



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 143

WASHINGTON, THURSDAY, JUNE 5, 1997

No. 76

## Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, Who has made work in Government one of the highest callings and the formulation of public policy a crucial ministry, we ask You to help us bless this weekday and keep it holy. Give us a renewed sense of mission today as we go about the tasks of this day. Help us to find a solution to the present impasse over the disaster relief bill. You are present in this Chamber.

May we keep our attention on You as the only One we must please. With that ever present before us, we will work with excellence because we are accountable to You. So may every word we speak, every relationship we enjoy, and every task we tackle be done with a sense of Your presence. May we never forget why we are here—to serve You by being servant leaders of the people of our land. Living and working is a privilege. Thank You for another day in which we can do both with enthusiasm. In the name of our Lord and Saviour. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now be in a period for morning business from the hour of 12 noon to 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator HUTCHINSON of Arkansas from 12 to 12:30 p.m., and Sen-

ator DORGAN, or his designee, from 12:30 to 1 p.m.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

### SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period for morning business until the hour of 2 p.m. to accommodate a number of Senators who have requested time to speak. At 2 p.m., it is my hope that we will begin debate on the supplemental appropriations conference report. We are working to get a 2-hour debate agreement on that supplemental conference report, of course, to be followed by a vote.

Then after that debate, the Senate will, hopefully, be able to begin consideration of the budget resolution conference report with 3 hours of debate on that. Therefore, Senators can expect votes on both the supplemental appropriations conference report and the budget conference report before the Senate adjourns this evening. I thank my colleagues for their attention.

I might also note, we hope to be able to confirm the nomination late this afternoon of Elizabeth Anne Moler to be Deputy Secretary of Energy.

I yield the floor, Mr. President.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

### CHINA'S MOST-FAVORED-NATION STATUS

Mr. HUTCHINSON. Mr. President, I rise today to voice my strong opposition to the administration's proposal to renew most-favored-nation status for China, and I rise as an original cosponsor of Senate Joint Resolution 31, the resolution of disapproval of MFN.

First and foremost, I want to recognize my good friend and colleague from

North Carolina, Senator JESSE HELMS. Over the years, Senator HELMS has dedicated himself to making this body and the American people aware of China's human rights record of abuse. I sincerely thank the Senator and his staff for their leadership on this very important issue.

Mr. President, yesterday, June 4, 1997, was the eighth anniversary of the violence in Tiananmen Square. It has now been 8 years since the suppression of prodemocracy protests in China; 8 years since the killing of hundreds of unarmed civilians by the army in Beijing. In 1989, we all watched with amazement as these courageous Chinese students marched in Tiananmen Square. Today, they are all gone.

During their struggle, they defied the tanks, they looked to the United States for inspiration, they quoted our Declaration of Independence and, through it all, Mr. President, United States policymakers have responded that economic engagement would stop China's abuses of human rights. As far as I can tell, it is, in fact, profit projections that are primarily driving our foreign policy.

How can the United States consider renewing MFN for China when the Chinese authorities still have taken no steps to publicly investigate the circumstances of the killings and bring to justice those found responsible for human rights violations? Instead, the families of victims and people attempting to gather information about those killed are themselves subjected to harassment and intimidation in a continuing attempt by authorities to conceal the facts of what occurred 8 years ago.

The Chinese Government defines the 1989 protest as a "counterrevolutionary riot." I believe this definition has been used since 1989 to justify the imprisonment of many people who are the victims of human rights violations. Thousands of political prisoners—thousands—arrested during the crackdown, including prisoners of conscience, are

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S5293

believed to be imprisoned today. How can this Congress accept the administration's proposal to renew MFN for China? How can we stand here in good faith and look the other way? By turning a blind eye to this oppression in the interest of trade opportunities, I believe the United States is sending a clear and unmistakable message. It is the wrong message. The message to the Government of China is one of commendation rather than one of condemnation.

It has been almost 3 years since the United States formally delinked American trade with China for its human rights performance of abuse. So I say to my colleagues, much has changed in China in the last 3 years, but the changes that have occurred in China have not been changes for the better. We now see a human rights situation in China that is worse by every measure—persecution of Christians, forced abortions, sterilizations of the mentally handicapped, kangaroo courts for Democratic dissenters, incarceration of political dissidents, and, Mr. President, the near extinction of the expression of any opinion contrary to that of the Communist regime.

I am deeply concerned with the mounting campaign of religious persecutions waged by the rulers of China. Regarding China's deprivation of fundamental human rights and religious aspirations, continuing MFN to China is effectively equivalent to a policy of appeasement.

The Roman Catholic Church has been made, for all practical purposes, illegal in China. Priests, bishops, and people of faith have been imprisoned and harassed. For example, Zheng Yunsu, the leader of a Jesus family, a Protestant community in Shandong Province, is one of many people who are behind bars simply for practicing their faith. He was arrested during a police raid on the community in 1992. He was later sentenced to 12 years imprisonment for disrupting public order and "swindling." His four sons and other members of the group were also imprisoned. I believe that they are all prisoners of conscience.

Mr. President, such persecutions of religious groups has followed a substantial religious revival in China over the past 15 years. In the Christian community, much of the expansion has been in religious groups that conduct their activities outside the Protestant and Catholic churches still recognized by the government, though they are greatly restricted.

Many peaceful but unregistered religious gatherings have been raided by police, and those attending those services have been beaten, threatened, or detained, and many of those detained are required to pay heavy fines as a condition for their release. Those regarded as leaders are usually kept in custody and either sentenced to prison terms or administratively detained without charge, without trial. And this, Mr. President, is the regime to

whom we would grant most-favored-nation status.

In January 1994, two national regulations on religious activities came into force. Notably, Mr. President, they banned religious activities which undermine national unity and social stability. Under the broad rubric of these two regulations, any activity could be construed as undermining the Chinese Government and, therefore, constitute a threat punishable by arrest, prosecution, imprisonment and bodily harm.

These regulations also require that all places of religious activities be registered with the authorities according to rules formulated by China's Religious Affairs Bureau, an innocuous-sounding agency. This means, in effect, that religious groups that do not have official approval may not obtain registration and that those involved in religious activities in unregistered places may be detained and punished. Provided in these new regulations are detention and criminal penalties for any violation. And this is the regime to whom we would grant normal trade relations and most-favored-nation status.

During this past year, police raids on religious gatherings organized by independent groups have continued, with hundreds of Protestants and Catholics reportedly detained as a result. More than 300 Christians were reported to have been detained in what appears to be a crackdown by police on unregistered Protestant houses and churches. And this is the Government to whom we want to extend MFN.

I believe there is evidence of an intensified Chinese repression of religious liberty. This repression ranges from ransacking homes in Tibet in search of banned pictures of the Dalai Lama to destroying or closing 18,000 Buddhist shrines last spring. Ministers, priests and monks are routinely arrested, imprisoned, tortured and sometimes killed for the mere expression of their faith. For example, let's take the case of Pastor Wong, who runs 40 evangelical churches. He was released in December after a fourth arrest for spreading the Gospel. This time, Mr. President, the government captors broke several of his fingers with pliers. This is the government to whom we would like to extend, again, MFN.

I believe it is the obligation of the American Government to uphold the principles of democracy and freedom that we claim to espouse. By renewing MFN status to China, we are turning a blind eye to the oppressed in the interest of expanded trade opportunities. There must be some things that are even more important than the almighty dollar.

Mr. President, in Paul Marshall's critically acclaimed book, "Their Blood Cries Out," an authoritative book of religious persecutions around the globe, the case of Bishop Su is documented. During Bishop Su's 15 years in China's prison system, he was subjected to various forms of torture. One beating was so severe that the instru-

ment of the beating actually splintered. Then the police ripped apart a wooden door frame and used it to continue the beating until it, too, disintegrated into splinters. The bishop was then hung by his wrists from a ceiling and beaten around the head.

As appalling as this story is, in another encounter, this bishop was placed in a cell containing water at varying levels from ankle to hip deep where he was left for days unable to sit and unable to sleep. And, again, this is the regime to whom we would give most-favored-nation status.

Every year, countless numbers of people are detained without charge in breach of the law or sentenced without trial to years of reeducation through labor at the discretion of police and local officials. For those who are charged, sentences are frequently imposed after unfair trials, with the verdict decided beforehand. In many cases, such verdicts even carry the death penalty.

The Chinese legal system, like, I suppose, all legal systems, supports the established political and governmental institutions. However, it does not do so in a way that is consistent with the rule of law and fundamental human rights. The rule of law becomes subordinate to higher political goals, including the defeat of perceived political enemies within the nation of China.

The vagueness and contradictory provisions of the law in China lead consistently to Chinese arbitrary enforcement and provides an open invitation to abuse of power. Repressive criminal legislation and the extensive system of administrative detention means that virtually anyone can be detained at the whim of individuals who happen to be in a position of power.

As we discuss MFN for China, a vast array of laws and regulations continues to be used to detain or imprison political opponents or to warn political dissidents against opposition.

The Chinese say over and over again that there are no political prisoners in China. Such an assertion is absurd on the surface and it flies in the face of overwhelming evidence. People are routinely imprisoned because of their political views or beliefs, but are categorized simply as counter-revolutionaries, administrative detainees, or criminals. In January 1995, for instance, a Ministry of Justice official was cited as stating that 2,678 prisoners convicted of counterrevolutionary offenses were currently in jail. I believe, Mr. President, that this figure represents only a fraction of the real number of political prisoners held in China today.

Furthermore, I believe that this figure excludes many thousands of people who are jailed for political reasons but convicted of other offenses or held under various forms of administrative detention who have not even been charged or tried.

We all know that grave human rights violations have continued in China

since 1995. They range from the arbitrary detention of people who peacefully express their views to gross violations of the physical integrity of the person and their very right to life. Dissent and any activity perceived as a threat to the established political order continues to be repressed.

So as we debate MFN for China, thousands of political prisoners, including members of religious and ethnic groups, are in jail simply for expressing their views. Torture and ill-treatment continue to be common practices during arrest in police stations, detention centers, labor camps, prisons, and this often results in the death of these victims.

It is my understanding, Mr. President, that at least a thousand people have been executed in China since the launch of a nationwide anticrime campaign in 1996. I call out to my colleagues that we must put pressure on China to stop these mass executions, many of which are carried out after only show trials.

The political authorities in China have instructed the judiciary to speed up procedures to sentence offenders, including those liable to the death penalty. And I believe the result is untold miscarriages of justice.

If we grant MFN to China in view of these practices, then we too are guilty of a miscarriage of justice. If we renew China's MFN status, as the administration wants us to, then I think we are derelict in our duty, this Congress' duty to uphold the principles of dignity and fundamental freedoms.

If we really want to engage the Chinese, we have to show that we are willing to confront them when they break the rules. We have not done that. And we will not do that by granting them most-favored-nation status.

For 4 consecutive years, from 1991 to 1995, the Chinese Government has successfully used a procedural motion to block any resolution critical of its human rights record being debated by the U.N. Commission on Human Rights. Mr. President, no government should be allowed to choose the extent to which it will abide by international human rights laws. No government should be allowed to manipulate human rights issues to further its political aims.

Newspapers in early April reported that China has been selling Iran the components of chemical weapons for several years. This was one in an ongoing series of reports about the Chinese military. The Chinese are also said to be dealing in nuclear weapons with Pakistan, buying advanced jet aircraft from Russia, and contracting for Russian-made aircraft carriers equipped with surface-to-surface missiles.

This is the nation, this is the government, this is the regime that we say, "You deserve again to have most-favored-nation status renewed," a nation that has a growing military capacity, that is increasing its military defense spending, has an expansionist view of

its own territorial goals and has snubbed us at every turn in our seeking conciliation and moderation in their foreign policy?

It seems while the administration would like Congress to renew MFN to China, they were and are fully aware of China's supplying Iran, Iraq and other enemies of the United States with deadly weapons—conventional, chemical, and nuclear.

Robert Einhorn, Deputy Secretary of State for Nonproliferation, has recently stated:

These dual-use, chemical-related transfers to Iran's chemical weapons program indicates that, at minimum, China's chemical export controls are not operating effectively enough to ensure compliance with China's prospective obligation not to assist anyone in any way to acquire chemical weapons.

Mr. Einhorn has also confirmed reports that China has been providing Iran with advanced C-802 cruise missiles capable of threatening United States warships in the Persian Gulf. Moreover, Mr. President, he testified to a Senate panel that:

We have information of discussions between Iran and China about additional conventional weapons sales. We expect there will be more.

That is what our State Department is saying about China's export controls.

Mr. President, as for still other reports that China has been running a brisk sale of mobile, nuclear-capable M-11 nuclear components to Pakistan—2 years after it pledged not to do so—Mr. Einhorn said those reports are, in fact, correct.

Mr. President, I ask my colleagues, can China, under the current regime, be trusted to honor its treaty obligations? If China, our partner in engagement under the Clinton administration policy of constructive engagement, if China, our partner in engagement, supplies Iran, Iraq, and other enemies of the United States with deadly weapons, what in reality does that make China?

Mr. President, the biggest question of all in this year's MFN debate should be, is United States trade with China in effect subsidizing a military buildup that will soon threaten not only Taiwan, Japan, and China's other Asian neighbors, but even our own national security?

Mr. President, militarily, the administration has sought to strengthen Taiwan. We have shipped Patriot missiles to Taiwan, and Taiwanese pilots are at this moment in the United States being trained to use the F-16 jet fighters that America has also pledged to send to our ally.

When the Chinese in effect blockaded Taiwan during a missile-testing exercise off its coast in March of last year, the President—and I commend him—responded with a firm show of America's force dispatching the *Independence* in the area.

I ask, why, even though we deplore the Chinese military buildup in diplomacy and counter it in strategy, do we continue to help to finance it in trade?

Mr. President, these are some very serious questions that go unanswered by the administration in their attempt to renew MFN to China. I am very concerned with the administration's obvious neglect and disregard for the United States Department of State's "China Country Report on Human Rights" for 1996. Mr. President, the findings are absolutely horrific. I urge my colleagues to listen closely as I read one passage from this report. I quote:

Overall in 1996, the Chinese authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.

I repeat, "No dissidents were known to be active at year's end."

I continue the report:

Serious human rights abuses persist in minority areas, including Tibet and Inner Mongolia. Controls on religion and other fundamental freedoms in these areas have also intensified.

This report debunks the logic of engagement. We were told that the situation in China was going to get better. That is what I was told when I first came to Congress in 1993, that if we will grant MFN to China, if we will extend that again, that this policy of engagement would result in better human rights conditions in China. But they have not improved. The situation has only grown worse.

I am astonished that the administration can justify renewal of MFN status for China, with what is provided in the report: the sale of women, religious persecution, forced abortions, forced sterilizations, continued disappearances of political rivals, et cetera. This important and vital report, overlooked by the administration, clearly states there are no free dissidents left in China today—not one, none.

I understand the importance of trade. It is important to Arkansas. It is important to America. It is important to our farmers. It is important to our manufacturers. But, Mr. President, I am convinced either the President has not read the State Department's report and/or the administration has ignored its findings.

Furthermore, China's human rights abuses, as described by the State Department, should be met with a heavy price, not a prize. Granting China special status only perpetuates their illegal and indecent actions toward the Chinese people.

Some would say, you cannot talk that way about China. Some would say that this will offend China. But then Ronald Reagan had many critics when he called the Soviet Union the "evil empire." Our goal is not to isolate China, but to awaken China to its inhumanity to its own people.

Mr. President, before I yield the floor, I just want to make one more plea to my colleagues not to turn a blind eye to the oppressed in the interest of trade opportunities. I urge my

colleagues to stand up and voice their opposition to the treatment of the Chinese Government toward their own people. Mr. President, I urge this administration to rethink a narrow-minded, nearsighted, and unengaging solution to human rights abuses.

For 16 years—for 16 years—the United States has extended MFN status to China, and in doing so, we have tacitly endorsed everything from forced abortions to the sale of dangerous weapons to our enemies.

I was talking to one of my colleagues early this week, and I told him that I have looked for 3 years for some scintilla of evidence that engagement has worked, I would like to vote for MFN, but I have not seen any evidence at all that this policy has improved the condition of the Chinese people or improved the human rights situation for those being oppressed in China. His response to me was, "TIM, it takes time."

Mr. President, time has run out for the thousands and thousands, who, today, find themselves in prison, and the families who have lost loved ones because of the oppressive regime that rules China.

The United States must stand for something once again. The debate is about more than dollars and cents. It is about our values as a nation. Others of my colleagues have said, "Well, we can't tell them what to do domestically." I would simply raise the question that it seems to be that the evidence is mounting daily that they have sought to tell us what to do domestically through influencing American elections.

Eight years ago, the world looked on in awe and admiration for those thousands of students who stood with courage in Tiananmen Square. Tiananmen Square must not become a haunting but fading memory to the world and to the American people.

So I ask my colleagues this question: Does not a little part, a little piece of the soul of this Nation die every time we turn away and allow freedom to be extinguished anywhere on this globe?

Let us make a difference. We must confront China's abuses. The price of not doing so is simply too high.

#### UNANIMOUS-CONSENT AGREE- MENT—CONFERENCE REPORT TO ACCOMPANY H.R. 1469

Mr. HUTCHINSON. Mr. President, I ask unanimous consent at 2:30 p.m. today the Senate begin debate on the conference report to accompany H.R. 1469, the supplemental appropriations bill, and there be 2 hours for debate, to be equally divided between the chairman and ranking minority member or their designees, and following the conclusion or yielding back of time, no further debate be in order, or motions to recommit, and the vote on adoption of the conference report occur at 5:05 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered. And, without objection, rule XII is waived.

Mr. HUTCHINSON. I am also asked to report to the Presiding Officer that all Members should be on notice that a vote will occur at 5:05 p.m. this evening on adoption of the supplemental appropriations conference report.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 831 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE 100TH ANNIVERSARY OF THE 1897 ORGANIC ACT

Mr. MURKOWSKI. Mr. President, I rise today to advise my colleagues that yesterday, unfortunately, we were not in morning business so I could not make this statement, but yesterday marked the 100th anniversary of the passage of the 1897 Organic Act which created the Forest Service. On that day, June 4, 100 years ago, Congress passed the Forest Service Organic Act which allowed the first on-the-ground management of the forest reserves.

Prior to this date 100 years ago, forest reserves totalling approximately 17 million acres had been established in 1891 and 1893. In the spring of 1897, another 21 million acres of forest reserves were added to the system. This latter addition was the result of a Presidential Commission on National Forests established in 1896. The commission included notable scientific and conservation leaders at that time.

However, the addition of the second round of reserves was sufficiently controversial that Congress moved in early 1897 to attach an amendment to the 1898 general appropriations bill to eliminate the reserves and transfer the 21 million acres back into the public domain for disposal. Outgoing President Grover Cleveland pocket vetoed the bill on his last day in office. This created a situation in which the Government had no money to operate and the new President, William McKinley, quickly called Congress into an extra session on March 15, 1897, to reconsider eliminating the reserves.

In this special session of Congress a compromise was framed which took the form of the Forest Service's 1897 Organic Act and which restored the 21 million acres of forest reserves. I think it is rather ironic, Mr. President, as we consider today various and sundry conflicts over salvage riders and the management of various forests, including

the Tongass National Forest in my State, that 100 years ago Congress had the same kinds of conflicts. But the national forests that we have today serve as a living testimony to our ability to resolve those conflicts.

My understanding is that other Members will join me today, Senator SMITH and probably Senator CRAIG, with regard to further statements on the significance of this particular date, June 4, 100 years ago, 1897, and further elaborate on the circumstances and conditions of the forests and the transition that has occurred in that 100 years.

However, I think it noteworthy that there are many changes in the names, many changes in the boundaries of the national forests in the years that have followed that event 100 years ago, but the basic land areas that were set aside in the Western States between 1891 and 1907 are still with us today. From 1907 until today another 44 million acres have been added to our national forests, mostly in the Eastern States. These lands, for the most part, were old, worn out farms, lands that were cut over, but today represent some of the most important forested recreation and timber producing areas that we have in the Eastern United States.

The Organic Act of 1897 allowed for the organization and active management of the reserves by forest rangers rather than no management at all, which had been the case from 1891 until that time. The well-known and revered Gifford Pinchot was hired on June 25, 1897, and he recommended the adoption of three basic goals for the management of the forest reserves. The first was permanent tenure of forest land; the second was continuity of management; and the third was the permanent employment of technical trained foresters. Because the tradition within the Department of the Interior was to hire political appointees rather than technically trained foresters, Pinchot was successful in 1905 in securing the transfer of the forest reserves to the Department of Agriculture where it is today.

I think it is a little bit ironic that today the new Chief of the Forest Service is a political appointee who most recently served in the Department of the Interior. Nevertheless, technically sound management continues within the Forest Service.

The major section of the 1897 act was a statement of reason for establishing the forest reserves. The act stated, "no public forest reservation should be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessity of citizens of the United States." Let me repeat that: "securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessity of citizens of the United States." That was the purpose.