

## **ADDITIONAL VIEWS OF COMMISSIONER PETER VIDENIEKS**

It is a great honor to serve on the U.S.-China Economic and Security Review Commission (USCC). I did not sign this submission because it does not meet statutory requirements.

The relationship between U.S. Congress and the bipartisan USCC, appointed by leaders from both parties and bodies of Congress, is a contract. U.S. Congress and the American taxpayer have contracted with the Commission to do a job. The law is the contract. The statement of work requires that the USCC, the contractor, "investigate and report exclusively" on PRC proliferation practices, U.S. economic transfers to PRC, energy, U.S. capital markets, regional economic and security impacts, U.S.-PRC bilateral programs, PRC WTO compliance, and freedom of expression in PRC -- nothing more or less "(n)ot withstanding any other provision of law." The contract requires delivery of only one item: an advisory report by June 1, 2007. Congress appropriated \$3,000,000 to pay for this work. This amount is available until expended. There are no inspection and acceptance, termination, non-discrimination, or other needed provisions. There are no incentives to excel or to be objective. And furthermore, there is no requirement that USCC establish a reserve of funds for the possibility that Congress may choose not to appropriate more money, and USCC work has to end. Such funding set-aside should be sufficient to cover all shut-down costs: pay terminated staff employees, cancel rental and parking contracts, etc.

I cannot sign this submission because it does not meet the statutory requirements for the only deliverable item - an advisory report to U.S. Congress resulting from one full year of investigative work. This submission covers less than half a year and consists primarily of two hearing transmittal letters and a trip report. If this were a federal contract, it would be terminated for default. The work would be reprocurd from another party at the Commission's expense. Past non-compliance with law by submitting a report in November definitely crosses fiscal years, but it does not change the law. I am very proud to serve on the Commission, and I regret that it is not doing its taxpayer-funded job as legislated.