

## TEXT OF AMENDMENTS

**SA 3408.** Mr. DAYTON (for himself and Mr. DORGAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end of section 2103(b), add the following:

(4) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (trade authorities procedures) shall not apply to any provision in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337);

(iii) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.);

(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(v) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

(B) POINT OF ORDER IN SENATE.—

(i) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

**SA 3409.** Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to amendment SA 3408 proposed by Mr. DAYTON (for himself and Mr. DORGAN) to the amendment SA 3401

proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

(4) ADDITIONAL PRINCIPAL TRADE NEGOTIATING OBJECTIVE.—

(A) IN GENERAL.—Section 2102(b) of this Act is amended by adding at the end the following:

“(15) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

“(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

“(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 2102(c) of this Act is amended—

(I) by striking paragraph (9);

(II) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively; and

(III) in the matter following paragraph (11) (as so redesignated), by striking “(11)” and inserting “(10)”.

(ii) Subparagraphs (B), (C), and (D) of section 2104(d)(3) of this Act are each amended by striking “2102(c)(9)” and inserting “2102(b)(15)”.

(iii) Section 2105(a)(2)(B)(ii)(VI) of this Act is amended by striking “2102(c)(9)” and inserting “2102(b)(15)”.

(C) PRESIDENTIAL REPORT TO COVER ADDITIONAL TRADE REMEDY LAWS.—Section 2104(d)(3) (A) and (B)(i) of this Act are each amended by inserting after “title VII of the Tariff Act of 1930” the following: “, section 337 of the Tariff Act of 1930, title III of the Trade Act of 1974, section 232 of the Trade Expansion Act of 1962.”.

(D) EXPANSION OF CONGRESSIONAL OVERSIGHT GROUP.—

(i) MEMBERSHIP FROM THE HOUSE.—Section 2107(a)(2) of this Act is amended by adding at the end the following new subparagraph:

“(C) Up to 3 additional Members of the House of Representatives (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Ways and Means may select.”.

(ii) MEMBERSHIP FROM THE SENATE.—Section 2107(a)(3) of this Act is amended by adding at the end the following new subparagraph:

“(C) Up to 3 additional Members of the Senate (not more than 2 of whom are members of the same political party) as the Chairman and Ranking Member of the Committee on Finance may select.”.

**SA 3410.** Mr. THOMPSON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that

Act, and for other purposes; which was ordered to lie on the table; as follows:

Section 3202(b)(2) is amended by striking “2002” and inserting “2003”.

**SA 3411.** Mr. KENNEDY proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

Section 2102(b)(4) is amended by adding at the end the following new subparagraph:

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

**SA 3412.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX of division A add the following:

**SEC. \_\_\_\_ SIMPLIFICATION OF EXCISE TAX IMPOSED ON BOWS AND ARROWS.**

(a) BOWS.—Section 4161(b)(1) of the Internal Revenue Code of 1986 (relating to bows) is amended to read as follows:

“(1) BOWS.—

“(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any bow which has a draw weight of 30 pounds or more, a tax equal to 11 percent of the price for which so sold.

“(B) ARCHERY EQUIPMENT.—There is hereby imposed on the sale by the manufacturer, producer, or importer—

“(i) of any part or accessory suitable for inclusion in or attachment to a bow described in subparagraph (A), and

“(ii) of any quiver or broadhead suitable for use with an arrow described in paragraph (3),

a tax equal to 11 percent of the price for which so sold.”.

(b) ARROWS.—Section 4161(b) of the Internal Revenue Code of 1986 (relating to bows and arrows, etc.) is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

“(3) ARROWS.—

“(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any arrow, a tax equal to 12 percent of the price for which so sold.

“(B) EXCEPTION.—The tax imposed by subparagraph (A) on an arrow shall not apply if the arrow contains an arrow shaft subject to the tax imposed by paragraph (2).

“(C) ARROW.—For purposes of this paragraph, the term ‘arrow’ means any shaft described in paragraph (2) to which additional components are attached.”.

(c) CONFORMING AMENDMENT.—The heading of section 4161(b)(2) of the Internal Revenue Code of 1986 (relating to arrows) is amended by striking “ARROWS.—” and inserting “ARROW COMPONENTS.—”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

**SA 3413.** Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant

additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **EXCLUSION OF INCOME DERIVED FROM CERTAIN WAGERS ON HORSE RACES FROM GROSS INCOME OF NONRESIDENT ALIEN INDIVIDUALS.**

(a) IN GENERAL.—Section 872(b) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and inserting after paragraph (4) the following new paragraph:

“(5) INCOME DERIVED FROM WAGERING TRANSACTIONS IN CERTAIN PARIMUTUEL POOLS.—Gross income derived by a non-resident alien individual from a legal wagering transaction initiated outside the United States in a parimutuel pool with respect to a live horse race in the United States.”.

(b) CONFORMING AMENDMENT.—Section 883(a)(4) of such Code is amended by striking “(5), (6), and (7)” and inserting “(6), (7), and (8)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceeds from wagering transactions after September 30, 2002.

**SA 3414.** Mr. BINGAMAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 278 of the Trade Act of 1974, as added by section 302 of the matter proposed to be inserted, and inserting the following:

**“SEC. 278. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to the Department of Commerce \$45,000,000 for each of the fiscal years 2003 through 2007 to carry out the purposes of this chapter.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 14, 2002, at 10:30 a.m. to conduct an oversight hearing on “The Annual National Export Strategy Report of the Trade Promotion Coordinating Committee.”

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. REID. Mr. President, I ask unanimous consent that the Committees on Commerce, Science, and Transportation and Indian Affairs be authorized to hold a joint hearing on tribal communications on May 14, 2002, at 10 a.m.

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

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Environment and Public Works be authorized to meet on Tuesday, May 14, 2002, at 9:30 a.m. to conduct an hearing to receive testimony regarding the Persistent Organic Pollutants, POPs, Implementation Act of 2002, S. 2118, and the legislative proposal put forth by the Bush administration. The hearing will be held in SD-406.

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

**JOINT COMMITTEE ON TAXATION**

Mr. REID. Mr. President, I ask unanimous consent that the Joint Committee on Taxation be authorized to meet during the session of the Senate on Tuesday, May 14, 2002, at 10 a.m. to convene a joint review of the strategic plans and budget of the IRS.

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

**SUBCOMMITTEE ON CRIME AND DRUGS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on “Justice for Sexual Assault Victims: Using DNA Evidence to Combat Crime” on Thursday, May 14, 2002, at 10:30 a.m. in Dirksen 226.

**Witness List**

Panel I: Dr. Dwight E. Adams, Assistant Director, Laboratory Division, Federal Bureau of Investigation, Washington, DC; and the Honorable Sarah V. Hart, Director, National Institute of Justice, Department of Justice, Washington, DC.

Panel II: Mrs. Debbie Smith, Williamsburg, Virginia; Ms. Linda A. Fairstein, former Chief of the Sex Crimes Prosecution Unit, New York County District Attorney’s Office, New York, New York; Ms. Debra S. Holbrook, Registered Nurse and Certified Sexual Assault Nurse Examiner, Nanticoke Memorial Hospital, Seaford, Delaware; Ms. Susan Narveson, President, Association of Criminal Laboratory Directors, Phoenix, Arizona; and Mr. J. Tom Morgan, District Attorney, Stone Mountain Judicial Circuit, Vice President, National District Attorneys Association, Decatur, Georgia.

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

**SUBCOMMITTEE ON OCEANS, ATMOSPHERE AND FISHERIES**

Mr. REID. Mr. President, I ask unanimous consent that the subcommittee on Oceans, Atmosphere and Fisheries be authorized to meet on May 14, 2002, at 2:30 p.m. on S. 1825, Pacific Salmon Recovery Act, and Pacific salmon management issues.

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

**SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on

Tuesday, May 14, 2002, at 10 a.m. for a hearing to examine “Tobacco’s Deadly Secret: The Impact of Tobacco Marketing on Women and Girls.”

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

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 801, Major General Daniel James, III, to be Director of the Air National Guard; that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate’s action; that any statements relating to the nomination be printed in the RECORD; and the Senate return to legislative session, without any intervening action or debate.

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

The nomination was considered and confirmed as follows:

**AIR FORCE**

The following named Air National Guard of the United States officer for appointment as Director, Air National Guard and for appointment to the grade indicated under title 10, U.S.C., sections 10506 and 601:

*To be lieutenant general*

Maj. Gen. Daniel James, III

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

**ORDERS FOR WEDNESDAY, MAY 15, 2002**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. tomorrow, Wednesday, May 15; that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day; the Senate be in a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time from 9:30 a.m. to 10 a.m. under the control of the majority leader or his designee, and the time from 10 a.m. to 10:30 a.m. be under the control of the Republican leader or his designee; and at 10:30 a.m. the Senate resume consideration of the trade bill, with Senator WELLSTONE recognized to offer an amendment regarding labor impact.

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

**PROGRAM**

Mr. REID. Mr. President, we worked hard today. There were some good debates. There are Senators who have a lot of amendments they say they want to offer, and we need to move on those as quickly as we can. We ask Senators to be aware of what is going on in the