

ANDEAN TRADE PREFERENCE
EXPANSION ACT—Continued

Mr. REID. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The trade promotion authority bill is pending before the Senate.

Mr. REID. It need not be reported, it is pending; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 3447 THROUGH 3453 TO
AMENDMENT NO. 3401

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendments at the desk on behalf of Senator BYRD; that the amendment be reported by number and then set aside.

I call up those amendments at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BYRD, proposes amendments numbered 3447 through 3453 to amendment No. 3401.

The amendments are as follows:

AMENDMENT NO. 3447

(Purpose: To amend the provisions relating to the Congressional Oversight Group)

Strike section 2107 (a) and (b)(1) and insert the following:

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall jointly establish and convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The Speaker of the House of Representatives.

(B) The Majority Leader of the House of Representatives.

(C) The Minority Leader of the House of Representatives.

(D) Eight additional members appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party. Four members shall be selected from the minority party, after consultation with the Minority Leader of the House of Representatives. None of the eight members appointed under this paragraph may be members of the Committee on Ways and Means.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The President Pro Tempore of the Senate.

(B) The Majority Leader of the Senate.

(C) The Minority Leader of the Senate.

(D) Eight additional members appointed by the President pro tempore of the Senate. Four members shall be selected from the majority party, after consultation with the Majority Leader of the Senate. Four members shall be selected from the minority party, after consultation with the Minority Leader of the Senate. None of the eight members appointed under this paragraph may be members of the Committee on Finance.

(4) APPOINTMENT OF CO-CHAIRMEN AND STAFF.—The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each designate a member to serve as a co-chairman of the Congressional Oversight Group.

(5) COORDINATION WITH CONGRESSIONAL ADVISERS FOR TRADE POLICY.—All briefings, consultations, conferences, negotiations, and meetings attended by the Congressional Oversight Group shall be open to the congressional advisers for trade policy appointed pursuant to section 161 of the Trade Act of 1974 (19 U.S.C. 2211). All documents, materials, and other information provided to the Congressional Oversight Group shall be made available to the congressional advisers for trade policy appointed pursuant to such section 161. The co-chairmen of the Congressional Oversight Group shall regularly meet with the congressional advisers for trade policy to ensure that each group is afforded equal access to the meetings, information, and consultative processes provided to the other.

(6) SENATE STAFF AND EXPENSES.—

(A) IN GENERAL.—The Senate co-chairmen are authorized to employ such staff and incur such expenses as may be necessary or appropriate to carry out the duties and functions of the Congressional Oversight Group. Payment for meals and food-related expenses may be reimbursed only to the extent such expenses are incurred in the conduct of official duties.

(B) APPOINTMENT OF STAFF.—The two Senate co-chairmen shall designate professional staff to work on the Congressional Oversight Group. The professional staff shall serve all members of the Congressional Oversight Group.

(C) SPECIAL RULE FOR SENATE STAFF.—In the case of any staff member who is an employee of a Member of the Senate (or a committee of the Senate), designated to perform duties for Congressional Oversight Group, the staff member shall continue to be paid by the member or the committee. The member and the committee shall be reimbursed by funds authorized under subparagraph (D).

(D) EXPENSES.—Expenses shall be paid from the contingent fund of the Senate, out of the account of Miscellaneous Items. For any fiscal year, not more than \$200,000 shall be expended for staff and expenses (excepting expenses for foreign travel).

(7) HOUSE STAFF AND EXPENSES.—The House of Representatives may establish its own rules for the staffing, compensation, and expenses of the House co-chairmen and staff of the Congressional Oversight Group.

(8) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraphs (2) and (3) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this Act applies. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance

and enforcement of the negotiated commitments under the trade agreement.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the co-chairmen of the Congressional Oversight Group—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

AMENDMENT NO. 3448

(Purpose: To clarify the procedures for procedural disapproval resolutions)

On page 287, beginning on line 16, strike all through page 288, line 12, and insert the following:

(bb) shall be referred to the Committee on Finance and to the Committee on Rules and Administration; and

(cc) may not be amended.

(ii) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement, except that subsection (e)(2) of such section 152 shall be applied by substituting “6 hours” for “20 hours”.

(iii) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(iv) In the Senate, the Committee on Finance and the Committee on Rules and Administration shall report the procedural disapproval resolution not later than 10 days after the date the resolution is introduced. If any Committee, to which a resolution is referred, fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the Calendar.

(v) Once the procedural disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

AMENDMENT NO. 3449

(Purpose: To clarify the procedures for extension disapproval resolutions)

On page 266, beginning on line 17, strike all through page 267, line 19, and insert the following:

(B) INTRODUCTION.—Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House;

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(iii) shall be referred, in the Senate, to the Committee on Finance and the Committee on Rules and Administration.

(C) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—

(1) REPORT AND DISCHARGE OF COMMITTEES.—Each Committee to which an extension disapproval resolution is referred, shall report the resolution not later than 10 days after the date of introduction of the resolution. If any Committee fails to report the resolution within the 10-day period, the Committee shall be automatically discharged from further consideration of the resolution

and the resolution shall be placed on the Calendar. Once the extension disapproval resolution is placed on the Calendar, any Senator may make a motion to proceed to consider the resolution. The motion to proceed to consider the resolution shall not be debatable.

(ii) APPLICATION OF TRADE ACT.—The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions except that subsection (e)(2) of such section 152 shall be applied by substituting “6 hours” for “20 hours”.

(D) LIMITATIONS.—It is not in order for—

(i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(ii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

AMENDMENT NO. 3450

(Purpose: To limit the application of trade authorities procedures to a single agreement resulting from DOHA)

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

(4) LIMITATIONS.—Notwithstanding any other provision of law, trade authorities procedures shall apply, if at all, only to an implementing bill that implements a single agreement obtained as a result of the global trade negotiations launched at the Fourth Ministerial Conference of the World Trade Organization in Doha, Qatar, in November, 2001.

AMENDMENT NO. 3451

(Purpose: To address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations)

At the appropriate place, insert the following:

SEC. ____ DISCLOSURE OF INVESTMENTS AND TRANSACTIONS IN CERTAIN FOREIGN COUNTRIES.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

“(i) DISCLOSURE OF INVESTMENTS IN CERTAIN FOREIGN ENTITIES.—

“(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

“(A) disclose in each report or other document required to be filed under this section, including all annual filings, and in each registration statement required under section 14, and the Commission shall consider material, each investment or transaction in excess of \$10,000 by that designated issuer in or with any designated entity; and

“(B) display all disclosures required by subparagraph (A) prominently for investors.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘designated entity’ means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

“(i) that is subject to sanctions by the Office of Foreign Assets Control; or

“(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Ex-

port Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.”.

“(B) the term ‘designated issuer’—

“(i) means any issuer of a security registered pursuant to section 12, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

“(ii) includes any subsidiary or other affiliate of such an issuer.”.

(b) SECURITIES ACT OF 1933.—Section 10 of the Securities Act of 1933 (15 U.S.C. 77j) is amended by adding at the end the following new subsection:

“(g) DISCLOSURE OF INVESTMENTS OR TRANSACTIONS IN CERTAIN FOREIGN ENTITIES.—

“(1) IN GENERAL.—Each designated issuer shall, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

“(A) disclose in each prospectus required or permitted by this section, and the Commission shall consider material, each investment or transaction in excess of \$10,000 by that designated issuer in or with any designated entity; and

“(B) display all disclosures required by subparagraph (A) prominently for investors.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘designated entity’ means any company or other entity that is organized under the laws of a foreign country, a government-owned corporation of a foreign country, or the government of any foreign country—

“(i) that is subject to sanctions by the Office of Foreign Assets Control; or

“(ii) the government of which has been determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979, section 40(d) of the Arms Export Control Act, or section 620A of the Foreign Assistance Act of 1961, to have knowingly provided support for acts of international terrorism.”.

“(B) the term ‘designated issuer’—

“(i) means any issuer of a security registered pursuant to section 12 of the Securities Exchange Act of 1934, or the securities of which (including American Depository Receipts) are directly or indirectly listed for trading or sold on any national securities exchange or in any United States over-the-counter market; and

“(ii) includes any subsidiary or other affiliate of such an issuer.”.

AMENDMENT NO. 3452

(Purpose: To facilitate the opening of energy markets and promote the exportation of clean energy technologies)

On page ___, between lines ___ and ___, insert the following:

SEC. ____ CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term “clean energy technology” means an energy supply or end-use technology that, over the lifecycle of the technology, compared with a comparable technology in commercial use in a trade partner country—

(A) results in the emission of substantially lower levels of pollutants or greenhouse gases; and

(B) may generate substantially smaller or less toxic volumes of solid or liquid waste.

(2) TRADE PARTNER COUNTRY.—The term “trade partner country” means a developing country, country in transition, or other

country with which United States exporters engage in trade.

(b) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each Federal agency or Government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a trade partner country shall, as part of the program, support, to the maximum extent practicable, the transfer of United States clean energy technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal agencies and Government corporations described in (b) such sums as are necessary to carry out this section.

AMENDMENT NO. 3453

(Purpose: To require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States)

At the appropriate place, insert the following:

SEC. ____ CERTIFICATION REGARDING FORCED LABOR.

(a) SHORT TITLE.—This section may be cited as the “Labor Certification Act of 2002”.

(b) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall require that any person importing goods into the United States from a country identified as using forced labor provide a certificate to the United States Customs Service that the goods being imported comply with the provisions of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) and that no part of the goods were made with prison, forced, or indentured labor, or with labor performed in any type of involuntary situation.

(2) DEFINITIONS.—In this section:

(A) COUNTRY IDENTIFIED AS USING FORCED LABOR.—The term “country identified as using forced labor” means a country identified as using forced labor by the Department of State in the most recent Country Reports on Human Rights Practices.

(B) GOODS.—For purposes of this section, the term “goods” includes goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country.

(C) INVOLUNTARY SITUATION.—The term “involuntary situation” includes any situation where work is performed on an involuntary basis, whether or not it is performed in a penal institution, a re-education through labor program, a pre-trial detention facility, or any similar situation.

(D) PRISON, FORCED, OR INDENTURED LABOR.—

(i) IN GENERAL.—The term “prison, forced, or indentured labor” includes forced child labor or any labor performed for which the worker does not offer himself voluntarily.

(ii) FORCED CHILD LABOR.—The term “forced child labor” means forced or indentured child labor that includes the use of children under the age of 18 in any form of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor.

(c) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the Commissioner of Customs, shall report to Congress on the implementation of the existing 1992 Memorandum of Understanding and 1994 Statement of Cooperation with the People's Republic of China regarding the use of forced labor to make goods

destined for the United States. The report shall include information on requests by the United States to visit suspected forced labor facilities in China and the outcome of those requests. The report shall also make specific recommendations on how the Memorandum and Statement can be improved, and discuss the status of efforts to improve those agreements.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Customs shall initiate an inspection program. Pursuant to the inspection program, whenever the Commissioner receives credible evidence that a facility in the People's Republic of China is using forced labor to make goods destined for the United States, the Commissioner shall request United States officials be allowed to inspect the facility. If an inspection is not permitted within 60 days of the request, goods made at that facility shall not be permitted entry at any of the ports of the United States, and importation of such goods shall be prohibited until the inspection is carried out. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the enforcement of this provision.

(2) FORCED LABOR.—For purposes of this subsection, the term "forced labor" means convict or prison labor, forced labor, indentured labor, or labor performed in any type of involuntary situation.

(e) AUTHORIZATION OF CUSTOMS PERSONNEL.—Section 3701 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 is amended by striking "for fiscal year 1999" and inserting "for each of fiscal years 2002 and 2003".

The PRESIDING OFFICER. The amendments are now set aside.

Mr. REID. Mr. President, I appreciate your patience. We know it is late in the

day and we have things to do, but we appreciate your doing overtime duty as the Presiding Officer.

ORDERS FOR MONDAY, MAY 20, 2002

Mr. REID. I ask unanimous consent when the Senate completes its business today, it adjourn until 1 p.m. Monday, May 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the first half hour of time under the control of Senator DORGAN or his designee and the second half hour under the control of the Republican leader or his designee; and that at 2 p.m. the Senate resume consideration of the trade act.

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

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes on Monday. The next rollcall vote will occur at approximately 11 a.m. on Tuesday on cloture on the steel amendment to the trade act.

I would say all staff members and all Senators should understand that the majority leader, in consultation with the Republican leader, today an-

nounced we are going to do a much better job of condensing the votes. Votes will be 15 minutes, and we have, over months, said that we would extend those 5 minutes. But that extension has now gone 15 minutes, so our votes have now become 30-minute votes.

People are going to start missing votes. I know they are going to be upset, but people are going to miss votes. We are not going to continually waste everyone else's time. We have numerous votes to conduct next week, as indicated by all these amendments that have been offered. Even if we did not have a lot of votes, there is no need to have people, when there is a vote, stand around waiting for other people to complete their business. People waste lots of time.

One reason people are not here when they are supposed to be is they know the votes do not take the amount of time they are supposed to take. So I hope people cooperate. If not, they are going to have a voting record not as good as they would like.

ADJOURNMENT UNTIL MONDAY, MAY 20, 2002, AT 1 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:13 p.m., adjourned until Monday, May 20, 2002, at 1 p.m.