

containing ephedrine alkaloids from military commissaries worldwide because of safety concerns;

Whereas the American Medical Association has called on the Secretary of Health and Human Services to ban the sale of dietary supplements containing ephedrine alkaloids;

Whereas the National Football League, the International Federation of Football Associations, the National Collegiate Athletics Association, the Commissioner of the National Association of Baseball with regard to the Minor Leagues, Major League Soccer, the National Basketball Association, and the International Olympics Committee have banned the use of ephedrine alkaloids by their athletes;

Whereas 3 States, representing 65,000,000 Americans, have banned dietary supplements containing ephedrine alkaloids;

Whereas major drug store chains representing 17,300 stores nationwide have pulled ephedrine alkaloid-containing dietary supplements from their shelves; and

Whereas the largest specialty retailer of dietary supplements in the country, which has 5,300 stores nationwide, has pulled ephedrine alkaloids from its shelves: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring). That it is the sense of Congress that—

(1) the Secretary of Health and Human Services has authority under subsections (a) and (f) of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) to determine that dietary supplements containing ephedrine alkaloids—

(A) present a significant or unreasonable risk of illness or injury;

(B) pose an imminent hazard to public health or safety; or

(C) contain poisonous or deleterious substances that may render dietary supplements injurious to health;

(2) there is sufficient evidence to make such a determination; and

(3) the Secretary should take immediate action to remove dietary supplements containing ephedrine alkaloids from the marketplace.

SENATE RESOLUTION 261—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN THE STATE OF COLORADO V. DANIEL RAPHAEL EGGER, SARAH JANE GERALDI, JENNIFER MELISSA GREENBERG, LISA GALE KUNKEL, BONNIE CATHERINE MCCORMICK

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 261

Whereas, in the cases of State of Colorado v. Daniel Raphael Egger, Sarah Jane Gerald, Jennifer Melissa Greenberg, Lisa Gale Kunkel, Bonnie Catherine McCormack, pending in the Arapahoe County Court, Colorado, testimony and documents have been requested from an employee in the office of Senator Wayne Allard;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate and their employees with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Stand-

ing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved. That employees of Senator Allard's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of State of Colorado v. Daniel Raphael Egger, Sarah Jane Gerald, Jennifer Melissa Greenberg, Lisa Gale Kunkel, Bonnie Catherine McCormick, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Allard and his staff in the actions referenced in section one of this resolution.

SENATE RESOLUTION 262—TO ENCOURAGE THE SECRETARY OF THE TREASURY TO INITIATE EXPEDITED NEGOTIATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA ON ESTABLISHING A MARKET-BASED CURRENCY VALUATION AND TO FULFILL ITS COMMITMENTS UNDER INTERNATIONAL TRADE AGREEMENTS

Ms. SNOWE (for herself, Mrs. DOLE, Mr. BAUCUS, Mr. GRAHAM of South Carolina, and Mr. BAYH) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 262

Whereas the currency of the People's Republic of China has been tightly pegged to the United States dollar at the same fixed level of 8.28 yuan to the dollar since 1994;

Whereas the Government of the People's Republic of China has significantly intervened in foreign exchange markets in order to hold the value of their currency within its tight and artificial trading band, resulting in enormous growth in China's dollar reserves, estimated to be over \$346,000,000,000 as of June 2003, an increase by 43 percent from June 2002;

Whereas the People's Republic of China has seen significant increases in production capability, productivity, and foreign direct investment since initially pegging the yuan to the dollar, which would generally lead toward upward pressure on the currency value;

Whereas this peg, in the face of growing pressure, clearly represents a manipulation of China's currency;

Whereas the undervaluation of China's currency distorts the value of exports from China and the price of foreign products for Chinese consumers;

Whereas the value of China's currency has had and continues to have a negative impact on the United States manufacturing sector, contributing to significant job losses and business closures;

Whereas the G-7 Finance Ministers and Central Bank Governors in September of this year stated that "more flexibility in exchange rates is desirable for major countries or economic areas to promote smooth and widespread adjustments in the international financial system, based on market mechanisms."; and

Whereas the market-based valuation of currencies is a key component to the health

of global trade and the stability of the world economy: Now, therefore, be it

Resolved. That the Senate—

(1) urges the Secretary of the Treasury to initiate expedited negotiations with the Government of the People's Republic of China, bilaterally or through the International Monetary Fund, for the purpose of ensuring a market-based exchange rate valuation to permit effective balance of payments adjustments and to eliminate the unfair advantage; and

(2) encourages the People's Republic of China to continue to act on its commitments to the trade rules and principles of the international community of which it is now a member.

Ms. SNOWE. Mr. President, I rise today to submit a Sense of the Senate resolution to encourage the Department of the Treasury to initiate expedited negotiations with the People's Republic of China on establishing a market-based currency valuation and to fulfill its commitments under international trade agreements.

The resolution explains why China's currency policy is an unfair manipulation which violates international trading rules and puts American manufacturers at a disadvantage. We cannot continue to allow this exploitation to continue to the detriment of our workers. Therefore, this resolution sends a strong message to the administration that we must increase our efforts to bring about a market-based valuation of China's currency.

In an open trading system, manipulation of currency—either by frequent intervention or by a calculated undervaluation of one's currency through a fixed exchange rate—undermines the concept of comparative advantage by creating market distortions. These disruptions not only affect trade but also result in the loss of real jobs for U.S. manufacturers. This is particularly devastating in my State, which has lost over 17,300 manufacturing jobs since July 2000.

Congress granted Permanent Normal Trade Relations (PNTR) for China because we knew that China would become a major player in international markets whether we wanted them to or not. After all, China already enjoyed total access to our market while we did not have the same benefit. Perhaps most importantly, we supported PNTR because a China in the World Trade Organization is bound by the same international trade rules as the United States or any of our other trading partners. While many were optimistic about the increased market access to the world's largest population, few dared to expect this to be an easy path.

I have heard from company after company who have had to face the reality that they can no longer compete with unfairly priced Chinese products. Some argue they were forced to close their doors because of China's low labor costs, and others argue it is the lack of labor and environmental regulations in China that makes us uncompetitive. However, the full extent of China's advantage is the combination of an artificially undervalued currency,

unfair non-tariff barriers, and low cost of production.

While we all want wages, labor rights, and environmental protection to improve in China, the biggest concern that every manufacturer brings to my attention is that they can't compete with a currency undervaluation that economists estimate could be as high as 40 percent. This serves as a de facto subsidy that no competitor can surmount.

The damage manufacturing has sustained is nothing short of alarming. From July 2000 through July 2003, almost 2.7 million U.S. manufacturing jobs have been eliminated. New England alone lost more than 214,000 manufacturing jobs between June 1993 through June 2003, with fully 78 percent of those losses, 166,000 jobs, occurring since January of 2001. The job losses have been so focused on the manufacturing sector that a manufacturing worker had a 50 times greater chance of losing his or her job than did other workers.

For these reasons, I have been among a core group in Congress that has called on the administration to take strong action with regards to the foreign manipulation of currencies. I was pleased to work with my colleagues to ask the Treasury Secretary to make China's currency the top priority of his recent trip to Asia.

Secretary Snow took the message to China that the manipulation of its currency must end and that China should take steps to freely float its currency. I was pleased with his action and I was further encouraged by the fact that President Bush raised the same concern with his counterpart at the APEC Summit.

The administration has placed a high priority on this issue, but I am concerned about the findings of Treasury's recent report on currency manipulation. The Secretary of the Treasury is required to determine yearly if foreign countries "manipulate the rate of exchange between their currency and the United States dollar for purposes of preventing effective balance of payments adjustments or gaining unfair competitive advantage in international trade." The law then requires that Treasury initiate expedited negotiations with these countries.

However, in the face of compelling evidence of the deliberate currency manipulation by the Chinese government to gain an unfair trade advantage, that report downplayed the nature of China's exchange rate policy, stating that "no major trading partner of the United States meets the technical requirements for designation." I believe that the facts clearly illustrate that the definition has been met.

China has seen significant increases in production capability, productivity, and foreign direct investment since the initial peg, which would generally lead towards upward pressure on the currency value. In response, the government of the People's Republic of China

has had to significantly intervene in its foreign exchange markets in order to hold the value of their currency within its tight and artificial trading band. This manipulation has resulted in enormous growth in China's dollar reserves, estimated to be over \$346 billion as of June 2003, an increase of 43 percent from June 2002.

In addition, China's policy is clearly in violation of article IV of the WTO which says members "shall not by exchange rate action frustrate the intent" of the WTO, which is to create fair and open markets for global commerce. China has joined the world trading system—it must now play by its rules and adhere to these principles.

This resolution is about restoring some sense of order to the global trading community which has been distorted by the policy of the Chinese government to unfairly subsidize every single export through the manipulation of its currency. It is my hope that the strong message sent by this Sense of the Senate will result in a renewed vigor and resolve to bring China's currency into the free market.

AMENDMENTS SUBMITTED & PROPOSED

SA 2115. Mr. BINGAMAN proposed an amendment to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 2116. Mr. DORGAN proposed an amendment to the bill H.R. 2673, supra.

SA 2117. Mr. DORGAN (for himself, Mr. BURNS, Mr. CONRAD, Mrs. CLINTON, Mr. LEAHY, Mr. HARKIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2673, supra.

SA 2118. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2673, supra; which was ordered to lie on the table.

SA 2119. Mr. LEAHY (for himself, Ms. SNOWE, Mr. JEFFORDS, Ms. COLLINS, Mr. REED, and Mrs. CLINTON) proposed an amendment to the bill H.R. 2673, supra.

SA 2120. Mr. COCHRAN proposed an amendment to the bill H.R. 2673, supra.

SA 2121. Mr. LEVIN (for himself and Ms. STABENOW) proposed an amendment to the bill H.R. 2673, supra.

SA 2122. Mr. KOHL (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2673, supra.

SA 2123. Mr. KOHL (for Mr. DORGAN) proposed an amendment to the bill H.R. 2673, supra.

SA 2124. Mr. KOHL (for Ms. STABENOW (for herself and Mr. LEVIN)) proposed an amendment to the bill H.R. 2673, supra.

SA 2125. Mr. KOHL (for Mr. LEAHY) proposed an amendment to the bill H.R. 2673, supra.

SA 2126. Mr. BENNETT proposed an amendment to the bill H.R. 2673, supra.

SA 2127. Mr. KOHL (for Mr. WYDEN) proposed an amendment to the bill H.R. 2673, supra.

SA 2128. Mr. KOHL (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 2673, supra.

SA 2129. Mr. BENNETT (for Ms. MURKOWSKI) proposed an amendment to the bill H.R. 2673, supra.

SA 2130. Mr. KOHL (for Mrs. CLINTON) proposed an amendment to the bill H.R. 2673, supra.

SA 2131. Mr. BENNETT (for Mr. CRAIG) proposed an amendment to the bill H.R. 2673, supra.

SA 2132. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2673, supra.

SA 2133. Mr. KOHL (for Mr. DORGAN (for himself, Mr. BURNS, Mrs. CLINTON, Mr. HARKIN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2673, supra.

SA 2134. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2673, supra.

SA 2135. Mr. BENNETT (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2673, supra.

SA 2136. Mr. MCCAIN (for himself, Mr. ALLEN, Mr. WYDEN, Mr. BURNS, Mr. ENSIGN, Mr. SUNUNU, Mr. WARNER, Mr. SMITH, Mr. LEAHY, Mr. GRASSLEY, Mr. HATCH, Mr. BAUCUS, Mrs. BOXER, Mr. CHAMBLISS, and Mrs. LINCOLN) proposed an amendment to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

SA 2137. Mr. MCCAIN (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) submitted an amendment intended to be proposed by Mr. MCCAIN to the joint resolution H.J. Res. 63, to approve the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, and to appropriate funds to carry out the amended Compacts."

SA 2138. Mr. MCCAIN (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the joint resolution H.J. Res. 63, supra.

SA 2139. Mr. MCCAIN (for Mr. DOMENICI) proposed an amendment to the joint resolution H.J. Res. 63, supra.

SA 2140. Mr. ALEXANDER (for himself, Mr. CARPER, Mr. HOLLINGS, Mr. STEVENS, Mr. VOINOVICH, Mr. GRAHAM, of Florida, Mr. DORGAN, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 2136 proposed by Mr. MCCAIN (for himself, Mr. ALLEN, Mr. WYDEN, Mr. BURNS, Mr. ENSIGN, Mr. SUNUNU, Mr. WARNER, Mr. SMITH, Mr. LEAHY, Mr. GRASSLEY, Mr. HATCH, Mr. BAUCUS, Mrs. BOXER, Mr. CHAMBLISS, and Mrs. LINCOLN) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2115. Mr. BINGAMAN proposed an amendment to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 5, line 1, strike "\$188,022,000" and insert "\$183,022,000".

On page 48, line 24, strike "\$11,418,441,000" and insert "\$11,423,441,000".

On page 48, line 26, strike "\$6,718,780,000" and insert "\$6,723,780,000".

On page 49, line 7, before the period, insert the following: "Provided further, That not less than \$15,025,000 shall be available to implement and administer Team Nutrition programs of the Department of Agriculture".