

COMMITTEE ON ARMED SERVICES RULES OF
PROCEDURE

(Adopted February 28, 2001)

1. *Regular Meeting Day.* The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. *Additional Meetings.* The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.* Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.* The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the committee. (See Standing Rules of the Senate 26.7(a)(1).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of

hearings, eight members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting.* Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Proxy must be given in writing.

8. *Announcement of Votes.* The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. *Subpoenas.* Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by him, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or

any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. *Nominations.* Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. *Real Property Transactions.* Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than \$50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULES OF THE COMMITTEE ON
BANKING, HOUSING, AND URBAN
AFFAIRS

Mr. GRAMM. Mr. President, in accordance with Rule XXVI.2. of the Standing Rules of the Senate, I submit

for publication in the RECORD the rules of the Committee on Banking, Housing, and Urban Affairs, as unanimously adopted the committee this morning.

I present these rules, as well as the text of a Memorandum of Understanding entered into by Senator SARBANES, the ranking member of the committee, and myself, for inclusion in the RECORD. While the Memorandum of Understanding is not a part of the committee rules, it is a mutual statement of the manner in which the committee will conduct its affairs for the best interests of all of the members of the committee and of the Senate.

I ask unanimous consent that the text of the committee rules and of the Memorandum of Understanding be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS
(Adopted in executive session, March 1, 2001)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) Investigations.—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

(b) Hearings.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

(c) Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

(d) Interrogation of witnesses.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

(e) Prior notice of markup sessions.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) Prior notice of first degree amendments.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the

Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection (e)(1) have been met.

(g) Cordon rule.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) Authorization for.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) Membership.—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignments to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) Investigations.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) Hearings.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) Interrogation of witnesses.—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

(g) Special meetings.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be

called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) Voting.—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actual present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) Filing of statements.—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) Length of statements.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented

to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) Ten-minute duration.—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) Subpoena of witnesses.—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) Counsel permitted.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) Expenses of witnesses.—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

(g) Limits of questions.—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) Vote to report a measure or matter.—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompanying him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS—MEMORANDUM OF UNDERSTANDING (February 28, 2001)

This memorializes the understanding between Senators Gramm and Sarbanes regarding budget, staffing, organizational, and procedural matters affecting the Committee on Banking, Housing, and Urban Affairs during the 107th Congress while the Republicans and Democrats each have 50 members in the Senate, except that the points regarding budget/funding and the equal division of office space shall apply for the duration of the 107th Congress.

I. FUNDING

A. Staff funding will be divided in equal portions for Republicans and Democrats. This will be achieved by increasing the funding allocation available for the Democrats to the level equal to that which has been available for Republican staff.

B. The funding for non-designated staff (the Chief Clerk, the Deputy Chief Clerk, the Editor, and the front office staff) would continue to be provided equally from funds allocated to both Republicans and Democrats, as has been the customary practice for the committee.

C. Additional funds for administrative expenses will be divided equally.

II. OFFICE SPACE

Office space will be divided in equal portions for staff for Republicans and Democrats, not counting the space allocated for non-designated staff and the hearing room and the anteroom to the hearing room.

III. SUBCOMMITTEE ORGANIZATION

Subcommittees will be organized with regard to jurisdiction, leadership, and membership, as agreed to by vote of the Committee in accordance with Committee rules (see attached).

IV. PROCEDURES

A. Witnesses at committee and subcommittee hearings

1. Every effort will be made to work cooperatively in the identification of witnesses for each hearing. Republicans and Democrats will be allowed to identify equal numbers of witnesses (not counting administration or government agency witnesses, or presidential nominees), both for full committee hearings or any subcommittee hearings, and the Chairman of the Committee or subcommittee holding the hearing will, accordingly, issue invitations to all witnesses in a timely fashion so as to meet the requirements of Senate rules to give public notice of hearings at least one week prior to the holding of the hearing.

2. In keeping with this understanding, the general intention will be to keep the number of witnesses invited to a level that can be comfortably accommodated in a single hearing, including equal division of witnesses at each hearing, recognizing that circumstances may sometimes arise where an additional day or days of hearings would be advisable.

B. Hearing topics

1. The specific topics of hearings, both for the Committee and for subcommittees, will

be developed by the respective Committee or Subcommittee Chairman in consultation with the appropriate Ranking Member.

2. The topic of two hearings per month (either at the full Committee or subcommittee level) may be designated by the Ranking Member of the Committee, in consultation with the Chairman of the Committee and relevant subcommittee, and such designation will be made in a timely fashion so as to meet the needs for scheduling, adequate notice of the hearing, and identification of witnesses.

3. Point 2 will not apply to any matter that could be placed on the Executive Calendar of the Senate, such as nominations and treaties.

C. Agenda of committee business meetings

The agenda for business meetings of the Committee, or of any subcommittee, will be developed by the Chairman in consultation with the appropriate Ranking Member.

TRADE AGREEMENT COMPLIANCE

Mr. BAUCUS. Mr. President, yesterday, I led a group of 11 Senators in urging President Bush to ensure that there will be full funding for the Commerce Department's International Trade Administration efforts to make sure that our Nation's trade agreements are fully implemented and followed by our trading partners. In the days leading up to the President's budget proposal, we were seriously concerned by reports that there would be deep cuts in this program. Although it appears that the fiscal 2002 budget does not include cuts, we continue to be concerned that anyone would even consider such a damaging move.

This Nation has had a serious problem over the past two decades with many of our most important trading partners who have not complied with commitments made in trade agreements. The Japanese record, for example, of compliance with trade agreements is poor. We have brought disputes against the European Union at the WTO, and won those cases, yet the EU still does not comply with its obligations. China has presented major problems in implementing agreements on intellectual property rights protection and on market access, and China's entry into the WTO will bring new and even more difficult challenges to our efforts to ensure compliance.

It is critical that our Government agencies have the resources they need to monitor compliance, and then to take the actions necessary to enforce the commitments made by other nations. Shortchanging those agencies means shortchanging the American farmer, rancher, worker, and business owner. Further, when our trading partners fail to comply with a trade agreement, it corrupts the negotiating process and leads to a loss of confidence in the entire trading system. We cannot allow that to happen.

Therefore, we 11 Senators are calling on the President to ensure that the Department of Commerce, USTR, and other agencies responsible for trade agreement compliance are fully funded to ensure that our trading partners fol-

low the rules that they have agreed to follow.

I ask unanimous consent that the letter we sent to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 28, 2001.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Over the past twenty years, the United States has negotiated hundreds of bilateral, regional and multilateral trade agreements. Unfortunately, the record of compliance by many of our trading partners is woefully inadequate. In the case of Japan, for example, the American Chamber of Commerce in Japan has concluded that barely half of our major bilateral trade agreements were fully or mostly successful. China's imminent accession to the WTO gives us an unprecedented challenge in ensuring compliance with their new commitments to open and liberalize the Chinese market.

In order to rebuild the consensus on trade in this country, it is imperative that we demonstrate, to our businesses and to our citizens, that the agreements we have concluded produce results. Agreements without full compliance debase the entire trade negotiating process. Ensuring compliance must be a top priority for the United States.

Therefore, we are distressed by recent reports that the proposal for fiscal 2002 funding for the Commerce Department's International Trade Administration will not provide sufficient resources for compliance activities. Congress provided significant new funding to USTR and the International Trade Administration to increase their compliance capabilities in fiscal 2001. It would be a serious mistake to reduce our government's ability to ensure that trade agreements fulfill their goals and that our manufacturers, farmers and ranchers, service providers, and exporters benefit.

We urge you to ensure full budgetary support for these critically important compliance efforts.

Sincerely,

Max Baucus, Jeff Bingaman, Blanche L. Lincoln, Dick Durbin, Dianne Feinstein, Ted Kennedy, Byron L. Dorgan, Bob Graham, Max Cleland, Jack Reed, Patty Murray.

TRIBUTE TO DALE EARNHARDT

Mr. THOMPSON. Mr. President, it has been almost two weeks since American sports lost one of its greatest legends. On a Sunday, just like any other Sunday, millions of NASCAR fans watched the concluding laps of the Daytona 500 race. But February 18, 2001 is a Sunday that even those who were not at the race track, or glued to their televisions, will never forget. This was the day that we lost the person who many say was the sport's fiercest competitor.

I am, of course, speaking of Dale Earnhardt, a man who was aptly described as both "NASCAR's greatest driver" and "the Intimidator." As fans, friends and family continue to mourn his death, he is also remembered by labels such as "devoted husband" and "loving father" whose fearlessness on the track was eclipsed only by the size of his heart.

Adults and children alike are searching for the reasons why their hero was taken from them. Dale Earnhardt brought these strangers together, week after week, as a family devoted to following his career and celebrating his many victories. He became part of our lives through sports broadcasts and the media. He was only months away from his 50th birthday. He will not get to see his son follow in his footsteps and become a champion. But fans know that his devotion to the sport was so great that he was doing what he loved until the last moment.

A week after this tragedy, before all of the tears had dried, NASCAR continued with the racing season, but Dale Earnhardt was far from forgotten. The respect for this man was so great that drivers and crewman, men who raced against him for years, wore black, red and silver caps with Earnhardt's number three on them to honor their fallen comrade.

No one was ready to let Dale Earnhardt go. A man who had such spirit for the race of life as well as for the competition on the track will not easily fade into the past. His spectacular career statistics will certainly not let us forget and the way he lived his 49 years will be an even greater remembrance. He was admired in life and he will continue to be admired now that he has left us. He will continue to be a role model for drivers and fans alike. Dale Earnhardt will always be with us in our hearts, every time someone strives for greatness and every time someone takes the checkered flag.

TESTING FOR DEOXYNIVALENOL IN BARLEY

Mr. CONRAD. Mr. President, I believe the Senator from Indiana, the chairman of the Agriculture Committee, is aware that barley growers are concerned about the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration testing of deoxynivalenol, or DON, levels in malting barley. Is that correct?

Mr. LUGAR. The Senator from North Dakota is correct. Identifying the presence of DON in malting barley is important because the presence of DON reduces the price producers receive for their barley. Malting barley purchasers are affected because DON can affect the characteristics of the products they make with that barley.

Mr. CONRAD. Many malting barley growers believe that current GIPSA measurement standards are unacceptable. When the Congress reauthorized the Grain Standards Act late last year, the Senator and I discussed these measurement standards. The Senate suggests that the Federal Grain Inspection Program Grain Standards division of GIPSA consider new technology that would allow for the more accurate measurement of DON in barley.

Mr. LUGAR. We also suggest that GIPSA consider ceasing the use of the