name."

Mr. Liu is now appealing the judgment, although lawyers say that with a videotaped confession he will have a hard time officially clearing his name. Meantime, his criminal record bars him from working as a lawyer.

It is a frustrating limbo for a man, now only 28, whom the country's top defense lawyers have declared innocent. Late last year, a panel of 12 legal experts concluded that while Mr. Liu's actions were "somewhat irregular" they "did not possess the conditions for a crime."

Among Mr. Liu's "minor breaches" were posing questions in a leading manner and interviewing witnesses alone, said Sun Guoxiang, his principal defense lawyer, noting that these were mostly a result of his inexperience. It is standard practice in China for two lawyers to be present at questioning, although Mr. Liu often worked solo because his firm did not want to station two lawyers in such a remote area.

And though the case has been devastating for Liu Jian, Mr. Sun says it demonstrates both the incipient power of the legal profession and how far it has to go.

"On the one hand I think he was freed as early as he was because lawyers are gaining more respect and playing a bigger role," he said. "On the other, lawyers continue to face difficulties, which are closely related to the quality of the law enforcement and judicial services."

By Mr. CONRAD:

S. 2007. A bill to amend title 38, United States Code, to improve procedures relating to the scheduling of appointments for certain non-emergency medical services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

SPECIALIZED MEDICAL CARE FOR VETERANS

Mr. CONRAD. Mr. President, during the recent congressional adjournment, I had many opportunities to meet with veterans across North Dakota and medical care professionals within the Department of Veterans Affairs Medical Center in Fargo regarding issues relating to veterans medical care and the VA budget.

One concern raised repeatedly by veterans and VA health care professionals related to the lengthy waiting periods for service-connected, non-emergency specialty medical care. In many cases, the waiting period for a veteran between the initial consultation by a VA health care professional, and the scheduled appointment with a medical specialist was 6 to 10 months, and in some instances up to a year.

Last year, Mr. President, the Independent Budget For Fiscal Year 2000 prepared by the Disabled American Veterans, AMVETS, Veterans of Foreign Wars and Paralyzed Veterans of America, called attention to the specialized care concerns, particularly the impact of funding shortfalls on staffing to provide specialized medical services. The Independent Budget emphasized the need to provide adequate resources for veterans with specialty needs. More recently, surveys of VA medical facilities by the Disabled Veterans of America confirmed no significant improvement in waiting periods for medical care at VA facilities.

Mr. President, veterans requesting specialty care at a DVA medical facility are entitled to specialty care within a reasonable period of time. They should not be required to wait months and months for this essential medical care. In response to these specialty care concerns, and the recommendations in the Fiscal Year 2000 Independent Budget, I am introducing legislation to make certain that service-connected veterans requesting specialty care at VA facilities receive that care within a reasonable period of time.

Under this legislation, the VA would be required to automatically review a service-connected veteran's request for non-emergency specialty care if scheduling the appointment exceeds a three week period beyond the initial VA consultation. If an appointment for specialty care could not be provided at a veteran's VA facility in the local area, the VA would be required to provide the service-connected veteran with an appointment for care at another VA facility, or offer the veteran the opportunity for specialty care through a private physician in the veteran's home community.

Additionally, the VA would be required to report to Congress annually

on the waiting periods for various types of non-emergency specialty medical care for service-connected veterans, especially on any critical problems and staffing shortages that contribute to these waiting periods. The report also requires the VA to include recommendations for addressing waiting periods, any staffing shortages, including special pay adjustments, or any other modifications in pay authority that might be necessary to retain and recruit specialty medical personnel.

Mr. President, I know that DVA officials and medical center personnel are very concerned about the waiting periods that veterans experience for certain specialty medical care. D.A. personnel are also acutely aware of specialty care staffing shortages. As reported in the Independent Budget for Fiscal Year 2000, it's critical that Congress provide the essential funding resources to ensure that these specialty care services are met promptly. I urge the Senate Committee on Veterans Affairs to conduct hearings on VA specialty care and to incorporate the recommendations in my legislation in appropriate veterans medical care legislation that will be considered by the Senate in FY 2001.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVEMENT OF PROCEDURES RELATING TO SCHEDULING OF APPOINTMENTS FOR CERTAIN NON-EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—(1) Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1706 the following new section:

“§ 1706A. Management of health care: appointments for certain non-emergency medical services

“(a) The Secretary shall establish a priority in the scheduling of appointments for non-emergency medical services furnished by the Secretary through medical specialists for veterans with service-connected disabilities.

“(b) If the scheduled date of an appointment of a veteran with a service-connected disability for non-emergency medical services to be furnished by the Secretary through a medical specialist is more than three weeks later than the date the appointment is made, the Secretary shall—

“(1) provide for the immediate review of the appointment; and

“(2) furnish the medical services covered by the appointment to the veteran at an earlier date than the scheduled date of the appointment—

“(A) through a Department medical specialist at another Department facility; or

“(B) through a non-Department medical specialist located in the area in which the veteran resides.”.

(2) The table of sections at the beginning of chapter 17 of that title is amended by inserting after the item relating to section 1706 the following new item:

“1706A. Management of health care: appointments for certain non-emergency medical services.”.

(b) ANNUAL REPORT ON SHORTAGES IN MEDICAL SPECIALTY PERSONNEL.—(1) Not later than January 31 each year, the Secretary of Veterans Affairs shall submit to Congress a report on any shortages in medical specialty personnel in the Veterans Health Administration during the preceding year.

(2) The report under paragraph (1) for a year shall—

(A) set forth the average waiting period during the year for veterans with service-connected disabilities for various types of non-emergency medical services furnished by medical specialty personnel at each Department of Veterans Affairs medical center;

(B) set forth any shortages in medical specialty personnel identified by the Secretary during the year; and

(C) include the recommendations of the Secretary for means of addressing such shortages, including recommendations, if appropriate, for special pays, adjustments in pay, or other modifications of pay authority necessary to recruit or retain appropriate medical specialty personnel.

By Mr. WYDEN (for himself, Mr. BYRD, Mr. BREAUX, and Mrs. LINCOLN):

S. 2009. A bill to provide for a rural education development initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

RURAL EDUCATION DEVELOPMENT INITIATIVE FOR THE 21ST CENTURY ACT

Mr. WYDEN. Mr. President, we spend less than a quarter of our nation's education dollars to educate approximately half of our nation's students. You don't have to be a math whiz to know that the numbers just don't add up.

Thousands of rural and small schools across our nation face the daunting mission of educating almost half of America's children. Increasingly, these schools find that they are underfunded, overwhelmed, and overlooked. While half of the nation's students are educated in rural and small public schools, they only receive 23% of Federal education dollars; 25% of State education dollars; and 19% of Local education dollars.

We all grew up thinking that the three R's were Reading, Writing, and Arithmetic. Unfortunately for our rural school children, the three R's are too often run-down classrooms, insufficient resources, and really over-worked teachers.

Increasingly, Mr. President, rural and small schools are plagued by disparities connected to their geographic location and limited enrollment. To top it off, rural and small schools face shrinking local tax bases, higher transportation costs associated with the greater distance students must travel to school, and crumbling school buildings that may not have air conditioning, hot water, or roofs that do not leak.

Rural school districts and schools also find it more difficult to attract and retain qualified administrators and certified teachers. Consequently,

teachers in rural schools are almost twice as likely to provide instruction in two or more subjects than their urban counterparts. Rural teachers also tend to be younger, less experienced, and receive less pay than their urban and suburban counterparts. Worse yet, rural school teachers are less likely to have the high quality professional development opportunities that current research strongly suggests all teachers desperately need.

Limited resources also mean fewer course offerings for students in rural and small schools. Consequently, courses are designed for the kids in the middle. So, students at either end of the academic spectrum miss out. Additionally, fewer rural students who dropout ever return to complete high school, and fewer rural higher school graduates go on to college.

On another note, recent research on brain development clearly shows the critical nature of early childhood education, yet rural schools are less likely to offer even kindergarten classes, let alone earlier educational opportunities. Limited resources also mean less support for teacher training, technical assistance, educational technologies, and school libraries.

To make matters worse, many of our rural areas are also plagued by persistent poverty, and, as we know, high-poverty schools have a much tougher time preparing their students to reach high standards of performance on state and national assessments. Data from the National Assessment of Educational Progress consistently show large gaps between the achievement of students in high-poverty schools and students in low-poverty schools.

Our bill would provide funding to approximately 3,400 rural and small school districts that serve 4.6 million students—a short-term infusion of funds that will allow these schools and their students to take substantial strides forward.

Local education agencies would be eligible for REDI funding if they are either “rural” (serve a non-metropolitan area) and have a school-age population (ages 5–17) with 20 percent or more of whom are from families with incomes below the poverty line; or “small” (student population of 800 or less) and a student population (ages 5–17) with 20 percent or more of whom are from families with incomes below the poverty line.

Like the Education Flexibility Act of 1999 (Ed-flex) I authored with Senator BILL FRIST earlier this Congress, REDI is voluntary—states and school districts could choose to participate in the program. Both Ed-flex and REDI are designed to provide states and districts with the flexibility they need in order to use funding to deal with their local priorities.

I've heard it said that this would be the Education Congress, but we have much to do before we earn that title. Ed-flex was a good start, but it was a start, not a finish. It's time to show

that we when it comes to education, we won't leave anyone behind, and REDI will give poor, rural children a real chance. We can't afford to stop now.

—
ADDITIONAL COSPONSORS ON
JANUARY 25, 2000

S. 1197

At the request of Mr. ROTH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

—
ADDITIONAL COSPONSORS ON
JANUARY 26, 2000

S. 456

At the request of Mr. CONRAD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 456, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes.

S. 685

At the request of Mr. CRAPO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 685, a bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes.

S. 1017

At the request of Mr. MACK, the name of the Senator from New Hampshire (Mr. SMITH OF NEW HAMPSHIRE) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1128

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1384

At the request of Mr. ABRAHAM, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1421

At the request of Mr. DURBIN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1421, a bill to impose restrictions on the sale of cigars.

S. 1729

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 1909

At the request of Mr. TORRICELLI, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from New York (Mr. SCHUMER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 1999

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1999, a bill for the relief of Elian Gonzalez-Brotons.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. Res. 87, A resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 212

At the request of Mr. ABRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 212, a resolution to designate August 1, 2000, as "National Relatives as Parents Day."

SENATE CONCURRENT RESOLUTION 78—CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE FROM PRISON AND DROP ALL CRIMINAL CHARGES AGAINST YONGYI SONG AND SHOULD GUARANTEE IN THEIR LEGAL SYSTEM FAIR AND PROFESSIONAL TREATMENT OF CRIMINAL DEFENSE LAWYERS AND CONDUCT FAIR AND OPEN TRIALS

Mr. SPECTER (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. SCHUMER, Mr. BAUCUS, Ms. COLLINS, Mr. LEAHY, Mr. KERRY, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas Yongyi Song, a researcher and librarian at Dickinson College in Carlisle, Pennsylvania, was detained on August 7, 1999 in Beijing, China while collecting historical documents on the Chinese cultural revolution of the 1966-76;

Whereas Mr. Song has lived in the United States for the past ten years, has passed his United States citizenship tests, and was scheduled to be sworn in as a United States citizen in September of 1999;

Whereas after five months of detention, Mr. Song was formally "arrested" on Christmas Eve in China on charges of "the purchase and illegal provisions of intelligence to foreign institutions";

Whereas the People's Republic of China claims that Mr. Song violated Chinese criminal law by collecting historical documents, yet the documents in Mr. Song's possession have reportedly been previously published in newspapers, books and other "open" sources;

Whereas the historical material Mr. Song was gathering in no way threatens the security of the Chinese government or people;

Whereas steps that China has taken to institute true legal representation for criminal defendants are important developments in China's internal modernization and in its integration into the world community;

Whereas despite these developments, criminal defense lawyers in China, are subject to harassment and interference and at times even arrest and imprisonment by Chinese authorities while defending clients;

Whereas criminal defense lawyers in China are often subject to harassment from police, prosecutors and judges;

Whereas in July, 1998 Liu Jian, a criminal defense lawyer from Nanjing, China was imprisoned, subjected to beatings and "marathon" interrogations after he represented a local official accused of taking bribes;

Whereas the legal system in the People's Republic of China was greatly reformed in 1997, yet Chinese officials often disregard the new laws; and

Whereas in many cases judicial proceedings are closed to public: Now, therefore be it:

Resolved by the Senate (the House of Representatives concurring), That the Congress calls on the Government of the People's Republic of China to—

(1) immediately release Yongyi Song from imprisonment and drop all charges against him;

(2) guarantee in the legal system in the People's Republic of China fair and professional treatment for criminal defense lawyers; and