

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1319

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REPEAL OF THE LINE ITEM VETO ACT OF 1996.**

(a) IN GENERAL.—The Line Item Veto Act (Public Law 104-130) and the amendments made by that Act are repealed.

(b) APPLICABILITY.—The Impoundment Control Act of 1974 shall be applied and administered as if the Line Item Veto Act had not been enacted.

Mr. BYRD. I yield the floor.

**INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997**

Mr. LOTT. I now ask the Senate resume the highway bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate continued with the consideration of the bill.

**CLOTURE MOTION**

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John Chafee, John Ashcroft, Larry Craig, Don Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, Robert Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spence Abraham, and Jesse Helms.

Mr. LOTT. For the information of all Senators, I have just filed the last cloture motion to the highway bill. This cloture vote will occur on Tuesday. If cloture is not invoked on Tuesday, I will have to ask the Senate then to move on to other items.

Needless to say, I hope cloture will be invoked on Tuesday. I know there are some Senators who have voted against cloture three times who intend to vote for it if this is going to be the last one. I have, as majority leader, basically given 2 weeks to opening statements and a preliminary discussion about the highway bill while we tried to see if other issues could be resolved. But unless we can get cloture invoked and I can unstack the tree of amendments and allow us to go forward with full de-

bate and amendments on ISTEA, if this matter is going to continue to be held up at the insistence of Senator McCain and Senator Feingold because of the campaign finance reform issue, then I have no alternative but to stop.

I really think that is unfortunate. I think the Senate was showing leadership by moving on to the ISTEA highway bill. The Environment and Public Works Committee came up with a good bill. It was reported unanimously from the committee. I think we would show leadership to pass the 6-year bill whereas the House had only passed a 6-month extension. I think it would be better for the country if we did this bill now. I think it would be better for the Senate if we did it now. I think that next spring or next summer or, heaven forbid, next fall, if we are still working on the highway bill, it will get tougher and tougher and tougher as more problems are developed, more amendments are written and as we get closer to elections. Every State is going to believe it has to have a little bit more, a little bit more for highways and bridges. That is fine. We all need that. But we need some kind of closure on how we deal with the formula and what funds are going to be available to our States.

I think this is very unfortunate. I do not see there is any process now for there even to be a short-term extension. Everything seems to be tied to something on campaign finance reform that we have not been able to develop yet. I want to emphasize to all Senators that yesterday I believed Senator Daschle and I had come very, very close to having an agreement worked out whereby we would consider this other, unrelated to the highway bill, campaign finance issue next March, by the end of the first week in March, and that amendments would be in order and that there wasn't going to be an effort to fill up the tree and that Senators could offer amendments, first degree, second degree, and motions to table would be in order. Everything would basically go the regular order. But for some reason, at the last minute, interested Senators could not agree to that, but a very good-faith effort was made by Senators on both sides of the aisle and on both sides of the issue, and it did not come about.

I am willing to have the Senate have this issue before it and have one more cloture vote, but then we will have to move on.

I also want to emphasize that next Monday we do intend to take up some important issues, including the Interior appropriations conference report we have finally completed action on. If we have to, we are going to call for a vote on the Federal Reserve nominees that the President has sent to the Senate and the Senate committee has now reported to the full Senate for action. And we are going to have to take up legislation dealing with the threatened Amtrak strike.

So we will have a full plate of things to do Monday and Tuesday, and we

hope other appropriations bills will be ready in short order next week. In fact, we had meetings this morning on two of them, the Labor, HHS appropriations bill—we think maybe some good progress was made there, I say to the Senator from West Virginia—and we are getting closer, I believe, on the foreign operations appropriations bill. So we have other business that we need to do and must do, and we cannot give the balance of our time to the delay of the ISTEA bill based on the campaign finance reform issue.

**MORNING BUSINESS**

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate resume morning business with Senators permitted to speak up to 5 minutes each.

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

**UNITED STATES-CHINA RELATIONS**

Mr. ASHCROFT. Mr. President, I rise today to address the state of United States-China relations as the summit with Chinese President Jiang Zemin approaches. President Clinton is expected to give a speech this afternoon on United States-China relations, a speech that will, no doubt, continue to defend the administration's policy of so-called "constructive engagement" with China. The policy generally posits that there is no alternative for the United States but to accommodate China in virtually any behavior in hope of establishing a good relationship with Beijing.

I want to be clear that I certainly do hope that a stable and positive relationship can be established between our two countries, but the administration's China policy of engagement gives little regard to the behavior of China and is putting the prospect of a strong relationship with Beijing at risk. Rather than constructively engage Beijing, this administration's China policy has been advanced at the expense of discarded American principles and lost United States credibility in the international arena. For instance, China has a weapons proliferation record that is unrivaled in the world, distributing weapons of mass destruction in spite of previous nonproliferation commitments. Beijing also maintains trade barriers which continue to block United States goods and United States companies from being involved in the kind of free and open commerce we should have with China. And in the last several years, Beijing has had a human rights record that has resulted in the most intense religious persecution in several decades, and in the silencing of all active political dissidents.

The latest State Department report on human rights noted that all Chinese political dissidents had been detained and imprisoned. We have to remind

ourselves that there are 1.3 billion people in China and to be without any political dissent in a country that large is indeed a troubling matter.

In spite of these distressing areas in our relationship with China, there is near unanimity in the administration that China must be embraced, that it must be accommodated, that it somehow must be honored. Betraying our country's history of leadership in defense of freedom and a stable international environment is not a way to enhance our relationship with China.

I believe a strong relationship would be based on mutual respect and trust, but when we constantly compromise, when we constantly accommodate, and when we constantly ignore violations by the Chinese of their responsibilities in the international community and their responsibilities to respect human rights, I believe we don't provide a foundation for a good United States-China relationship.

Nuclear cooperation with China is one of the issues for discussion during the summit, and it is an issue of particular concern to me. If the President allows nuclear cooperation with China to proceed, it may be the clearest illustration yet of the appeasement-at-any-cost approach in our present United States-China policy.

The President is considering giving China advanced United States nuclear technology in spite of the fact that a CIA report identified China as the world's worst proliferator of weapons-of-mass-destruction technology. This CIA report is not a stale document. This report indicates that the Chinese have been the worst proliferators of weapons of mass destruction, and this report came out last June.

The report says:

During the last half of 1996, China was the most significant supplier of weapons-of-mass-destruction-related goods and technology to foreign countries. The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs. China was also the primary source of nuclear-related equipment and technology to Pakistan and a key supplier to Iran during this reporting period.

The period the CIA report covers is the last half of 1996. In May 1996, just before the period for the CIA report was to commence, the Chinese made a commitment to stop their proliferation activities.

In the face of one of their rather notable assurances that they were going to act differently, they continued to persist in their active nuclear technology proliferation and the proliferation of other weapons of mass destruction technologies. Of course, the definition of weapons of mass destruction includes nuclear, chemical and biological weapons. If there is any doubt as to what kind of nuclear-related equipment was provided, the CIA report goes on to state:

Pakistan was very aggressive in seeking out equipment, material and technology for its nuclear weapons program with China as its principal supplier.

The administration says China has honored its nonproliferation pledge of May 1996. But let me again make clear that the CIA report covers the last half of 1996, the period after China made its so-called nuclear nonproliferation commitment. How the administration can expect to be a credible actor in the international community by saying that the nonproliferation commitment of May 1996 was honored, when the CIA says that after May, China was the principal supplier to Pakistan of equipment, material and technology for a nuclear weapons program—how the administration can say that is consistent with the nonproliferation commitment is beyond me.

Since 1985, no President has been able to certify that China's proliferation activities meet the legal requirements that would allow us to start designating them as a nuclear cooperator and to extend to them nuclear exports from the United States. I certainly don't believe China's recent activities warrant such certification now, not in the face of our own Government's report that they were the worst proliferators of components, equipment, and technology related to weapons of mass destruction, particularly nuclear weapons of mass destruction.

I might point out that Ken Adelman, President Reagan's Director of the Arms Control and Disarmament Agency and a key official involved in the formulation of the original 1985 agreement, also does not believe that China's recent activities warrant the certification for nuclear cooperation to proceed.

China has made several nonproliferation promises in recent weeks to reassure the administration. While these commitments have the potential to improve China's proliferation record, China has made and broken nonproliferation commitments for a decade. I think we should first ask that China at least keep its word for some interval of time rather than blindly accept China's most recent nonproliferation promises even though the previous ones have been broken.

We all know the potential for this nuclear technology to be used in a variety of settings and ways. I believe China must establish its commitment to nonproliferation in deeds, not just words. Chinese credibility should be established before nuclear-related trade takes place between the United States and China.

The administration does not want Chinese President Jiang Zemin to return to Beijing emptyhanded. I think that is kind and generous and warm hearted, but I question the need to give China nuclear technology just to make President Jiang happy.

Have we forgotten the summit itself is a major gift to President Jiang, and why are we so anxious to make concessions to China? I hope the President of the United States understands that at stake in the nuclear cooperation debate is the credibility of the United

States in combatting the global spread of weapons of mass destruction. Rather than forcefully address this critical national security threat, our administration apparently is downsizing our counterproliferation apparatus and making life uncomfortable for key personnel who have dedicated their lives to protect our country from the spread of weapons of mass destruction.

The recent announcement of the retirement of Gordon Oehler from the Central Intelligence Agency is, according to an article in the Washington Post, driven by the administration's disapproval of Mr. Oehler's candor and his honesty in informing Congress of the weapons proliferation activity, not only of China but of other nations.

Is our administration so infatuated with charming China at any price that we are willing to ignore the facts presented by our intelligence personnel, and when the facts are troublesome to us, that we make these intelligence officers so uncomfortable that they resign?

Government personnel like Gordon Oehler should be praised and thanked for helping defend our country and keeping Congress informed of rising threats to our national security.

Mr. President, China potentially has broken every major commitment that it has made concerning the production or proliferation of weapons of mass destruction or the missile delivery systems to deliver such weapons. In light of China's behavior, it is difficult to understand why President Clinton is so eager to accept placebos and questionable promises in exchange for the transfer of valuable and potentially dangerous nuclear technology. The United States needs to be sober and vigilant in dealing with China.

A stable and truly constructive relationship with Beijing will be established only when our national security interests are defended and when our commitment to the principles of liberty and freedom is preserved.

There is something substantially different between our commitment to freedom and liberty and what is occurring in China. President Jiang's remarks recently indicate that he does not believe that freedom is for all individuals, that freedom is something that is negotiable. He said, "The theory of relativity worked out by Mr. Einstein which is in the domain of natural science, I believe, can be applied to the political field."

We in the United States believe in God-given rights that are not relative, and our policy with regard to China should be a policy which is based on credibility and integrity. Appeasement or engagement without integrity is nothing more than a surrender of American principles.

Mr. President, I ask unanimous consent that the Washington Post article to which I referred earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

## THE AGING MAOISTS OF BEIJING

(By Michael Kelly)

It has been 12 years since the leader of the People's Republic of China has honored the United States with a visit, and in the meantime relations between us have become—as they say—strained. It has seemed at times almost as if the aging Maoists of Beijing were trying to flaunt their disdain for American values and American interests. There was the ever-ending campaign of torture and imprisonment against advocates of political and religious liberty. There was, despite Richard Gore, the continued occupation and subjugation of Tibet. There was the unpleasantness at Tiananmen Square. There were the arms sales and the nuclear assistance to nations unfriendly to the United States. There was the missile-rattling off the coast of Taiwan. There was the finely calculated humiliation of Warren Christopher. There was the cool, unblushing dismantling of democracy's infrastructure in Hong Kong. Finally, it appears, there was the attempt to subvert our very own democratic system by illegally funneling PRC cash into the 1996 elections.

Now comes Jiang Zemin, president of China, unapologetically. On the eve of his week-long American journey, Jiang gave careful interviews to *The Washington Post* and *Time* magazine. He told the reporters that the slaughter of democracy's hopefuls at Tiananmen had been necessary for China's economic boom (you can't make an omelet without rolling a tank over a few hundred eggs); that Taiwan must accept "the principle that there is only one China," which is to say rule by Beijing; that Chinese democratic activists such as Wei Jingsheng and Wang Dan were languishing in prison "not because they are so-called political dissidents but because they violated China's criminal law"; that the good-hands people of Beijing would continue to hold Tibet in their cossetting grasp; and that the United States must accept that China has its own standards of what constitutes a proper respect for democracy and human rights. "The theory of relativity worked out by Mr. Einstein, which is in the domain of natural science," the old despot lectured, "I believe can also be applied to the political field."

Quite so, say the Einsteinists in the Clinton administration who are driving the China policy they call "engagement." Under the rules of this engagement, the United States has during the past five years answered China's slights and slurs with shows of affection. The Commerce Department has had its way in maintaining trading status for China as a most-favored nation. The State Department has kept its complaints about the oppression of democrats and Christians to a discreet murmur. The president himself has most graciously entertained the friends of Mr. Johnny Chung and Mr. John Huang. The approval for an official visit by Jiang Zemin was the greatest engagement gift yet. The trip, which will begin with Ziang laying a wreath for the slain of 1941 in Pearl Harbor, is planned as an elaborate exercise in propaganda, and it is intended to serve both to ratify China's post-Tiananmen diplomatic rehabilitation and to solidify Ziang's domestic political status.

And yet, the nervous suitors at the White House fret, there must be something more we can do, something really grand. Indeed, it develops, there is. Jiang's government would like to buy some of the new-generation nuclear reactors that have been jointly developed by the American nuclear industry and the government in an \$870 million research project. The moribund nuclear industry is desperate to sell to China, and it has lobbied the administration heavily. The nuclear industry has, of course, large sums at its dis-

posal, and this president is always willing to grant potential or actual big-money donors what he has called "a respectful hearing," so there is naturally a desire at the White House to see the sales go forward.

But there is a problem: China's impressive record in spreading the advance of the bomb—a record that includes the export of nuclear technology and materiel to Iran, Iraq, Pakistan and India. In 1985, as Washington prepared for the last Sino-American summit, the Chinese were found, in violation of recent promises, to be assisting the Pakistani nuclear program. As a result, Congress passed a law barring implementation of the Nuclear Cooperation Agreement signed by president Reagan and the then-Chinese President Li Xiannian, to permit nuclear trade with China until the President certified that China had stopped aiding the spread of the bomb.

Such certification has never been given because China has never changed its behavior. Gordon Oehler, the CIA's senior official responsible for monitoring mass-weapons proliferation, has testified to Congress that China has provided Iran with large numbers of anti-ship missiles that are considered a direct threat to U.S. naval forces in the Persian Gulf. Oehler, by the way, resigned this week amid reports that he had been under pressure from administration policymakers over his unwelcome assessments.

The administration insists that China has—just in the nick of time for a gift grand enough for a summit—changed its ways. It points to two promises: one in 1996 to stop aiding Pakistan's nuclear program; the other last week not to sell any more anti-ship missiles to Iran. So, that's that, the White House argues, it's time to certify China as a respectable member of the nuclear club at last and get on with the business of the United States, which is business. As for human rights—if everything goes to their satisfaction next week, the Chinese hint they might be willing to let Wang Dan out of jail for a while.

This is policy so wrongheaded that it isn't even interesting. It is possible that the Chinese are suddenly serious about nonproliferation. And it would be nice to provide some foreign business for the nuclear industry, so it doesn't die from a lack of business at home. But the Chinese have broken or bent most of their previous promises on issues of nuclear exports, and their new promises are untested.

We are engaged for the moment. A responsible president must not attempt to certify what he cannot know to be so; a responsible Congress must stop, by a veto-proof two-thirds majority, a president who puts the interests of Beijing and Westinghouse ahead of national security. Let's verify before we trust. And let's get something in return a little less pathetic than the release of one well-beaten man from his prison cell.

Mr. HAGEL assumed the chair.

Mr. ASHCROFT. I thank the Chair, and I yield the floor.

## GLOBAL WARMING

Mr. MURKOWSKI. Mr. President, I noted that the White House recently released a strategy for climate change talks. The President said the United States would not assume binding obligations until developing countries agree to participate meaningfully in the climate-change issue. White House officials said they expect requirements for developing countries would be fleshed out in negotiations.

This is what concerns me, Mr. President, "fleshed out in negotiations." The senior Senator from West Virginia and the occupant of the chair, Senator HAGEL, authored a resolution that has been supported in this body by an overwhelming vote of 95 to 0. The Byrd-Hagel resolution said developing nations must have targets and timetables in the same timeframe as the United States.

Mr. President, it is my contention that the President is glossing over the issue of developing-country participation.

The Berlin Mandate says "no new commitments for developing nations." Has the President repudiated the Berlin Mandate? Otherwise, how in the world can President Clinton simply state that this is something that can be taken care of in negotiations when the Berlin Mandate clearly says no new commitments for developing nations? Our President only says "meaningful commitments for developing nations." I wonder what meaningful really means.

At this time, we are somewhat at the mercy of our negotiators on this matter. We have seen comments in the RECORD from various members of the Senate praising the President's plan, stating that they are encouraged by the policy announcements and pleased with the White House plan. Another member said that the President's position should satisfy demands of the Byrd-Hagel resolution as expressed in this body.

Those demands are not met, Mr. President, because Byrd-Hagel says developing nations must have targets and timetables in the same timeframe as the United States. That is the test.

Another Senator indicates this is a green light that speaks to our Nation's commitment to reducing greenhouse gases. I am a bottom line person, a nuts and bolts kind of guy. How are we going to get there from here? How will we reach the goal the President expressed, which is to go back to emissions levels of 1990 by the years 2008 to 2012?

Let's do the math.

Fifty-five percent of our U.S. energy production is coal. What is happening to coal? If a new climate treaty is signed, there will be reductions in coal use. EPA's new air quality standards on ozone and particulate matter are likely to decrease coal use. EPA's tightened air quality standards on oxides of sulfur and nitrogen will put more emphasis on coal reduction. EPA's proposed regional haze rule will put more pressure on coal as will any new EPA mercury emission rules.

So there is going to be more pressure to reduce use of the resource supplying 55 percent of our electricity.

What about nuclear?

Well, the President threatens to veto our nuclear waste bill. There have been no new orders for new plants in the United States since 1975. There is the potential inability to recover stranded