

through majority approval of both Houses of Congress.

(C) DEFINITION.—As used in this paragraph, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8, 1987.

#### SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate to the Convention on Nuclear Safety is subject to the following understandings:

(1) DISMANTLEMENT OF THE JURAGUA NUCLEAR REACTOR.—The United States understands that—

(A) no practical degree of upgrade to the safety of the planned nuclear installation at Cienfuegos, Cuba, can adequately improve the safety of the existing installation; and

(B) therefore, Cuba must undertake, in accordance with its obligations under the Convention, not to complete the Juragua nuclear installation.

(2) IAEA TECHNICAL ASSISTANCE.—

(A) FINDINGS.—The Senate finds that—

(i) since its creation, the International Atomic Energy Agency has provided more than \$50,000,000 of technical assistance to countries of concern to the United States, as specified in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and in provisions of foreign operations appropriations Acts;

(ii) the International Atomic Energy Agency has budgeted, from 1995 through 1999, more than \$1,500,000 for three ongoing technical assistance projects related to the Bushehr nuclear installation under construction in Iran; and

(iii) the International Atomic Energy Agency continues to provide technical assistance to the partially completed nuclear installation at Cienfuegos, Cuba.

(B) SENSE OF THE SENATE.—The Senate urges the President to withhold each fiscal year a proportionate share of the United States voluntary contribution allocated for the International Atomic Energy Agency's technical cooperation fund unless and until the Agency discontinues the provision of all technical assistance to programs and projects in Iran and Cuba.

#### SEC. 4. DEFINITIONS.

As used in this resolution:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) CONVENTION.—The term "Convention" means the Convention on Nuclear Safety, done at Vienna on September 20, 1994 (Senate Treaty Document 104-6).

(3) NUCLEAR INSTALLATION.—The term "nuclear installation" has the meaning given the term in Article 2(i) of the Convention.

(4) STATE PARTY.—The term "State Party" means any nation that is a party to the Convention.

(5) UNITED STATES INSTRUMENT OF RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Convention.

Mr. ENZI. I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. A division is requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

#### LEGISLATIVE SESSION

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

#### ORDERS FOR MONDAY, APRIL 12, 1999

Mr. ENZI. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment, under the provisions of S. Con. Res. 23, until 12 noon, Monday, April 12. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each.

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

#### PROGRAM

Mr. ENZI. Mr. President, for the information of all Senators, the Senate will adjourn this evening until 12 noon on Monday, April 12. There will be no rollcall votes during Monday's session. However, Members can expect rollcall votes as early as Tuesday, April 13. As the leader previously announced, it is hoped that when the Senate returns from the Easter break, it will consider the supplemental appropriations conference report and the budget conference report, if available.

The leader would, again, like to thank all Senators for their cooperation during the past busy week.

#### ORDER FOR ADJOURNMENT

Mr. ENZI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 23 following the remarks of Senator BAUCUS.

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

The Senator from Montana is recognized.

#### CHINA'S WTO ACCESSION AND THE VISIT OF PREMIER ZHU RONGJI

##### KEEP THE POWDER DRY

Mr. BAUCUS. Mr. President, I rise today to bring your attention to a matter of pressing concern involving the upcoming visit of Chinese Premier Zhu Rongji and the prospects of China's accession to the World Trade Organization.

##### CONTEXT OF RELATIONSHIP

Let me begin, however, with some context.

On April 8 and 9, the Premier of China will visit our country. As we speak, the Administration is negotiating with China the terms of its possible accession to the WTO.

Already this session, the Senate has seen one floor debate concerning our overall China policy. That debate was prompted by an amendment that would have required Congress to vote on the terms of China's accession prior to the Administration's completion of an agreement. Such a pre-emptive vote raised several constitutional and precedential questions.

Congress has not voted on any of the previous 110 GATT and WTO accessions because since 1948 WTO accessions have been executive agreements which generally require no U.S. concessions.

I spoke loudly against that amendment for three specific reasons. First, a vote on WTO accession would more likely be a judgment on the immediate state of our overall relationship with China than on the trade policy details of the accession. Second, such a vote could result in the U.S. holding a set of unilateral trade concessions by China to the United States hostage to every other concern we have about China—from human rights to security, environment, labor policies and much more. Third, we are already required to vote on China's permanent Normal Trading Relation status before the agreement becomes binding. Therefore, I was pleased that the Senate saw fit to defeat this resolution by a resounding vote of 69 to 30. Now we can move on to the matter of pressing concern.

Mr. President, as the visit of the Chinese Premier nears, and as the Administration continues with its negotiations, I am sure that the Senate, the Administration, and the country as a whole will engage in an intense debate on China policy. Participants in this debate will have radically different views on the prospects of our relationship, and on the trade, security and human rights policies we should adopt in it.

I rise today to encourage all participants in this debate to take a deep breath and to think carefully about this issue. For there is much at stake. And it is incumbent upon all of us to make sure that our actions are in the best interests of our country.

##### STATEMENT TO THE ADMINISTRATION

First, let me address my remarks to the Administration, for they are engaged in an on-going dialogue with China over WTO accession.

Simply put, we must not allow the pending visit of the Premier to cause us to want an agreement so badly that we will accept it on anything less than the best possible terms. It may sound trite, Mr. President, but this is serious stuff—we have to get it right. I do not want to see us simply agree to a commercially viable agreement, instead I want us to sign a commercially powerful agreement.

We've waited a long time to achieve liberalized trade with China. Many times in the past dozen years, we have tried unsuccessfully. But despite, our questions concerning enforcement never before have we been so close in terms of real progress and genuine commitment to agreeable terms that right now. And we must recognize that whatever happens, China will be a challenge for years to come.

Take for example the matter of China refusing to import Pacific-Northwest wheat. For the first time in over two decades, we are near a breakthrough concerning their zero tolerance policy. While talk is good and I encourage it continue, we still have not resolved the underlying problem. China is not importing our wheat. Thus the true measure of success will be weighed in terms of action and reaction—both China's commitment to dropping its ban and its importation of Pacific Northwest wheat.

On a broader scale, Mr. President, I believe that any agreement with China must contain at a minimum, the following terms:

First, it must apply to three critical trade sectors: agriculture, manufacturing, and financial services. We must ensure that China is willing to trade fairly across the board with U.S. companies in each of these sectors. The agreement should include significant tariff reductions, elimination of non-tariff barriers and other measures to liberalize trade in goods.

It should include market access for agriculture, including the elimination of phony health barriers on Pacific Northwest wheat, citrus, meats and other products. And it should include liberalization of service sectors including distribution, telecommunications, finance, and audiovisual industries. Let me be very clear: China must agree to accept all WTO disciplines after a negotiated phase in. They should be afforded no special treatment.

Second, the agreement must be commercially viable, verifiable, and enforceable. Good words and good intentions are not enough, Mr. President. This must be a commercially powerful agreement. The American people and American companies deserve to know that the words will be backed up by actions. In other trade negotiations, some have proposed an annual report card to monitor progress.

Mr. President, I plan to review any accession agreement very carefully. If necessary, I will carry legislation to ensure that compliance with such an accession agreement is carefully monitored to ensure that it is met in letter and spirit. For example, I think the concept of a general safeguard which would allow unilateral sanctions if China failed to meet its commitments is the most important element. Use of this general safeguard should also be linked to an annual review of the agreement.

Third, and finally, I believe that the agreement should be coupled with a

showing of good-faith by China. Now, I don't want to prejudge the on-going negotiations. Rather I want to wait and see what the results of those negotiations are. But I don't think it is beyond reason to expect that a WTO accession agreement would include trade targets or up-front purchase agreements for U.S. products.

But again, Mr. President, I am not in the room with the Administration as they negotiate this agreement, and I want to leave them some flexibility on this point. Let me reiterate that I mean "some" flexibility and Mr. President, I can't emphasize this enough. Flexibility with Caution because we don't want an accession agreement with China at any price. We do want an agreement must be fair and in the best interests of the United States.

In particular I urge the Administration to closely scrutinize any agreement to make sure it meets this test and be vigilant about the details. And if the offer falls short of the mark, I would suggest that the United States wait rather than push forward with this accession.

#### STATEMENT TO SENATE COLLEAGUES

Mr. President, I also wish to speak to my Senate colleagues today. Issues related to China can stir our passions. As we move forward with negotiations on China's accession to WTO, I urge you to simply "keep your powder dry." Let's wait and take a look at the outcome of the negotiations.

We must not lose sight of the vital American interests that are at stake. From our perspective, WTO accession can create a more reciprocal trade relationship; promote the rule of law in China; and accelerate the long-term trend toward China's integration into the world economy and the Pacific region.

And let me be absolutely clear. This is about more than wheat. The whole spectrum of the U.S. economy stands to benefit from a commercially powerful accession agreement with China. Agriculture, manufacturing, and financial services—industries affecting literally every state in the United States.

But, Mr. President, the WTO accession holds more at stake than the interests of U.S. industries. This integration is, we should always remember, immensely important to our long-term security interests.

To choose one example, twenty-five years ago China would likely have seen the Asian financial crisis as an opportunity to destabilize the governments of Southeast Asia, South Korea and perhaps even Japan. Today China sees the crisis as a threat to its own investment and export prospects, and has thus contributed to IMF recovery packages and maintained currency stability. Thus China's policy has paralleled and complemented our own; and as a result, the Asian financial crisis remains an economic and humanitarian issue rather than a political and security crisis.

From China's perspective, WTO entry has the long-term benefits of strength-

ening guarantees of Chinese access to foreign markets and promoting competition and reform in the domestic economy; and the short-term benefit of creating a new source of domestic and foreign investor confidence at a time of immense economic difficulty.

So I say to my Senate colleagues that we must review any agreement carefully. Just as I have said that we should not accept it out of hand, so I do not believe that we should reject it out of hand. I believe that issues related to nuclear security, human rights and Taiwan are all important issues.

Mr. President, I believe that each of in the Senate need to take a close look at the agreement and weigh it in the context of all U.S. interests. Until we have done that, Mr. President, we should "keep our powder dry."

#### STATEMENT TO CHINA

Mr. President, before I conclude, let me also send a message to China. I believe that the window of opportunity for China's accession to the WTO is closing rapidly. The next WTO round begins in November in Seattle. If we cannot reach agreement on WTO accession, it may be many years before this opportunity arises again.

Let me say this clearly to the Chinese leadership: If you are willing to negotiate in good faith, if you are willing to agree to a commercially viable agreement and to eliminate phony barriers to the import of Pacific-Northwest wheat and other products, then I will be willing to support China's accession to the WTO. And I think that many of my colleagues feel the same way. But if you are not willing to take that step; if you are not willing to agree to free and fair trade, then I will oppose China's accession to the WTO and I will urge the Administration to join me in that opposition.

#### CONCLUSION

In conclusion, Mr. President, China's pending accession must be considered carefully.

This Administration must closely scrutinize any agreement to ensure that it meets the "commercially powerful" test. If the offer is genuine and sound, the Administration should work toward an agreement, if it falls short, then the United States should wait.

We in the Senate should "keep our powder dry." That is to let calmer heads prevail by not pre-judging the agreement.

Instead we should play an active role in the negotiations and lend our input as we work toward a successful agreement.

And finally, China must make every effort to demonstrate its desire to enter the global marketplace by bringing forth a commercially meaningful offer. The ball is in China's court.

In sum, I would say that Premier Zhu's visit offers us an immensely important opportunity to define the course of our overall U.S.-China relationship. I welcome his visit and hope my colleagues and the Administration will do the same.

# ADJOURNMENT UNTIL 12 NOON MONDAY, APRIL 12, 1999

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon, Monday, April 12, 1999.

Thereupon, the Senate, at 10:42 p.m., adjourned until Monday, April 12, 1999, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate March 25, 1999:

### DEPARTMENT OF COMMERCE

JOHNNIE E. FRAZIER, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE, VICE FRANK DEGEORGE, RESIGNED.

### THE JUDICIARY

JAMES W. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE STANLEY S. HARRIS, RETIRED.

ELLEN SEGAL HUVELLE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA VICE JOHN GARRETT PENN, RETIRED.

BARBARA M. LYNN, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE HAROLD BAREFOOT SANDERS, JR., RETIRED.

### DEPARTMENT OF EDUCATION

MARSHALL S. SMITH, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE MADELEINE KUNIN.

## CONFIRMATIONS

Executive nominations confirmed by the Senate March 25, 1999:

### DEPARTMENT OF ENERGY

ROSE EILENE GOTTEMÖELLER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (NON-PROLIFERATION AND NATIONAL SECURITY).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. EUGENE L. TATTINI, 0000.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be major general*

BRIG. GEN. HAROLD L. TIMBOE, 0000.

### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. WILLIAM C. JONES, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. MICHAEL V. HAYDEN, 0000.

### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. REGINALD A. CENTRACCHIO, 0000.

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be Rear admiral (lower half)*

CAPT. EDWARD J. FAHY, JR., 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be rear admiral*

REAR ADM. (LH) DANIEL R. BOWLER, 0000.  
REAR ADM. (LH) JOHN E. BOYINGTON, JR., 0000.  
REAR ADM. (LH) JOHN V. CHENEVEY, 0000.  
REAR ADM. (LH) ALBERT T. CHURCH, III, 0000.  
REAR ADM. (LH) JOHN P. DAVIS, 0000.  
REAR ADM. (LH) JOHN B. FOLEY, III, 0000.  
REAR ADM. (LH) VERONICA A. PROMAN, 0000.  
REAR ADM. (LH) ALFRED G. HARMS, JR., 0000.  
REAR ADM. (LH) JOHN M. JOHNSON, 0000.  
REAR ADM. (LH) TIMOTHY J. KEATING, 0000.  
REAR ADM. (LH) ROLAND B. KNAPP, 0000.  
REAR ADM. (LH) TIMOTHY W. LAFLEUR, 0000.  
REAR ADM. (LH) JAMES W. METZGER, 0000.  
REAR ADM. (LH) RICHARD J. NAUGHTON, 0000.  
REAR ADM. (LH) JOHN B. PADGETT, 0000.  
REAR ADM. (LH) KATHLEEN K. PAIGE, 0000.  
REAR ADM. (LH) DAVID P. POLATTY, III, 0000.  
REAR ADM. (LH) RONALD A. ROUTE, 0000.  
REAR ADM. (LH) STEVEN G. SMITH, 0000.  
REAR ADM. (LH) RALPH E. SUGGS, 0000.  
REAR ADM. (LH) PAUL F. SULLIVAN, 0000.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

#### *To be colonel*

PATRICK FINNEGAN, 0000.

ARMY NOMINATIONS BEGINNING CHRISTOPHER D. LATCHFORD, AND ENDING JAMES E. BRAMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING LEE G. KENNARD, AND ENDING MICHAEL E. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING WESLEY D. COLLIER, AND ENDING THOMAS L. MUSSELMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING DAVID E. BELL, AND ENDING HOWARD LOCKWOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING \*JAN E. ALDYKIEWICZ, AND ENDING \*LOUIS P. YOB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING TIMOTHY K. ADAMS, AND ENDING DERICK B. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant colonel*

STANLEY A. PACKARD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be major*

TODD D. BJORKLUND, 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be captain*

TAREK A. ELBESHESHY, 0000.

NAVY NOMINATIONS BEGINNING GLEN C. CRAWFORD, AND ENDING LEONARD G. ROSS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

NAVY NOMINATIONS BEGINNING STEVEN W. ALLEN, AND ENDING DANIEL C. WYATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.