

DSCC AND INVASIONS OF PRIVACY

Mr. BURNS. Mr. President, I rise today to alert my colleagues to what may be a very disturbing precedent. My office recently received a copy of a letter dated May 18 and sent from the Democratic Senatorial Campaign Committee to the Department of Health and Human Services. I want to read the first paragraph:

I am writing to request documents pursuant to the Freedom of Information Act, 5 U.S.C. 552 et seq., involving all correspondence, inquiries and other information requested by or provided to the following United States Senators for the time periods noted.

There are some 10 Republican Senators that are listed here over the last 10 years. I ask unanimous consent that this letter be printed in the RECORD.

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

DEMOCRATIC SENATORIAL
CAMPAIGN COMMITTEE,
Washington, DC, May 18, 1999.

HHS Freedom of Information Officer,
Washington, DC.

Re: Freedom of Information Act Request.

I am writing to request documents pursuant to the Freedom of Information Act, 5 U.S.C. §552 et seq. ("FOIA"), involving all correspondence, inquiries and other information requested by or provided to the following United States Senators for the time periods noted: Spencer Abraham, 1995-present; John Ashcroft, 1995-present; Conrad Burns, 1989-present; Bill Frist, 1995-present; Slade Gorton, 1981-1986, 1989-present; Rod Grams, 1995-present; James Jeffords, 1989-present; John Kyl, 1995-present; Rick Santorum, 1991-present; Olympia Snowe, 1995-present.

I seek all direct correspondence between the Senators or members of their staff and your office, including letters, written material, reports, constituent requests and other relevant material. I am not seeking any secondary material such as phone logs, e-mails, notations of conversations and so on. Since this is a request covering a number of years, I am willing to discuss ways to make this request more manageable to your office. Please contact me at the number above or on my direct line at (202) 485-3109.

In the event any of the documents I have requested are not available for disclosure in their entirety, I request you release any material that may be reasonably separated and released, as provided by Code of Federal Regulations. Furthermore, for any documents, or portions thereof, that are determined to be exempt from disclosure, I request that you exercise your discretion to disclose the materials, absent a finding that sound grounds exist to invoke the exemption, as provided by the Code of Federal Regulations. I also request that you state the specific legal and factual grounds for withholding any documents or portions of documents. Finally, please identify each document that falls within scope of this request but is withheld from release.

If any requested documents are located in, or originated in, another installation or bureau, I request that you refer this request or any relevant portion of this request to the appropriate installation or bureau.

I am willing to pay all reasonable costs incurred in locating and duplicating these materials. Please contact me prior to processing to approve any fees or charges incurred in excess of \$125.

To help assess my status for copying and mailing fees, please note that I am a representative of a political organization gathering information for research purposes only, and not for any commercial activity.

I look forward to your response within ten days after the receipt of this request and please do not hesitate to call me with any questions.

Sincerely,

ALEXIS L. SCHULER,
Research Director.

Mr. BURNS. Mr. President, in this letter, the DSCC is making a broad request under the Freedom of Information Act regarding any information sent from my office to HHS or received from the Department. But it just doesn't include me. I have already said that. It includes a lot of Senators—10 of them, in fact, all Republicans, all up for reelection this year.

The Freedom of Information Act request covers, "all correspondence, inquiries and other information requested by or provided to" my office over the past 10 years in the Senate, including "all direct correspondence between the Senators or members of their staff and the HHS, including letters, written material, reports, constituent requests [very important] and other relevant materials." In other words, they want access to our casework.

I have written to President Clinton demanding that he put an immediate stop to this or any similar action. What we are witnessing here is an unprecedented attempt to corrupt the nonpolitical casework system of Senate offices for political gain. I find these efforts repugnant, and if there are any Americans alive who think politics can't sink any lower, they need to look no further than right here.

Through the letter to the HHS, the Democratic Senatorial Campaign Committee wants more than just to peer into private correspondence of political enemies; it wants to leer into the private lives of those who contact their Senator seeking help with Federal agencies. I have made tens of thousands of contacts on behalf of Montanans who asked me to help them with problems they are having with the Federal Government.

These are problems which, if publicly revealed, could possibly ruin their lives. Many of these people are at the end of their emotional rope. Some of them are at the end of their financial world.

It is beyond belief that the DSCC would consider ruining the lives of ordinary Americans to be all in a day's work in order to defeat this old Senator. This effort would put a permanent chill on the ability of Senators to help constituents in need. It saddens me to think that those who view a Senator's help as their last resort may now believe they have nowhere to turn.

Just today, my office received a letter from a man in Billings, MT, whose wife we helped to receive treatment for breast cancer. As a Federal employee, she was having a hard time receiving

the treatment. And she was entitled to it. After she asked for our assistance, we were able to resolve the matter for her and she got the care she needed. When her cancer spread, the Federal bureaucracy told her she couldn't get the care she needed close to home.

Quoting his letter to me:

After becoming totally frustrated with the whole process, we just gave up. But this time we decided to fight the issue again. I turned to the Senator's office again to enlist his help. And again in what seemed to be a flash of light, the situation has been resolved.

Our office again stepped in. We cut the redtape. We helped her receive the additional radiation therapy while staying at her home in Billings.

These are the people who depend on our help—real people whose lives are literally on the line. But the man who sent me the letter specifically asked that his name not be used in order to protect his privacy and, yes, that of his wife.

Is it right that he should be subject to a Freedom of Information request, that some bureaucrat somewhere could decide on a whim to release this personal, sensitive information? It is hard to comprehend that the DSCC would use the time and the resources of the administration for political purposes in such a massive research effort, regardless of who ultimately pays.

This effort is as constitutionally breathtaking as it is politically suspect. All those who value their civil rights should be outraged at this attempt to invade the privacy of countless unwary citizens. If indeed Federal law permits it, it is an absolute shame. It is enough to make me wonder whether Americans should now expect politicians to use any means to achieve their ends—laws, morals, and ethics be damned.

Our President has said he deplors the politics of personal destruction. However, in this case we are not talking about the destruction of one political opponent, but the lives of innocent Americans. And I am sickened by it. I ask the President and all Americans to stand up against this kind of invasion of privacy, all in the name of gaining an electoral advantage.

My political opponents are welcome to engage me anytime, anywhere, on my record, which I am proud to stand on. But when you try to drag the lives of innocent Montanans into your ugly schemes, I will fight with every breath in my body. It is a sad day.

I yield the floor.

EXTENSION OF NORMAL-TRADE-RELATIONS WITH CHINA

Mr. FEINGOLD. Mr. President, I rise today to support a joint resolution disapproving the extension of normal-trade-relations status to China.

This is the fourth time that I have joined with other Senators to support such a resolution because I believe that trade policy is an effective tool that the United States can and should use

with respect to the policies of the Chinese Government. I am pleased to join Senator SMITH in supporting his resolution.

On June 3, President Clinton announced his intention to extend the normal-trade-relations trading status to China. As I understand it, without actually affecting the practical application of tariff treatment, legislation last year replaced the term "most-favored-nation" in seven specific statutes with the new phrase "normal trade relations." Regardless of which phrase you use, I find this policy unacceptable. Although we have expected the President to make such a decision, I can only say that under the current circumstances I am once again disappointed in the President's decision. In fact, I have objected to the President's policy since 1994, when he first de-linked the issue of human rights from our trading policy. The argument made then was that trade privileges and human rights are not interrelated. At the same time, it was said, through "constructive engagement" on economic matters, and dialogue on other issues, including human rights, the United States could better influence the behavior of the Chinese Government.

Clearly events of the last few months have shown the fallacy of that assumption.

I have yet to see persuasive evidence that closer economic ties alone are going to transform China's authoritarian system into a democracy. Unless we continue to press the case for improvement in China's human rights record, using the leverage of the Chinese Government's desires to expand its economy and increase trade with us, I do not see how U.S. policy can help conditions in China get much better. De-linking trade and human rights has resulted only in the continued despair of millions of Chinese people, and there is no evidence that NTR or MFN or whatever you want to call it, has significantly influenced Beijing to improve its human rights policies. Basic freedoms—of expression, of religion, of association—are routinely denied. The rule of law, at least as we understand it, does not exist for dissenters in China.

Virtually every review of the behavior of China's Government demonstrates that not only has there been little improvement in the human rights situation in China, but in many cases, it has worsened—particularly in the weeks preceding the tenth anniversary of the Tiananmen Square massacre. In fact, China has resumed its crackdown on dissidents who might have attempted to commemorate the anniversary of the Tiananmen Square massacre. Human rights groups have documented the detention of more than 50 dissidents since May 13, with a number still in custody. These have included two detained for helping to organize a petition calling on the government to overturn its verdict on

Tiananmen. The detainees include former student leaders at Tiananmen, a member of the fledgling Democracy Party, intellectuals, and journalists. Those not detained have reportedly been under constant surveillance amid calls by China's top prosecutor for a clampdown on "all criminal activities that endanger state security," including such activities as signature gathering and peaceful protest.

More generally, five years after the President's decision to de-link MFN from human rights, the State Department's most recent Human Rights Report on China still describes an abysmal situation. According to the report, "The Government continued to commit widespread and well-documented human rights abuses. * * * Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process." This list does not even touch on restrictions on freedom of expression, association, and religion or the continuing abusive family planning practices.

In my view, it is impossible to come to any other conclusion except that "constructive engagement" has failed to make any change in Beijing's human rights behavior. I would say that the evidence justifies the exact opposite conclusion: human rights have deteriorated and the regime continues to act recklessly in other areas vital to U.S. national interest. We have so few levers that we can use against China. And if China is accepted by the international community as a superpower without regard to the current conditions there, it will believe it can continue to abuse human rights with impunity. The more we ignore the signals and allow trade to dictate our policy, the worse we can expect the human rights situation to become.

This year—1999—is likely to be the most important year since 1989 with respect to our relations with China. We face many thorny issues with China, including the accidental embassy bombing, faltering negotiations regarding accession to the World Trade Organization and the recent release of the Cox report on Chinese espionage.

But even with all that is going on, the United States and others in the international community yet again failed to pass a resolution regarding China at the United Nations Commission on Human Rights in Geneva earlier this spring, largely because China lobbied hard to prevent it. Despite China's efforts to avert a resolution, the United States must also shoulder some of the blame for the failure to achieve passage—our early equivocation on whether we would sponsor a resolution and our late start in garnering support for it no doubt also contributed to the lack of accomplishment in Geneva. While we would certainly prefer multilateral condemnation of China's human rights practices, the failure to achieve

that at the UN Commission on Human Rights proves that it is even more important for the United States to use the levers that we do have to pressure China's leaders. We can not betray the sacrifices made by those who lost their lives in Tiananmen Square by tacitly condoning through our silence the continuing abuses.

We know that putting pressure on the Chinese Government can have some impact. China released dissident Harry Wu from prison when his case threatened to disrupt the First Lady's trip to Beijing for the U.N. Conference on Women, and its similarly released both Wei Jingsheng and Wang Dan around the same time that China was pushing to have the 2000 Olympic Games in Beijing. After losing that bid, and once the spotlight was off, the Chinese government rearrested both Wei and Wang. These examples only affirm my belief that the United States should make it clear that human rights are of real—as opposed to rhetorical—concern to this country.

If moral outrage at blatant abuse of human rights is not reason enough for a tough stance with China—and I believe it is and that the American people do as well—then let us do so on grounds of real political and economic self-interest. We must not forget that we currently have a substantial trade deficit with China. Over the past few years, the U.S. trade deficit with China has surged. It has risen from \$6.2 billion in 1989 to nearly \$57 billion in 1998. Political considerations aside, a deficit of that size represents a formidable obstacle to "normal" trading relations with China at any point in the near future. Other strictly commercial U.S. concerns have included China's failure to provide adequate protection of U.S. intellectual property rights, the broad and pervasive use of trade and investment barriers to restrict imports, illegal textile transshipments to the United States, the use of prison labor for the manufacture of products exported to the United States, as well as questionable economic and political policies toward Hong Kong.

This does not present a picture of a nation with whom we should have normal trade relations. Or, if the Administration accepts these practices as "normal", perhaps we need to redefine what normal trade relations are. These are certainly not practices that I wish to accept as normal.

My main objective today is to push for the United States to once again make the link between human rights and trading relations with respect to our policy in China. As I have said before, I believe that trade—embodied by the peculiar exercise of NTR renewal—is one of the most powerful levers we have, and that it was a mistake for the President to de-link this exercise from human rights considerations.

So, for those who care about human rights, about freedom of religion, and about America's moral leadership in the world, I urge support for S.J. Res 27

disapproving the President's decision to renew normal-trade-relations status for China.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1379. An act to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 150. An act to authorize the Secretary of Agriculture to convey National Forest System land for use for educational purposes, and for other purposes.

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 150. An act to authorize the Secretary of Agriculture to convey National Forest System land for use for educational purposes, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3575. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of State Permit Programs Under RCRA Subtitle D" (FRL # 6354-7), received June 2, 1999; to the Committee on Environment and Public Works.

EC-3576. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Enhanced Inspection and Maintenance Program Network Effectiveness Demonstration" (FRL # 6355-2), received June 2, 1999; to the Committee on Environment and Public Works.

EC-3577. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, San Joaquin Valley Unified Air Pollution Control District, Siskiyou County Air Pollution Control District, and Bay Area Air Quality Management District" (FRL # 6353-1), received June 2, 1999; to the Committee on Environment and Public Works.

EC-3578. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District" (FRL # 6356-1), received June 2, 1999; to the Committee on Environment and Public Works.

EC-3579. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio" (FRL # 6353-2), received June 2, 1999; to the Committee on Environment and Public Works.

EC-3580. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emissions Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins" (FRL # 6355-5), received June 2, 1999; to the Committee on Environment and Public Works.

EC-3581. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuel and Fuel Additives: Modification of Compliance Baseline" (FRL # 6354-5), received June 2, 1999; to the Committee on Environment and Public Works.

EC-3582. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Service Contracting—Avoiding Improper Personal Services Relationships" (FRL # 6353-9), received June 2, 1999; to the Committee on Environment and Public Works.

EC-3583. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Enhanced Inspection and Maintenance Program" (FRL # 6356-4) and "Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors" (FRL # 6058-6), received June 8, 1999; to the Committee on Environment and Public Works.

EC-3584. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable" (FRL # 6344-4), received June 8, 1999; to the Committee on Environment and Public Works.

EC-3585. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Kresoxim-methyl; Pesticide Tolerances" (FRL # 6085-4), received June 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3586. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Certain Plant Regulators; Cytokinins, Auxins, Gibberellins, Ethylene, and Pelargonic Acid; Exemptions from the Requirements of a Tolerance" (FRL # 6076-5) and "Sethoxydim; Pesticide Tolerance" (FRL # 6080-9), June 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3587. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rescission of Guides for the Watch Industry" (16 CFR Part 245), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3588. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Grand Canal, Florida (CGD07-98-048)" (RIN2115-AE47) (1999-0019), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3589. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Marblehead, MA to Halifax, Nova Scotia Ocean Race (CGD01-99-062)" (RIN2115-AA97) (1999-0026), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3590. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Hospitalized Veterans Cruise, Boston Harbor, MA (CGD01-99-055)" (RIN2115-AA97)