

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—45

Baucus	Edwards	Levin
Bayh	Feingold	Mikulski
Biden	Feinstein	Miller
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Byrd	Johnson	Robb
Chafee, L.	Kennedy	Rockefeller
Cleland	Kerrey	Roth
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—52

Abraham	Gorton	McConnell
Allard	Gramm	Nickles
Ashcroft	Grams	Roberts
Bennett	Grassley	Santorum
Bond	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Hatch	Smith (NH)
Burns	Helms	Smith (OR)
Campbell	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lincoln	Thurmond
Domenici	Lott	Thurmond
Enzi	Lugar	Voinovich
Fitzgerald	Mack	Warner
Frist	McCain	

NOT VOTING—3

Akaka	Lieberman	Murkowski
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The amendment (No. 4081) was rejected.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the motion to proceed to the consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations be-

tween the United States and the People's Republic of China.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the motion to proceed.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The motion under consideration is the motion to proceed to H.R. 4444 which the clerk has already reported, and the yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—92

Abraham	Feinstein	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Miller
Bayh	Graham	Moynihan
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Chafee, L.	Hutchison	Schumer
Cleland	Inouye	Sessions
Cochran	Johnson	Shelby
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Craig	Kerry	Specter
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lincoln	Warner
Edwards	Lott	Wellstone
Enzi	Lugar	Wyden
Feingold	Mack	

NAYS—5

Bunning	Inhofe	Smith (NH)
Campbell	Jeffords	

NOT VOTING—3

Akaka	Lieberman	Murkowski
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The motion was agreed to.

Mr. HAGEL. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I don't think we have reached an agreement on amendments yet. It is my intention to have some good, substantive debate on amendments. I have a number of amendments I want to bring to the floor. I certainly will agree to time limits on each of these amendments.

Mr. REID. If the Senator will yield, Senator MOYNIHAN has informed me that there has been an agreement reached between he and Senator ROTH and you, and that you would agree to 45 minutes on your side and they would agree to 20 minutes, with no second-degree amendments; is that right?

Mr. WELLSTONE. That is correct. It is not on paper yet, but I think that is what we will agree to.

Mr. REID. Can we agree to it right now?

Mr. WELLSTONE. No. There are a few things to be worked out first.

Mr. REID. I thank the Senator.

AMENDMENT NO. 4114

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. HELMS, proposes an amendment numbered 4114.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the President to certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring religious freedom, as recommended by the United States Commission on International Religious Freedom)

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999; and

(2) following the recommendations of the United States Commission on International Religious Freedom, the People's Republic of China has made substantial improvements in respect for religious freedom, as measured by the fact that—

(A) the People's Republic of China has agreed to open a high-level and continuing dialogue with the United States on religious-freedom issues;

(B) the People's Republic of China has ratified the International Convention on Civil and Political Rights, which it has signed;

(C) the People's Republic of China has agreed to permit the United States Commission on International Religious Freedom and international human rights organizations unhindered access to religious leaders, including those imprisoned, detained, or under house arrest;

(D) the People's Republic of China has responded to inquiries regarding persons who are imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known, although they were last seen in the custody of Chinese authorities; and

(E) the People's Republic of China has released from prison all persons incarcerated because of their religion or beliefs.

On page 5, line 10, strike "section 101(a)" and insert "section 101".

Mr. WELLSTONE. Mr. President, first, I say to colleagues that if I was not on the floor right now, I would be in the Foreign Relations Committee. Senator BROWBACK is conducting some hearings that deal with religious freedom in China. This amendment also deals with the same question.

I rise today, Democrats and Republicans, to offer an amendment. I offer this amendment with Senator HELMS of North Carolina. I believe later on Senator FEINGOLD is going to want to be added as a cosponsor.

This amendment will prove that our country cares deeply about religious freedom and our country is not indifferent to the suffering of millions of Chinese who face religious persecution. Respect for religious liberty goes to the heart of American values. We cannot say that we are deeply committed to human rights and that we are deeply committed to religious freedom and then remain silent as we witness China's abuse of both of these rights.

Two years ago, in a 98-0 vote, the Senate overwhelmingly passed the International Religious Freedom Act, which created the Commission on International Religious Freedom. Congress instructed that the Commission make recommendations to us when it comes to how, through our foreign policy, we could promote international religious freedoms. It took this mandate seriously. After a year-long investigation, the Commission—and this is the report of the U.S. Commission on International Religious Freedom, which was issued May 1, 2000—found that "The government of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs."

My amendment follows verbatim the Commission's recommendation. It was the recommendation of this Commission, which we established by a 98-0 vote, to delay PNTR until China made "substantial" improvements in allowing its people the freedom to worship as measured by several concrete benchmarks.

People who believe in religious freedom have long understood a basic truth—that America, our country, can never be indifferent to religious persecution. When others are hounded or persecuted for their religious beliefs, we are diminished by our own failure to act or speak out. But when we embrace the cause of religious freedom, we reaffirm one of the great values of American democracy.

This legislation and this administration is focused on trade, which it is now promoting as a human rights policy. But trade alone will never guarantee change. This report, which I am going to read in a moment, on religious persecution in China issued just this year is brutal. The State Department issued its report on international religious freedom.

Senators cannot turn their gaze away from this unpleasant truth. They talk about a tremendous amount of persecution in China.

We have now had two reports by the State Department on human rights which have not reported great improvement. This past year, the State Department report on human rights abuses talked about a brutal climate in China. We cannot reward China with PNTR while it continues to harass and jail people because of their religious beliefs.

Just yesterday, the Washington Post reported that China has indicted 85 members of a Christian sect in a followup to the recent retention of 130 of its members and the expulsion of 3 American missionaries.

With passage of PNTR, the United States of America gives up our annual right of review of China's most favored nation trade privileges as well as our bilateral trade remedy. We have not used this leverage as effectively as we should. But do we want to give up all of this leverage? Do we want to say we do not take into account this religious persecution in China and we will no longer annually review trade relations to maintain some leverage and some voice in support of the right of people in China to practice their religious beliefs?

During the debate on the International Religious Freedom Act, many of my colleagues made impassioned speeches that U.S. foreign policy should never ignore the importance of this fundamental right of people to be able to practice their religion and not be persecuted in our dealings with other countries. In fact, Congress instructed the Commission to make recommendations to ensure that American foreign policy promotes international religious freedom.

That is what this amendment is about.

The Commission's members—because I am going in a moment to mirror their recommendations, which is what this amendment basically reflects—are drawn from both parties and represent extremely diverse points of view, including, by the way, the members of this Commission as strong proponents of free trade. Its members include Elliot Abrams, former assistant to President Ronald Reagan; John Bolton of the American Enterprise Institute; Rev. Theodore McCarrick, the Archbishop of Newark; Nina Shea of Freedom House; and Rabbi David Sapperstein, director of the Religious Action Center for Reform Judaism.

Despite the Commission's extraordinary diversity, its members unanimously agreed on no PNTR for China. We voted 98-0 for this legislation. We established this Commission. We asked this Commission to present to us recommendations about how we could promote religious freedom. The Commission took this mandate seriously. I want to just quote from this Commission's report. Its members unani-

mously agreed that we should vote no on PNTR for China.

Given the sharp deterioration in freedom of religion in China during the last year, the Commission believes an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom.

We are just asking in our amendment that Democrats and Republicans go on record as not being indifferent when it comes to the question of religious freedom.

I will explain my amendment in a moment. I see my colleague, Senator HELMS, on the floor. I yield to the Senator from North Carolina and ask unanimous consent that I be able to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks from my desk.

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

Mr. HELMS. I thank the Chair. I thank the Senator from Minnesota.

Mr. President, around this place we customarily say in a case such as this that we are "pleased" to support an amendment. I am honored to support this amendment, and I am honored to cosponsor it with my friend from Minnesota. In this case, we both have the same conviction about what our Government and our country ought to do before granting permanent normal trade relations to China.

I am sure Senator WELLSTONE has made it clear, but for the purpose of emphasis, this amendment directs the President, if China has indeed met a series of religious freedom conditions, to certify such before granting permanent normal trade relations with China.

This amendment really tells China—and, just as importantly, the rest of the world—that we in America still stand for something, something other than profits, something other than whatever benefit may be imagined by the steps the President is trying to take with China.

In this case, we are saying we don't believe China should be welcomed into international organizations such as the WTO while China continues to repress, to jail, to murder, and to torture their own citizens simply because those citizens have dared to exercise their faith.

Let me quote a passage from the Clinton State Department's own report on religious freedom that was delivered to the Congress of the United States just this past week. This is the State Department:

In 1999, the Chinese government's respect for religious freedom deteriorated markedly.

The question is, Are we going to stand here today and ignore this, knowing that China abuses, mistreats, and murders its own people? Are we going to ignore the crackdown on

Christians that began just last week, during which three Americans—Americans, let me emphasize—were arrested by the Communist Chinese?

Other crimes against religious believers in China abound. In the past couple of years, China has intensified its so-called patriotic reeducation campaign aimed at destroying Tibetan culture and religion. Similar horror stories are taking place in the Muslim northwest where the Chinese Government is smashing, destroying, and stomping anybody who attempts to display any kind of ethnic or true religious identity.

It is naive to believe these abuses will be dealt with by the Commission set up by this legislation. I hope I live long enough to see it happen. I will surpass, I believe, I fear, Senator THURMOND in age before that happens or, more precisely, until hell freezes over because it is not going to happen, not in the lifetime of anybody in this Chamber.

The example of the recently created Commission on Religious Freedom is very instructive. After dramatically cataloging the barbaric crackdown on religious freedom in China, the Commission recommended—how do you like them apples?—that permanent normal trade relations not be granted to China at this time. But nobody pays any attention, similar to a train passing in the night.

Here we are today, ready to toss all of those findings, all of the things we know are going on, and say we ought to do it. Not with my vote, Mr. President; not with my vote. That is why we must insist that progress on religious freedom precede China's entry into the WTO. That is precisely what this amendment does. I urge its adoption. I commend the Senator from Minnesota for sponsoring it.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from North Carolina. Mr. President, so that all Senators will know what this amendment does, let me be very precise about it. I look forward to hearing a response from my colleague from Nebraska.

It tracks the recommendations of the Commission on Religious Freedom precisely, that the U.S. Congress should grant PNTR, the Commission said, only after China makes substantial improvements with respect to freedom of religion as measured by the following standards, which I think are not unreasonable:

(A) China agrees to establish a high level and ongoing dialog with the U.S. Government on religious freedom issues; (B) China agrees to ratify the International Covenant on Civil and Political Rights which it signed in 1998; (C) China agrees to permit unhindered access to religious leaders, including those imprisoned, detained, or under house arrest by the U.S. commission on international freedom and other

human rights organizations; (D) China provides a detailed response to inquiries regarding a number of persons who were imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known but who were last seen in the custody of Chinese authorities. And, finally, China has made substantial progress in releasing from prison all persons incarcerated for religious reasons.

This amendment is basically the recommendations of the report on the U.S. Commission on International Religious Freedom. The Commission settled on these reasonable conditions after an intensive investigation where they met with Government officials, bishops, monks, and members of house churches in China. Its report extensively documents abuses against Christians, Muslims, Buddhists, and others in China.

Let me give my colleagues a few examples. I start with Christians. The Commission found that the Chinese Government has engaged in crackdowns on the Protestant house church movement and Catholics loyal to the Vatican. Last week, Chinese authorities arrested over 130 Evangelical Christians, including 3 Americans, for holding a revival meeting. Further, Chinese authorities detained scores of Protestant worshipers and detained, beat, and fined unknown underground Catholics in Hebei Province last year. In recent months, many Catholic clergy loyal to the Vatican have also been detained. One young bishop was detained while performing an unauthorized mass. He was found dead on the street in Beijing shortly after being released from detention. The Vatican reports that five churches built without the Chinese Government's authorization were torn down, and another 15 were destroyed in Fujian Province.

While harsh prison sentences and violence against religious activists continue, state control, increasingly, takes the form of the registration process. This is the way the Government monitors membership in religious organizations, locations of meetings, selection of clergy, and content of publications. If religious members do not register, they can be fined, their property seized, and sometimes they are detained. Again, I am just summarizing the reports that are before the Senate.

Muslims: The Government has also carried out a major purge of local officials in heavily populated Muslim areas and targeted "underground" Muslim religious activities. The Government has banned the construction or renovation of 133 mosques, and arrested scores of Muslim religious dissidents.

In Xinjiang, Muslims holding positions in the Government who continue to practice Islam have lost their jobs. Local newspapers report that authorities were moving village by village, hamlet by hamlet, to clean up illegal religious activity. Religious teachers

and students at unregistered schools have been detained, and they have been sent to reeducation through labor camps. Conditions in Xinjiang labor camps are said to be the most horrific in China. Brutality and hunger are common, some inmates simply disappear. As in other areas in China, officials have launched an indepth "atheist education" campaign. As in Tibet, access to information is severely restricted.

These are the reports before the Senate. And we are going to say that we will not speak out, and we are not going to at least ask China to comply with minimum standards of decency when it comes to ending this religious persecution before we automatically renew trade relations?

Now to Tibetans. Prior to the Chinese invasion in 1950, Tibet was a country steeped in religion. Religious practice was central to the identity and the lives of Tibetan people. Recognizing the power of religion in Tibetan life, the Chinese have attempted to destroy this cultural base, to quell dissent with authoritarian rule. Over 6,000 monasteries and sacred places have been destroyed by the Chinese over the last 40 years. Today in Tibet, human rights conditions remain grim. Tibetan religious activists face "disappearance" or incommunicado detention, long prison sentences, and brutal treatment in custody. We are going to be silent about this?

In addition, a Government-orchestrated campaign against the Dalai Lama continues. The campaign includes a reeducation program for monks and nuns which the government has spread widely. In one county, for example, monks were locked in their rooms for over 3 weeks for their refusal to denounce the Dalai Lama. In another region, over 120 resident nuns were expelled from their monasteries.

In an action denounced by the Dalai Lama, the Beijing government picked a boy as the reincarnation of the Panchen Lama. This is the latest campaign by the Chinese government to control the future of their religion. In 1995, the Dalai Lama identified another Tibetan boy as the reincarnate Panchen Lama. The Chinese government immediately denounced the Dalai Lama's choice, arrested the boy and his family, and pushed their choice. Chinese authorities continue to hold the Panchen Lama—the world's youngest political prisoner—at a secret location and have refused all requests to visit him by official and unofficial foreign delegations.

As the Commission declared:

The Chinese government has no more authority under Tibetan Buddhism to select reincarnated lamas than they do to select bishops under Roman Catholicism.

The Karmapa Lama, a young Tibetan man, who was groomed by the Chinese for their own political purposes recently fled his monastery and his Chinese guards for life in exile in India. He had been used cynically by the Chinese as a symbol of religious freedom, yet

was unable to receive instruction by religious tutors as required by Tibetan tradition. Earlier this year, the young leader said:

Tibet has suffered great losses. Tibetan religion and culture have reached the point of complete destruction.

And we do not take that into account with this legislation? We do not even want to go on record supporting religious freedom?

China's excesses can be felt even closer to home as witnessed this past week in New York. On August 28th, more than 1,000 religious leaders from around the world attended the Millennium Peace Summit, a conference organized under the authority of the United Nations. Because of pressure from the Chinese government, the Dalai Lama, spiritual leader of Tibetan Buddhists and winner of the Nobel Peace Prize, was conspicuously not invited. U.N. officials and China's own diplomats told conference organizers that China would oppose any appearance in the U.N. General Assembly chamber by the leader of Tibet's 15 million Buddhists.

By the way, I note that Ms. Jiang, from the Qi Gong movement, and Mr. Harry Wu—and I will have an amendment on prison labor—I think is somewhere here in the gallery during this debate.

Perhaps the most egregious example of the PRC government's contempt for the rights of its own citizens has been the unrelenting campaign of repression against practitioners and defenders of Falun Gong, a popular practice of meditation and exercises.

According to international news media reports, at least 50,000 Falun Gong practitioners have been arrested and detained, more than 5,000 have been sentenced to labor camps without trial, 400 have been incarcerated in psychiatric facilities, and over 500 have received prison sentences in cursory show trials. Detainees are often tortured and at least 33 practitioners have died in government custody. Every day there is a report in the New York Times about these abuses in China. Are we just going to ignore all of this?

Consider, for instance, the death of Chen Zixiu, a 58-year-old retired auto-worker, who was killed by torture at the hands of Beijing officers when she was unable to pay the fine for her jail time. As described in the Wall Street Journal:

The day before Chen died, her captors again demanded that she renounce her faith in Falun Gong. Barely conscious after repeated jolts from a cattle prod, the 58-year-old stubbornly shook her head. Enraged, the local officials ordered Ms. Chen to run barefoot in the snow. Two days of torture had left her legs bruised and her short black hair matted with pus and blood, said cellmates and other prisoners who witnessed the incident. She crawled outside, vomited, and collapsed. She never regained consciousness.

Furthermore, over 600 Falun Gong practitioners have reportedly been committed to mental hospitals, where they have been mistreated with injec-

tions, sedatives, anti-psychotics, as well as electric shocks. State doctors are misusing the practice of psychiatry against political dissidents, as in the practice of "Soviet psychiatry." That was the country from which my father fled persecutions. The Washington Post recently reported on a computer engineer and a Falun Gong practitioner who died after spending a week in a mental hospital where doctors injected him, twice daily, with an unknown substance that made him lose mobility and finally led to heart failure.

This man suffered extreme mistreatment simply for peacefully exercising their beliefs, a right recognized by the United Nations Declaration of Human Rights and guaranteed by China's own Constitution. It is particularly disturbing that Chinese officials have publicly defended these atrocities on the spurious ground that Falun Gong is allegedly destabilizing the country. Beijing has made similar statements about Christian "house churches" that refuse to submit to government oversight and direction.

As Rabbi David Sapperstein, the former Chairman of the United States Commission on International Religious Freedom, he said:

Falun Gong has almost become the symbol for the struggle for religious freedom. And when thousands and thousands of people have been arrested, imprisoned, tortured, when people have died in prison, it is impossible for countries to say they are deeply committed to human rights and remain silent. And that is why we have urged the United States government to speak out.

Please let me repeat that:

And when thousands and thousands of people, Rabbi David Sapperstein goes on to say "have been arrested, imprisoned, tortured, when people have died in prison, it is impossible for countries to say that they are deeply committed to human rights and remain silent. And that is why we have urged the U.S. government to speak out.

In conclusion, I urge my colleagues to support this amendment. It will show that the U.S. Senate does not just pay lip service to the importance of religious freedom, and that it supports the right of millions of Chinese to practice their faiths in peace and without persecution. My amendment is the least we can do. China should not be awarded PNTR now while it continues to arrest Christians, torture Muslims, and hound Tibetans—all because they refuse to renounce their beliefs.

This is a vote on religious freedom. This is a vote about our commitment to it. I do feel strongly about this, given my own background and what my family went through in another country, Russia. But I also want to say to colleagues that it is, in my view, not acceptable to vote "no"; to vote against this amendment or to table this amendment with the argument being: But if we pass an amendment we would have to go to conference committee. Try telling that to people back home.

To me this is the ultimate insider's argument: We cannot support an

amendment that supports religious freedom because then the bill we passed would be in a different form than the House bill, and it would have to go to conference committee.

People are not going to be persuaded by that argument. People want us to vote for what we think is right, and that is what we should do. I say to Senators, I personally believe it is a bogus argument. Every Senator in this Chamber knows that if we are serious about passing legislation—I have not been involved in a strategy of delay. I know we are going to have the debate, and I know the legislation is going to pass. But if we want to pass the legislation, there are all sorts of precedents.

We will get it to conference committee, and we will get it right out of conference committee and pass it. We can put it into an omnibus Appropriations Committee report. There are many ways this legislation can be passed, and I do not believe Senators should be able to say: No, we are not going to vote for this amendment that deals with religious persecution because we do not want this legislation to go to conference committee.

This legislation can go to conference committee, come out of conference committee, and it can pass. I hope my colleagues will vote for this amendment.

I reserve the remainder of my time. I know we are not under a UC agreement, but I will take a few more minutes to respond later.

THE PRESIDING OFFICER. The Senator from Nebraska.

MR. HAGEL. Mr. President, if the other side is prepared to enter into time agreements, this side is as well.

I ask unanimous consent that when the Senate considers the following amendments, they be considered under the following debate times prior to votes in relation to these amendments:

Wellstone, international religious freedom;

Wellstone, human rights conditions;

Wellstone, prison labor;

Wellstone, right to organize;

Wellstone, persecution of union organizers.

Further, with respect to each amendment, there be 45 minutes under the control of Senator WELLSTONE and 20 minutes under the control of Senator ROTH, or his designee. Finally, I ask unanimous consent that no amendments be in order to the amendments prior to a vote in relation to the amendments.

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

MR. WELLSTONE. Mr. President, I thank my colleague. That is more than a reasonable way to proceed. I say to my colleague from Nebraska before he responds, so we can move forward in an expeditious way, I will be prepared when I get the floor to lay my amendments out and then lay them aside so other Senators can offer amendments.

MR. HAGEL. Mr. President, in response to my friend and colleague, the

Senator from Minnesota, on his first amendment regarding religious persecution, my opposition to his amendment is not because I believe there is religious freedom in China. Clearly, there is not. I believe every one of the Members of this body understands that as well. It is my opinion that if we adopt this amendment, it will have the opposite effect desired by its sponsors.

The issue is: How do we best influence the behavior of China on human rights? I believe if we kill permanent normal trade relations with China, it will not be in the best interest of human rights in China.

I share my colleague's concern, as do each of our colleagues in this body, about the repression of citizens' rights in China. Again, the question is, How do we best influence that behavior? How do we best deal with it?

I believe, as well intentioned as this amendment is, that it is misguided and that it will kill, if adopted, this bill. If this amendment is adopted, effectively it will kill permanent normal trade relations this year and have an influence, I suspect, on this bill into next year.

As my colleague has pointed out, if any amendment is attached to permanent normal trade relations, then it will go back to the House for another vote, we will have a conference. Then I believe because of time, if for no other reason, we will have no permanent normal trade relations with China.

One of the most dynamic challenges of our time is America's relationship with China. This challenge represents opportunity and uncertainty for both nations. How the U.S.-China relationship unfolds will have immense consequences for the world and human rights. It is my opinion that it is in the best interests of America, China, and the world that America engage this relationship in every way on every field.

Trade surely is a common denominator for the future of the world. We must encourage China's entrance into the World Trade Organization, and we should grant China PNTR. We must do this certainly, obviously, with a very clear eye to the understanding of the limitations, the challenges, and the realities of this relationship with China. We have an opportunity to move this relationship along a track with positive growth, potential possibilities, and for a future that is far brighter than the future that now exists in China. History will judge us harshly if we squander this opportunity.

China is currently positioned to be admitted to the WTO, the 135-member international organization that works to break down trade barriers and foster free and fair trade among member countries. Once it becomes a member of the WTO, China must implement far-reaching domestic economic reforms, eliminate trade barriers, and strengthen its laws governing domestic business practices, environmental practices, and, yes, human rights is part of that. Human rights is part of that dynamic.

These changes will set China on the road toward becoming a responsible member of the international community. This is clearly in our national interest, it is clearly in the interest of the world, and it is clearly in the interest of human rights in China.

This debate is not only about trade. Far from it. It is much more than trade. For China's future, it must implement the reforms that WTO membership requires, yes, if its economy is to continue to grow and hundreds of millions of Chinese are to be lifted out of abject poverty and hunger.

As nations prosper, the world becomes more peaceful and free. When there is freedom, peace, and prosperity, there is less conflict, less poverty, less hunger, and, yes, less war. That is in the interest of all peoples.

I believe China's membership in the WTO will have a positive influence on human rights in China. Like people everywhere, the Chinese people want more control over their personal lives, more freedom, more rights. They want more control over their own destinies. People who are poor have little power.

Membership in the WTO will, in the long run, increase the prosperity of the Chinese people. The reforms required by WTO membership will strengthen China's economy which will create jobs and boost standards of living, as it does elsewhere in the world, and bring more personal freedom. This is critical if the Chinese people are to lift themselves out of poverty and begin to gain more control over their own destinies.

That is a major reason why Taiwan supports China's accession to the WTO. Martin Lee, leader of Hong Kong's democratic party and outspoken critic of China's Government, also supports China's membership in the WTO, as does, in fact, the Dalai Lama, as do many of China's most prominent human rights activists.

On May 23 of this year, the House of Representatives voted to grant China PNTR status. The Senate should do the same. If Congress grants China PNTR, American businesses and agricultural producers will be able to compete in every segment of the Chinese market.

If Congress fails to pass the Chinese PNTR legislation, we will lock ourselves out of the world's largest and fastest growing market, while our European and Japanese competitors rush in to fill the vacuum. That makes no sense. What sense does that make? How are we influencing the behavior of the Chinese Government? How are we improving human relations and religious freedoms in China when we walk away from China?

One of the main benefits of China's membership in the WTO will be the mandatory reduction of its tariffs on agricultural products, as well as all goods and services. These changes, combined with PNTR for China, will enable America's agricultural producers to tap further and deeper into this huge potential market. Agricultural producers, manufacturers, and

service providers will be free to select partners, marketers, buyers, and distributors in China, instead of being forced to go through state-owned trading companies or middlemen.

The Chinese will also have to eliminate export subsidies for their agricultural and other products as well as import barriers such as quarantine and sanitary standards that are not based on sound science. And if the Chinese do not comply with their commitments under the agreement, the United States can petition the WTO to force them to do so. There will be strong economic and political incentives in place to encourage Chinese compliance.

Our markets have long been open to China. Now it is their turn to open their markets to us. We have signed a bilateral trade agreement with China that effectively levels the playing field for the first time ever. But if we do not grant PNTR to China, then all the hard-won concessions in our trade agreement will not apply to the United States; however, they will apply to all other WTO members who do grant PNTR to China. That would represent a tremendous loss and mindless disservice to American businesses, farmers, and workers. And, yes, I say again, what effect would this have on improving rights and improving the Chinese behavior toward those rights and toward their own people?

It is important to the world and to the Chinese people that China become integrated in the global trading system. China's economy will open more quickly to foreign exports and investments, increasing the interaction of the people of China with the rest of the world and increasing their standard of living and potential for more freedom.

These developments will have a positive effect on all human rights in China, provide growth opportunities to American businesses and farmers and workers, and help stabilize a very important region of the world.

This issue has serious geopolitical and, surely, national security interests attached to it for both America and the world, as well as trade and economic interests. They are all interconnected. We must be wise enough to understand this interwoven dynamic and act on it. When nations are trading with each other, they are rarely sending their armies against each other. These are common denominator self-interests for all nations, for all peoples.

China's membership in the WTO and Congress' granting of PNTR are clearly in the best interests of, yes, America, and I believe in the best interests of China, the people of China, and the world. I strongly encourage my colleagues to vote for this bill and oppose all amendments to it.

I add one last point. It is not a matter, I say to the good Senator from Minnesota, of this body or of this Nation or of our people looking the other way when it comes to human rights violations in China. We are not looking the other way. We are finding a course

that some of us believe is the correct course to influence the behavior of China. It is for that reason that I shall support this bill and oppose all amendments.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. Mr. President, I ask unanimous consent that following the vote on the Wellstone amendment that is now pending Senator BYRD be allowed to offer the next amendment.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me, first of all, say to the Senator from Nebraska and to other Senators, that I appreciate what he said, although I think some of my colleagues' remarks were more general remarks about the overall trade agreement. I will try to respond to a little bit of that. But I don't want Senators to get away from what this amendment is about and this vote.

By a 98-0 vote, we supported the International Religious Freedom Act. We said that we were concerned about promoting religious freedom throughout the world. This legislation called for a commission to be set up, called the U.S. Commission on International Religious Freedom, to make recommendations to us about how we could promote religious freedom throughout the world.

This Commission has come up with a recommendation about China. What this Commission has said—a Commission with extraordinary diversity; some of its members for PNTR, other members against it; some of its members Republican, some of its members Democrat; some of its members Christian, Jewish, you name it—and I quote:

Given the sharp deterioration in freedom of religion in China during the last year, the Commission believes an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom.

That is what this amendment is about. That is what this vote is about. This amendment mirrors the recommendations of this Commission.

This amendment does not say that we should not trade with China. This amendment does not say that we should isolate China. This amendment does not say that we should not continue to have economic relations with China. This amendment does not say we should boycott China. This amendment is not a China-bashing amendment. This amendment goes to the very heart of what we say we are about as a country and what we are about as a Senate.

All this amendment says is that before we finally sign off on PNTR, before

we automatically renew normal trade relations—or what we used to call most favored nation status—with China, let's at least call upon China to live up to the following standards: China will agree to establish a high-level and ongoing dialog with the U.S. Government on religious freedom issues; China will agree to ratify the International Covenant on Civil and Political Rights, which it signed in 1998; China will agree on unhindered access to religious leaders, including those who have been imprisoned; China will give us a detailed response to inquiries about a number of people who have been in prison or detained or whose whereabouts are not known; and China will show they have made substantial progress in releasing from prison all persons incarcerated for religious reasons.

This amendment does not say we do not trade with China. This amendment does not say we do not have economic relations with China. This amendment just says that we ought to, in this trade agreement, not just focus on the "almighty" dollar. By the way, we will have this debate tomorrow.

I said yesterday—and I know other Senators will say it—my colleague from Nebraska talks about all these exports. I want to tell you, we are going to see a lot more investment, not necessarily more exports. When I hear my colleague from Nebraska describe what is freedom in China, and what is going to go on, I can't figure out exactly what he is trying to get at. We have these two reports on the brutal treatment of people.

I just spent 30 or 40 minutes giving examples of the persecution in China. We have the State Department report on human rights abuses. We have all the human rights organizations reports. We just want to say no, that doesn't matter? We don't want to take this into account at all? We don't want to at least pass an amendment that says yes to normal trade relations, but, China, you must at least live up to these elementary conditions, this sort of basic definition of decency? We don't want to go on record supporting that?

We have U.S. companies going to China right now, and they are paying 3 cents an hour. We have people working from 8 in the morning until 10 at night, with maybe a half an hour off from work, under deplorable, horrible working conditions. If they should dare to try to organize a union, they wind up in prison serving 3- to 8-year sentences. I hear from my colleagues we are all concerned about freedom. The evidence just does not support that.

Let me be clear by way of summary: This amendment I have introduced—cosponsored by Senator HELMS and, I believe, Senator FEINGOLD—says we are going to take seriously the International Freedom Act that we passed, we are going to take seriously the recommendations of this report, we are going to say there will be normal trade

relations, but the Chinese Government does have to live up to these standards; we are not going to be indifferent to the religious persecution that is taking place in this country.

If this report had not come out by the U.S. Commission on International Religious Freedom, if the State Department had not come out with a report saying it is brutal what is happening to people—Christians, Muslims, Catholics, you name it—then I wouldn't have this amendment. But this is the evidence that is staring us in the face.

The amendment I have introduced calls upon the Senate not to be silent on this question. I know all about some of the companies that have all of their ideas about investment. I know the ways in which they are going to make China an export platform, where they can pay people miserably low wages and then send products back to our country. They are doing that right now. I understand all of the economic power behind this. But I ask my colleagues, are there not other values that matter to us? How about religious freedom?

Again, I say to my colleague from Nebraska, this isn't about whether or not this bill will pass. That is not a legitimate excuse to vote against this amendment. If you feel strongly about religious persecution and you do not want to be indifferent, then you should support this amendment. If we pass this amendment and this bill goes to conference committee, then it will be rereported out of conference committee. And if there is the will to pass this and there is overwhelming support for establishing normal trade relations with China without annual review, it will pass. Everyone knows that. Don't use that as an excuse. Just vote for what you think is right.

Don't go home to the coffee shops in your State and say: Well, yes, I think these reports about persecution of people were terrible. I certainly didn't want the Senate to be indifferent, and I didn't want to communicate a message to the Chinese Government that all we care about is the economics, we don't care about these issues. The thing of it is, I couldn't vote for this amendment because if I voted for this amendment, then the bill wouldn't have been passed in the same form in the House and the Senate. And then it would have had to go to conference committee, and that would have meant there would be some delay. I didn't want there to be any delay.

People's eyes will glaze over. They will look at you, and they will say: Why don't you just vote for what you think is right or wrong. Don't give us this insider talk which, by the way, is not so persuasive.

We could pass this bill in any number of different ways with this amendment. I hope my colleagues will support it.

AMENDMENTS NOS. 418 THROUGH 421, EN BLOC

Mr. WELLSTONE. Mr. President, I know Senator BYRD has some amendments. What I will do is send up my

other amendments and ask for their consideration. Then I will lay them aside so other colleagues may introduce their amendments. I send my other four amendments to the desk en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be reported and laid aside.

The clerk will report.

The legislative clerk read as follows: The Senator from Minnesota [Mr. WELLSTONE] proposes amendments Nos. 4118 through 4121 en bloc.

The amendments are as follows:

AMENDMENT NO. 4118

(Purpose: To require the President to certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection)

On page 4, line 22, beginning with "Prior" strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, signed in October 1998, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies, foreign journalists, diplomats, and independent human rights monitors;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and ongoing dialogue with the United States on religious freedom; and

(7) the leadership of the People's Republic of China has entered into a meaningful dialogue with the Dalai Lama or his representatives.

SEC. 102. EFFECTIVE DATE.

(a) **EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.**—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4119

(Purpose: To require the President certify to Congress that the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products and for other purposes)

On page 4, line 22, beginning with "Prior", strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China is complying with the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on August 7, 1992;

(3) the People's Republic of China is complying with the Statement of Cooperation on the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on March 14, 1994; and

(4) the People's Republic of China is fully cooperating with all outstanding requests made by the United States for visitation or investigation pursuant to the Memorandum referred to in paragraph (2) and the Statement of Cooperation referred to in paragraph (3), including requests for visitations or investigation of facilities considered "reeducation through labor" facilities.

SEC. 102. EFFECTIVE DATE.

(a) **EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.**—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4120

(Purpose: To require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions)

On page 4, line 22, beginning with "Prior", strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of union organizing; and

(3) the People's Republic of China has made substantial progress in releasing from prison all persons incarcerated for organizing independent trade unions.

SEC. 102. EFFECTIVE DATE.

(a) **EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.**—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4121

(Purpose: To strengthen the rights of workers to associate, organize and strike, and for other purposes)

At the end of the bill, add the following:

TITLE VIII—WORKER RIGHTS

SEC. 801. SHORT TITLE.

This title may be cited as the "Right to Organize Act of 2000".

SEC. 802. EMPLOYER AND LABOR ORGANIZATIONS PRESENTATIONS.

Section 8(c) of the National Labor Relations Act (29 U.S.C. 158(c)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraphs:

"(2) If an employer or employer representative addresses the employees on the employer's premises or during work hours on issues relating to representation by a labor organization, the employees shall be assured, without loss of time or pay, an equal opportunity to obtain, in an equivalent manner, information concerning such issues from such labor organization.

"(3) Subject to reasonable regulation by the Board, labor organizations shall have—

"(A) access to areas in which employees work;

"(B) the right to use the employer's bulletin boards, mailboxes, and other communication media; and

"(C) the right to use the employer's facilities for the purpose of meetings with respect to the exercise of the rights guaranteed by this Act."

SEC. 803. LABOR RELATIONS REMEDIES.

(a) **BOARD REMEDIES.**—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the fourth sentence the following new sentence:

"If the Board finds that an employee was discharged as a result of an unfair labor practice, the Board in such order shall (1) award back pay in an amount equal to 3 times the employee's wage rate at the time of the unfair labor practice and (2) notify such employee of such employee's right to sue for punitive damages and damages with respect to a wrongful discharge under section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187), as amended by the Fair Labor Organizing Act."

(b) **COURT REMEDIES.**—Section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187) is amended by adding at the end the following new subsections:

"(c) It shall be unlawful, for purposes of this section, for any employer to discharge an employee for exercising rights protected under the National Labor Relations Act.

"(d) An employee whose discharge is determined by the National Labor Relations Board under section 10(c) of the National Labor Relations Act to be as a result of an unfair labor practice under section 8 of such Act may file a civil action in any district court of the United States, without respect to the amount in controversy, to recover punitive damages or if actionable, in any State court to recover damages based on a wrongful discharge."

SEC. 804. INITIAL CONTRACT DISPUTES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h)(1) If, not later than 60 days after the certification of a new representative of employees for the purpose of collective bargaining, the employer of the employees and the representative have not reached a collective bargaining agreement with respect to the terms and conditions of employment, the employer and the representative shall jointly select a mediator to mediate those issues

on which the employer and the representative cannot agree.

“(2) If the employer and the representative are unable to agree upon a mediator, either party may request the Federal Mediation and Conciliation Service to select a mediator and the Federal Mediation and Conciliation Service shall upon the request select a person to serve as mediator.

“(3) If, not later than 30 days after the date of the selection of a mediator under paragraph (1) or (2), the employer and the representative have not reached an agreement, the employer or the representative may transfer the matters remaining in controversy to the Federal Mediation and Conciliation Service for binding arbitration.”.

Mr. WELLSTONE. Mr. President, all these amendments will have debate and time agreements, and we will move along.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent that the vote regarding the pending Wellstone amendment occur at 12:15 p.m.

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

Mr. GRAMS. I thank the Chair.

I yield up to 3 minutes to my colleague from Montana to speak on the pending Wellstone amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, all my colleagues support the intent of the Wellstone amendment. Of course, we want to protect religious freedom all over the world. It is in our American Constitution. It is in our Bill of Rights. It is enshrined in the first amendment to the Constitution. It has helped make America the great country it is. There is no doubt about it.

But that is not what we are voting on. In effect, what we are voting on is whether our American farmers, ranchers, workers, manufacturers, or service providers will be able to take advantage of very significant liberalization and market openings that will occur in China once it joins the World Trade Organization. In effect, that is what we are voting on.

We are also voting on whether, if we deny Americans the opportunity to trade on a more liberalized basis with China, we are going to therefore allow our Japanese and European competitors to trade with China on much more favorable terms than we Americans would.

A vote for the Wellstone amendment means Americans will be closed out of the Chinese market of trade on favorable terms. It also means in effect that other countries—I mentioned before Japan and the European Union—will be able to trade on more favorable terms because they will have already ratified their PNTR with China. It is very clear at this stage of the congressional session, the Presidential election year, any amendment to H.R. 4444 will kill the bill. That is clear. I assure my colleagues that there will be no conference on this bill if there are any amendments at this stage in the congressional session.

I think it is also illustrative to point out what some very prominent religious leaders have said about the WTO and China. The Dalai Lama has said:

Joining the WTO, I think, is one way [for China] to change in the right direction. China must be brought into the mainstream of the world community. Forces of democracy in China get more encouragement through that way.

The Reverend Billy Graham said:

I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than to threaten it as an adversary. It is my experience nations can respond with friendship just as much as people do.

Many religious leaders think we should grant PNTR to China. I believe that. It is crystal clear what the other body will do if any amendments are passed here. If those amendments are passed, we will not have a bill. We will not have PNTR. Therefore, I will vote against the Wellstone amendment. I urge my colleagues to vote against the Wellstone amendment, even though I believe almost all of us agree with its underlying intent. It is just not appropriate at this time on this bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I thank the Senator from Montana for his remarks.

Mr. President, I join in saying that we all share the concern of Senator WELLSTONE regarding China's repression of its citizens' religious freedoms. I am sure every other Member of the Senate does as well. But if passed, make no mistake about it, this amendment, as with any amendment that would be offered to this bill, will effectively kill permanent normalized trade relations with China, since a House-Senate conference and a second vote on PNTR would then be required.

So this amendment, or any amendment, for any reason, basically is a killer amendment to this bill. That is why I am going to oppose all amendments to PNTR and ask my colleagues to join me in adopting this approach.

As I've said before, I believe H.R. 4444 is certainly among the most important legislation we will consider this year and likely the most consequential of the past decade. That's because passage of PNTR will create vast new opportunities for our workers, farmers and businesses and also vast new opportunities for the people of China.

It's also because PNTR serves America's broader national interest in meeting what is likely to be our single greatest foreign policy challenge in the coming years—managing our relations with China.

And as those with the greatest experience working in faith-based organizations actually based in China will tell you, engaging the Chinese through PNTR and other avenues offers us the best chance to advance religious freedom—not hinder it, or stop it, but to advance religious freedom in China. The best thing they say we can do is help pass PNTR.

Here is what Billy Graham, one of whose organizations has been working in China for 10 years providing Bibles, literature and leadership training, has to say:

I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than treat it as an adversary. In my experience, nations can respond to friendship just as much as people do.

And here is what Reverend Pat Robertson says:

I do not minimize the human rights abuses which take place in [China], but I must say on first-hand observation that significant progress in regard to religious freedom and other civil freedoms has been made over the past twenty-one years. If the U.S. refuses to grant normal trading relations with [China] we will damage ourselves and set back the cause of those in China who are struggling toward increased freedom for their fellow citizens.

Randy Tate, former Executive Director of Christian Coalition, said the following last year:

Our case for greater trade . . . is less about money and more about morality. It is about ensuring that one-fifth of the world's population is not shut off from businesses spreading the message of freedom and ministries spreading the love of God. . .

According to a letter from 21 U.S. religious leaders,

Despite continued, documented acts of government oppression, people in China nonetheless can worship, participate in communities of faith, and move about the country more freely today than was even imaginable twenty years ago. . . . These positive developments have come about gradually in large part as a result of economic reforms by the Chinese government and the accompanying normalization of trade, investment and exchange with the outside world.

Finally, let's listen to His Holiness, the Dalai Lama: “Joining the World Trade Organization . . .” he said, “is one way (for China) to change in the right direction. I think it is a positive development. In the long run, certainly [the trade agreement] will be positive for Tibet. Forces of democracy in China get more encouragement through that way.”

Mr. President, let us also remember that H.R. 4444 contains a provision to establish a Congressional-Executive Commission on the People's Republic of China modelled after the Commission on Security and Cooperation in Europe, which played such an important role in promoting human rights in the former Soviet Union.

This new Commission's purpose is to monitor human rights conditions in China, including the right to worship free of involvement of and interference by the government.

Each year, the Commission will issue a report to the President and the Congress setting forth the findings of the Commission as well as recommendations for legislative or executive actions to push China to improve its record on religious freedom and in other areas of human rights.

Let us also remember that the U.S. Ambassador-at-Large for International

Religious Freedom visited China in 1999 to emphasize to Chinese authorities the priority the United States places on religious freedom.

In addition, the United States has designated China as a "country of particular concern" for violations of religious freedom under the International Religious Freedom Act.

Mr. President, every one of us in this body is concerned about religious freedom. Yet as so many religious leaders with long-term experience working in China contend, the best way to advance religious freedom is to further our engagement with China economically and otherwise. PNTR is central to such engagement, particularly as H.R. 4444 specifically addresses the issue of religious freedom.

Finally, I must emphasize again that a vote in favor of the amendment offered by my friend from Minnesota—or for any amendment for that matter—effectively is a vote to kill PNTR. There is simply too little time left in this Congress to conference PNTR and conduct a second round of votes.

I ask my colleagues to join with me in tabling this amendment.

Mr. President, I ask unanimous consent that a statement dealing with the Department of State be printed in the RECORD.

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

STATEMENT BY RICHARD BOUCHER, SPOKESMAN
RESPONSE TO COMMISSION ON INTERNATIONAL
RELIGIOUS FREEDOM'S FIRST ANNUAL REPORT

The following statement was issued by Harold Hongju Koh, Assistant Secretary for Democracy, Human Rights and Labor, and Robert Seiple, Ambassador-at-Large for International Religious Freedom.

"The Commission on International Religious Freedom, an independent advisory body created in 1998 to report on and make recommendation to the President, Secretary of State, and the Congress on the state of religious freedom around the world, has released its first annual report. We have only just received the final copy of the report, and will study it carefully. This year's report focuses on three countries in particular—China, Russia and Sudan. In its descriptions of violations of religious freedom, the report appears to parallel closely the evaluations of the State Department's annual Country Reports on Human Rights Practices, released in February of this year, and the International Religious Freedom Report, released in September 1999 (both available at www.state.gov).

"As required by law, the report also makes recommendations for U.S. policy options. We welcome many of the proposals, including the report's call for increased focus on the Sudanese government's abuses of human and religious rights, and its recommendation for increased monitoring of religious liberty at the local level in Russia. The Administration has already enhanced our efforts on each of these issues, and we will look for opportunities to do even more in the future.

"At the same time, the report contains a number of recommendations with which we disagree, especially the recommendation that the Congress impose human rights conditionality on permanent normal trading relations (PNTR) with China. We profoundly believe that conditionality will not advance

the cause of religious freedom in China, and will not improve the circumstances of any of the religious adherents about whom we are all deeply concerned. This is because conditionality as proposed by the Commission—and even a vote to reject PNTR—provides little more than the appearance of U.S. leverage against the Chinese government. It would not prevent Chinese entry in to the World Trade Organization (WTO); nor would it deprive China of the economic benefits of WTO membership. What it would do is deprive the U.S. of the full economic benefits of China's market-opening commitments, and severely restrict our ability to positively influence the course of events in China—including our ability to promote religious freedom. It would reduce the role of American companies in bringing higher labor standards to China and in forcing local companies to compete in improving the lives of their workers.

"However, with unconditional Congressional approval of PNTR, China will enter the WTO bound by the full range of economic commitments contained in the U.S.-China bilateral trade agreement. These commitments will move China in the direction of openness, accountability, reform, and rule of law, all of which will improve the conditions for religious freedom in China. Failure to approve PNTR would deprive the U.S. of the ability to hold China to all of these commitments. Given China's likely entry into the WTO, it would also put us in conflict with WTO rules, which require immediate and unconditional provision of PNTR for all WTO members.

"Despite our fundamental disagreement with the Commission on the issue of conditionality, we share the Commission's deep concern about abuse of religious freedom in China, and we remain committed to sustained U.S. Government efforts to promote religious freedom. President Clinton has made promotion of religious freedom abroad a priority of his presidency and an integral part of our foreign policy. The President created the first-ever Advisory Committee on Religious Freedom Abroad, directed that we expand coverage of religious freedom in the State Department's annual human rights report, and supported and signed the legislation that brought into being the International Religious Freedom Commission.

"As demonstrated by our sponsorship of a recent resolution on China at the UN Human Rights Commission in Geneva, we will continue to keep faith with those in China who face persecution due to their religious practices. We also look forward to continued dialogue with the commission on how best to promote our common goal of improving the observance of religious freedom in China and around the world."

The PRESIDING OFFICER. The Senator from Minnesota, Mr. WELLSTONE, is recognized.

Mr. WELLSTONE. Mr. President, I have already made my arguments. I ask unanimous consent that Senator FEINGOLD be added as an original co-sponsor of this amendment.

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

Mr. WELLSTONE. Mr. President, again, on this one procedural point, maybe there is something I don't understand about the Senate, but I have been here 10 years. We do have conference reports and conference committees. This is the most amazing argument. All of a sudden, people are coming to the floor and saying we can't vote for any amendment because there

will be no conference committee, or there might be one, but then the bill will be dead. What? We have conference committees all the time.

If Senators want to pass this, and if this amendment or other amendments pass and this bill is in a different form, it will be a better bill than we have. Believe me, it will go to conference. And given this steamroller on behalf of this legislation, with so many people wanting it to pass with such powerful interests in the country for it, believe me, it will go to conference committee and the conference committee will report right back to us, and it will pass if we want it to pass. You can't make the argument that a vote for the amendment kills the bill. Vote for the amendment on its merits up or down but don't make that argument because it is simply not accurate.

Mr. President, I yield the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAMS. Mr. President, I ask unanimous consent that time prior to a vote relative to the Byrd amendment, re: coal, be limited to 3 hours to be equally divided in the usual form, with no second-degree amendments in order prior to the vote.

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

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMS. The vote has been set for 12:15, is that right?

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. WELLSTONE. I ask that the vote occur now.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMS. Mr. President, I object now in order to give people time to finish some of the business they have before they come to the floor. We have the vote set right now for 12:15, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRAMS. I object to the request to move the vote up earlier.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. 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 question is on agreeing to the Wellstone amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—30

Ashcroft	Gregg	Reid
Boxer	Harkin	Santorum
Bunning	Helms	Sarbanes
Byrd	Hollings	Sessions
Campbell	Hutchinson	Shelby
Collins	Inhofe	Smith (NH)
Craig	Kennedy	Snowe
Dodd	Leahy	Specter
Dorgan	Mikulski	Torricelli
Feingold	Reed	Wellstone

NAYS—67

Abraham	Feinstein	Lugar
Allard	Fitzgerald	Mack
Baucus	Frist	McCain
Bayh	Gorton	McConnell
Bennett	Graham	Miller
Biden	Gramm	Moynihan
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Breaux	Hagel	Robb
Brownback	Hatch	Roberts
Bryan	Hutchison	Rockefeller
Burns	Inouye	Roth
Chafee, L.	Jeffords	Schumer
Cleland	Johnson	Smith (OR)
Cochran	Kerrey	Stevens
Conrad	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Voinovich
Domenici	Lautenberg	Warner
Durbin	Levin	Wyden
Edwards	Lincoln	
Enzi	Lott	

NOT VOTING—3

Akaka	Lieberman	Murkowski
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The amendment (No. 4114) was rejected.

CHANGE OF VOTE

Mr. DODD. Mr. President, on rollcall No. 234, I voted "no." It was my intention to vote "aye." Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of that vote.

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

Mr. REID. Mr. President, on rollcall vote No. 234, I voted "no." It was my intention to vote "aye." Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. GRAMS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4115

Mr. BYRD. Mr. President, I ask that my amendment No. 4115 at the desk be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4115.

(Purpose: To require the United States to support the transfer of United States clean energy technology as part of assistance programs with respect to China's energy sector, and for other purposes)

On page 69, after line 16, insert the following:

SEC. 702. UNITED STATES SUPPORT FOR THE TRANSFER OF CLEAN ENERGY TECHNOLOGY AS PART OF ASSISTANCE PROGRAMS WITH RESPECT TO CHINA'S ENERGY SECTOR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People's Republic of China faces significant environmental and energy infrastructure development challenges in the coming century;

(2) economic growth and environmental protection should be fostered simultaneously;

(3) China has been recently attempting to strengthen public health standards, protect natural resources, improve water and air quality, and reduce greenhouse gas emissions levels while striving to expand its economy;

(4) the United States is a leader in a range of clean energy technologies; and

(5) the environment and energy infrastructure development are issues that are equally important to both nations, and therefore, the United States should work with China to encourage the use of American-made clean energy technologies.

(b) SUPPORT FOR CLEAN ENERGY TECHNOLOGY.—Notwithstanding any other provision of law, each department, agency, or other entity of the United States carrying out an assistance program in support of the activities of United States persons in the environment and energy sector of the People's Republic of China shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of the People's Republic of China.

The PRESIDING OFFICER. There are 3 hours equally divided on the amendment.

Mr. BYRD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Do quorum calls come out of the 3 hours?

The PRESIDING OFFICER. If they are suggested during the 3 hours, they count. If they are suggested at the end of the 3 hours, they do not.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that the time on the quorum call which I am about to enter will not count against the 3 hours.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, there are exactly three Senators on the floor, including the Senator presiding. Shouldn't we have better attendance than this on a matter so important as this legislation? I am going to suggest the absence of a quorum, and I will object to it being called off, so it will be a live quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I am going to break my own rule here and ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, I do not want to be dilatory. That is not my desire at all. I voted earlier today to proceed to the consideration of this measure. But it seems to me to be a sad reflection on us all if we are going to have a far-reaching measure of this importance before the Senate here at 5 minutes until 1 p.m. and with only three Senators on the floor.

Now, it is not so much that this happens to be my amendment, but this does happen to be an important measure, and this does happen to be an important amendment, in my judgment.

So I am going to suggest the absence of a quorum. I ask unanimous consent that it not be charged against the 3 hours.

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

Mr. BYRD. Now, Mr. President, I would like to have a live quorum, so I will presently intend to object to the calling off of the quorum because I want Senators to give a little bit of attention to what is going on here.

So I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I have been informed that several Senators are not here, they having thought there would be at least an hour and a half to 3 hours before there would be a vote. I am not going to take advantage of Senators in that way, and I, therefore, shall proceed.

But with now the time running, let me say, I think this is a travesty upon the legislative process. This is a far-reaching measure. There are important amendments that will be called up and voted down—summarily voted down—by many Members; at least, many Members will summarily vote against any amendment. Some have already announced their intention to vote against any amendment.

So a rhetorical question, I think, would be in order. Why have any debate? Why call up amendments? Why go through this charade? I have called up an amendment. We all know it is going to be rejected because some Senators are going to vote against any amendments, no matter what the amendment provides. They can be good amendments, they can be better amendments, they can be the best amendments. They are all going to be rejected. What kind of legislative process is that?

I have been in this Congress 48 years. I have been in the Senate 42 years. I have never seen anything like this. Members are very forthright in saying—they don't make any bones about it—that they have agreed they will not support any amendment. Why? Because they say it would mean, if the amendment should carry, that the measure would have to go to the House and then to a conference.

The House might accept the amendment. There might not have to be a conference. The House might accept the amendment. And if a conference did ensue, again, so what? That is the way we have been doing things for decades. The Senate votes. If there are amendments to the House bill, then there is a conference, unless the House accepts the amendment itself. Here are some amendments that, if the House should have an opportunity to vote on them, undoubtedly would receive good votes in the House and perhaps, who knows, they might pass the House. But this administration doesn't want any vote.

I ask unanimous consent that I may ask a question of the distinguished chairman of the committee.

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

Mr. BYRD. This is the question: Does the chairman of the committee know

whether or not the administration is opposed to any amendments being added to this measure by the Senate?

Mr. ROTH. Mr. President, I say to my distinguished friend and colleague that it is my understanding the administration is opposed to any amendment.

Mr. BYRD. Can the distinguished chairman answer as to why the administration is opposed to any amendment as far as he, the chairman, knows?

Mr. ROTH. I don't know that I can answer for the White House why they are opposed. I think, if I might make a short comment, a number of us on both sides of the political aisle, as well as both branches of Government, the executive and the Congress, believe this is an extraordinarily important matter, that it involves our country's economic future as well as security, and that it is important we proceed as expeditiously as possible. I suspect, but I cannot say, there are those who are fearful that we are in the campaign season and, if it goes back to the House, that many will be unable to vote their will for fear they might antagonize some of their important supporters.

Mr. BYRD. Mr. President, that is a forthright answer. It is quite enlightening. I certainly thank the distinguished chairman.

I seem to recall that there have been many important measures over the years that have been debated. Many have been enacted; some have been rejected. The Versailles Treaty was rejected.

What I am saying is, this is not the only important measure. I grant that it is very important. The chairman says it is such an important measure, the administration does not want it amended. At least that is his recollection of what the administration's position is. But there have been many important measures. I won't go through them now, but I can think of a good many that have come up here since I have been a Member of the Senate.

I was here when the 1964 Civil Rights Act was enacted. I believe it was before the Senate 116 days, including the 2 weeks that were used in calling up that measure. But we had amendments. There had to be cloture filed on it in order to get a final vote. There was the natural gas bill of 1978. One could go on and name equally important measures that were far-reaching measures, but never was there the blood oath that was taken by Senators that they would stand to the man or to the woman against any amendment: Regardless of its merit, it shall not pass. And since when has the Senate bowed the neck to any administration and agreed, either publicly or in private or with a wink and a nod, that we will stand with you, Mr. Administration; we will be with you; we will stand against any amendment. It does not make any difference how it might affect my constituents. It does not make any difference how it might affect my sons, my daughters, my grandchildren. It does not make

any difference, Mr. Administration, or Mr. President; we will stand with you; we will be against this amendment.

What is the Senate coming to when the Senate engages in that kind of charade? I say Senators ought to bow their heads in shame. What is happening to the Senate when that kind of situation obtains? That is what we have come to here, where we follow, like sheep, the administration over a cliff.

I dare say there will be some Senators who have taken that blood oath—I will refer to it as a blood oath; it is probably as good as a blood oath because apparently that is the way it is going to work—who will have agreed to pursue that kind of course in spite of the rules, the history, the traditions of the Senate, in spite of the oath of office they took.

Each of us takes an oath to support and defend the Constitution of the United States. Here is the Constitution of the United States. I hold it in my hand. Are we supporting the Constitution of the United States which says that the Congress shall have power to regulate interstate and foreign commerce? Not exactly in those words, but it is in section 8 of article I of this Constitution: Congress shall have power to regulate commerce. That is what this bill is about, commerce. Yet we are not going to let Congress regulate it. We are not going to let the Congress of the United States uphold and utilize its power under the Constitution of the United States in this regard.

This same Constitution says, with regard to amendments, that all revenue-raising measures will originate in the other body. But the Senate may amend, "as on other bills," it says. So that would include the measure that is before the Senate. So we are giving the back of our hand to the Constitution of the United States. We are not exercising our responsibilities—not just our rights, but we are not exercising our responsibilities to the people, to the Constitution, to this country, to our children, to our grandchildren, and to ourselves. We are not standing by our duty and our responsibility if we enter into such an agreement as that among us.

I daresay some of the Senators who have fallen into that pothole will come to rue the day. I will have more to say about this in that regard before we have the final vote. Today, I cast my 15,801st vote in this Senate; 15,801 votes. No Senator in the history of the Republic can match it. I have never entered into such an agreement. When I was in the leadership, when I was a leader, when I was a whip, when I was secretary of the Democratic conference, whether in the majority or minority, I never asked my friends in the Senate to stand to the man.

I am not saying that the majority leader or minority leader have asked Senators to do that. But there is some kind of a virus that has come along here and seized on the Chamber and, all of a sudden, there are several Senators

who are going to vote against any amendment. Think about that. I would not want my constituents to think I would do that. I might want to listen to a Senator. He might be a Republican. I might want to listen to that Republican explain his amendment, and I might want to vote for it, and I might vote for it. I might vote for it even if my fellow Democrats were against it.

This Senator is not going to be bound by any "blood oath." I objected to that when I was a member of the house of delegates 54 years ago. I stood up in a caucus and said, "I'm not going to be bound by this caucus." It was a Democratic caucus. "I am not going to walk around here with shackles and chains on my wrists and legs and, more importantly, on my conscience."

I think a Senator is entitled to be heard on his amendment and entitled to have the frank opinions of other Senators. He is entitled to have his colleagues' opinions, short of any shackles and chains that are binding them, as it were, to vote against any amendment.

So I am utterly wasting my time. I am just wasting my time. I am sorry to say I am impinging on the time of the Presiding Officer. We have the manager of the bill here and I am wasting his time. Why go through all of this when Senators have stood upon this floor and said—I have heard them—that they will vote against any amendment to this bill. Why? Because if the amendment were to be adopted, it would mean that the bill would then have to go back to the House and go to conference. Well, so what. That is the way we do things. That is the process, and it has been the process for decades. That will continue to be the process. We go to conference or the House accepts the bill. In any event, both Houses have to act together in unison and have to agree upon any measure before it can be sent to the President, providing it is a bill or joint resolution.

So there you are. That is the reason. I will tell you why. They are afraid; the administration is afraid. Senators are afraid—those who have taken this position—of being against any amendment. They are afraid that the Senate, in the free exercise of its wisdom and its judgment, might accept and adopt some of these amendments. When they go back to the House in that case, then the House, in its wisdom, might accept the amendments. And so this measure would not be passed as a clean measure.

What are we coming to here? I can't remember that ever happening in my time in the Senate. It is an unwritten agreement, but it is an agreement, apparently. Shame, shame on us; shame on the Senate; shame on the administration, if that is the policy they are pushing. Are we slaves to the administration? Are we slaves or are we men? Are we free men and women? After all, when it is boiled down, in essence, Milton's *Paradise Lost* is about freedom of the will. God gave man freedom of the

will. Now, why don't you Senators exercise that freedom of the will?

I understand that all who vote against amendments are not doing so just because they have entered into some kind of unwritten agreement that they are going to be against all amendments. There are some Senators who will be against this amendment I am offering. They would vote against it, no matter what. So I certainly don't impugn the character or honesty and integrity of Senators. I am sickened by this idea that we have to pass this as a clean bill and no matter what amendment or whose amendment it is, or where it started, or what its impact or merits, we are going to vote down all amendments. That sickens me. You may say, so what, he is sickened. Well, it is more than "so what." This is the United States Senate.

What a sad day when Senators look at a measure and say: We will not support any amendment. What a reflection upon man's freedom of the will. In the body which is the premier upper House of the world, where amendments are assured and where freedom of debate is assured, what a sad reflection upon our attitudes toward our responsibilities and our duties and toward our rights on behalf of our people. The people of West Virginia want this amendment. The people of West Virginia support the amendment. But they are going to be gagged. They can support it all they want. It will not pass. It cannot pass. The same can be said for other amendments.

I have heard it said here, we are going to influence the Chinese to move farther, to a more moderate society, farther in that direction; we have to pass this, we will have more influence. The Chinese have been around for thousands of years, thousands of years. The Chinese were one of the earliest peoples to have a civilized society. And they are in no big hurry. When they seek to achieve an objective, they can wait. They have the patience of that great man of Ur, Job. They have the patience.

And they say we will influence them, we will influence them to become more amenable to our views and the views of the democracy. We don't even have a democracy here. This is a republic. The very idea that we are going to influence them. We have been in business for 212 years here; they have been in business for 2,000, 3,000, 5,000 years or longer. They were around when the pyramids of Egypt were created by the ancient Egyptians. So we are going to influence them? Well, let's see who is influenced in the long run.

The amendment I offer is a good amendment. If we can influence them on this amendment, we will have achieved something.

I say to the former Senator from Wyoming, we don't call attention to people in the galleries, but he has the right to the floor as a former Senator. I say to my friend from Wyoming, who is a man of utterly good sense, good

judgment, that if he were a Member of this body, he would laugh at this charade, he would laugh at this charade, were it not so serious. I am glad he is back on the floor today. At least there is a little wisdom in the Chamber at this moment.

Mr. President, as many Senators know, I have been working for many years to provide funding for a range of clean energy technologies. These technologies are essential to growing our economy while also ensuring that environmental improvements, energy security, public health, and air and water quality are met. The U.S. will need a range of energy resources if our nation is ever going to achieve a sustainable economic future, and we must expand the range of newer technologies and practices to meet even more challenging problems in the future. The very same argument can be made for China. It would be productive for both nations if we could leverage our hard-won technological advances while helping China develop in a more environmentally and economically sound manner.

Let me say this over again: It would be productive for both nations—China and the United States—if we could leverage our hard-won and costly, paid for by the taxpayers of America, technological advances, while helping China develop in a more environmentally and economically sound manner.

By 2020, energy technology experts estimate that global clean energy technology markets are expected to double, and these markets in developing countries alone could require a multi-trillion dollar investment as infrastructure is built and replaced. Clean energy technologies and other such beneficial mitigation actions such as carbon sequestration are essential responses if any nation, in this rapidly growing economy, ever hopes to adequately address burgeoning environment and energy concerns such as energy security, resource diversity, land use changes, air and water quality, and ultimately, global climate change. If one realizes that two-thirds of the global energy infrastructure has yet to be built and much of the current infrastructure will need to be upgraded or replaced, then every nation must play a role and strategically plan for this anticipated development.

I note that in May 2000, the U.S. and China signed a cooperative agreement on environment and development. Recognizing that these two intertwining issues are some of the most critical challenges in the coming century, our two nations have committed themselves to meeting ever-growing development needs in an economically and environmentally sound manner. As part of that agreement, the U.S. and China plan to expand and accelerate the transfer of clean energy technologies in order to meet energy demands and environmental protection challenges. Among a number of important features, this recent agreement

specifically calls for the increased utilization of Clean Coal Technologies. I believe that agreements like this are a gradual but positive step in bringing increased cooperation between our two nations, and I hope that future endeavors that build upon this foundation are pursued.

In 1985, I worked to create the Department of Energy's Clean Coal Technology program, a very successful research and development program. Originally designed to address acid rain reduction, the Clean Coal Technology program is now addressing a broader range of emission issues, including the reduction of greenhouse gases. It is well known that, just as coal has fueled much of the American economy, it will play a major role in China's development as well.

The U.S. and China, two of the largest energy producing nations in the world, will only make substantial progress in reconciling the need for economic growth and environmental protection through increased cooperation that includes the use of clean energy technologies such as renewable, energy efficiency, nuclear, and fossil energy technologies including Clean Coal Technologies. In the end, it does not matter where clean energy technologies like American-made Clean Coal Technologies are demonstrated. More importantly, it matters that these technologies be deployed in any region or nation that uses coal to meet rapidly growing energy demands. While the U.S. should be deploying these technologies domestically, the best energy technologies for coal-fired generation facilities must be installed so that their real world benefits can be proven in China likewise. In a recent survey conducted by the Electric Power Research Institute, it is predicted that nations such as China, with large indigenous coal reserves, will use these plentiful resources for producing electricity to fuel their rapidly growing economy. China is the world's largest producer and consumer of coal. The study estimates—now, get this, the two other Senators who are here today. I won't name them. I want my two other Senators, though, to hear this. The study estimates that China could build as many as 180 electric powerplants per year for the next 20 years with about 75 percent of these powerplants utilizing coal.

Now, where are the environmentalists? I need their support on this amendment.

Let me say that again. The study estimates that China could build as many as 180 electric powerplants per year for the next 20 years, with about 75 percent of these powerplants utilizing coal.

What is that going to do to the problem of global warming?

Because coal is the largest energy resource that China can produce in great quantities domestically, it will almost certainly be China's dominant fuel resource choice. As a first step, one of

the cheapest and easiest pollution abatement measures that China could utilize would include coal washing. We have been through that. We know what coal washing means. It would use coal washing to remove impurities from the ore.

That distinguished Presiding Officer, who is from Illinois, knows what coal washing is. They produce coal up there in Illinois, and have been doing so for quite a long time.

Today, less than 20 percent of the coal burned in China is washed. In the near term, China needs pollution abatement technologies like coal washing and sulfur scrubbing, with an increasing demand for additional clean coal technologies as new facilities come online.

This evidence should serve as a wake-up call—China will use coal to fuel much of China's economic growth. Still, China's many other domestic environmental challenges are formidable, resulting in serious health and potential economic devastation if they are not addressed. For example, China, home to 5 of the 10 most polluted cities in the world, must address the serious impacts on people's health from this poor air quality.

Today, few Chinese cities have adequate water treatment facilities. Approximately 40 percent of China's water in urban areas is contaminated, and land use changes could make agricultural production and food security increasingly more precarious. Additionally, China now ranks second in the world in energy consumption and greenhouse gas emissions.

Hear me now, environmentalists. You should position yourselves at the doors of this Chamber. You should position yourselves at the elevators to the building and buttonhole these Senators when they come into this Chamber and tell them: Vote for this amendment. This is an environmentalists' amendment.

The Energy Information Agency estimates that 84 percent of the projected growth in carbon emissions between 1990 and 2010 will come from developing countries, and one of the largest sources will be China.

While I know there is no one silver bullet to solve the totality of these very complicated global environment and energy problems, if the international community is ever going to effectively combat issues of air and water pollution, land use changes, and global climate change, then the United States and China must work together to increase the use of clean energy technology. That window is now open. To ignore the benefits of clean coal technologies, knowing that coal will be a primary fuel of choice, would be folly, utter folly. The U.S. has grappled with many of these energy and environmental problems and is making slow but steady progress in addressing air, water, and land use problems.

For example, the United States has done much to improve its own use of

coal as a fuel for electric generation. While coal use has tripled since 1970, the emissions have decreased substantially while also providing the much needed electric generation necessary to light this Chamber, for example; to light the White House; to fuel the needs of the big cities on the Atlantic seaboard, the large industrial centers in the Midwest. I am talking about coal, C-O-A-L.

While coal use has tripled since 1970, the emissions have decreased substantially, while also providing the much needed electric generation necessary for economic growth. We should, therefore, provide developing nations such as China with our expertise and experience—at their cost. These are not for free. These are paid for by the American taxpayer. But we should make them available, and our agencies operating in China should help to open the doors, open the gates so these technologies that have come at great expense to the American taxpayer can be utilized for great effect in China.

We should help China to resolve its environmental and developmental dilemmas by learning from our own past mistakes, in part through the utilization of the most advanced energy technologies and practices. My amendment requires any U.S. Government agency that plays a role in environment and energy, and operates in China, to increase that agency's efforts to increase China's efforts to get clean energy technologies on the ground in China.

I recognize that at this time there are particular limitations on specific agencies prohibiting them from working in China. These sanctions are another issue that Congress should address later. My amendment is not intended to overturn those sanctions. Rather, the United States should be using the collective resources and expertise of such Government agencies as the Departments of Commerce, State, and Energy, the Environmental Protection Agency, and the Export-Import Bank to provide greater technical assistance and other aid, to the maximum extent practicable, to assist in the promotion, the transfer, and the deployment of more American-made clean energy technology. The U.S. Government needs to help U.S. companies increase their market share for environmental and clean energy technologies in China's rapidly growing market.

In June 1999, the President's Committee of Advisors on Science and Technology released a report entitled "The Federal Role in International Cooperation on Energy Innovation." The conclusions of that study strongly suggested that more needed to be done to fill the gaps in the "technology innovation pipeline." The recommendations include strengthening the Federal foundation for capacities in energy technology innovation, promoting a range of energy efficient and clean energy technologies, and enhancing the interagency development of these ideas

internationally. The scientific and technology experts outlining these recommendations have made a number of observations in their report that justify the need for this very important amendment.

What are some of those observations?

1. Energy use will grow dramatically worldwide, particularly in developing nations.

2. Technological innovation and the policies adopted to promote efficient and clean energy technologies will determine the quantity of energy used in the future and the impact of that energy use.

3. A significant portion of the demand for new energy technologies will be outside the United States under any future scenario.

4. Government has a critical and legitimate role to play.

5. Strengthening industrial and developing country cooperation on clean energy technologies is a promising approach to helping secure developing country participation in any future international framework for addressing global climate change.

6. A unified vision and coordinated management will enhance U.S. international cooperation efforts on energy.

In an effort to help implement many of these commonsense ideas, I offer my amendment today. If Senators believe that more needs to be done to address global environment and energy issues—and I not only say Senators, but I also include the White House. The Vice President has been a leader in the effort to have countries clean up the pollution. He has been a leader advocating measures to offset global warming. This is his chance. This is the time. This is the opportunity.

If Senators believe that the United States has developed a package of commercial-ready, cutting-edge, clean energy technologies, if we believe the recommendations outlined in this report and believe that they make sense, if we believe the United States should be doing more to develop clean energy technology markets internationally, then I have the way to do it. I have the amendment. This amendment is a logical outcome.

Clean coal technologies are just one of many examples of clean energy technologies that have been enhanced through U.S. investment in research, development, and demonstration. But many of these newer, cleaner technologies must eventually be deployed in the market so that their worthiness can be proved. It is imperative that we fill that gap. The United States should be doing even more to work with China to get clean energy technologies in place.

If there is something real to this thing called global warming—and I believe there is. I believe there is something to global warming. This is the way to ameliorate it.

China would benefit by utilizing cleaner technologies; growing its economy, and improving its citizens' lives.

At the same time, U.S. companies would benefit by creating an even broader market opportunity for American-made technologies.

Some people may believe that the United States should not be helping China make clean energy technology investments until China has formally committed itself to the reduction of greenhouse gas emissions, as outlined in Senate Resolution 98. I am a believer in Senate Resolution 98. As a lead sponsor of that resolution, let me be clear, we should be encouraging more action, not less action. The amendment that I offer today is not tied to S. Res. 98 or any climate change treaty.

I recognize the underlying science of climate change and believe that every nation including China, must do its part to tackle this international problem. If the international community is ever going to tackle a truly global issue like climate change, then all nations must work to find equitable, cost-effective ways to reduce greenhouse gas emissions. While clean energy technologies may help reduce greenhouse gases, they also address a wide range of equally important environment and energy concerns. Therefore, the United States should be taking further steps on many fronts, including encouraging China to use more American-made clean energy technologies. This is a win-win-win-win opportunity for both our countries and may eventually provide for future scenarios by which developing nations consider climate change commitments.

While there are many issues that our two large, very powerful countries do not agree on, energy and environment challenges constitute common issues of concern in which we can work more closely. Chinese officials at the highest levels have acknowledged that increasing steps must be taken to fight pollution and ecological deterioration. China's domestic efforts must increase given the serious nature of their environmental problems. They have serious environmental problems, and they know it. It is clearly recognized that there are sound policy options and a range of commercial-ready technologies that can help China make substantial improvements in its energy sector but all parties must be ready to meet these challenges. International cooperation remains critically important, especially for introducing more clean energy technologies and mitigating greenhouse gas emissions. This can be done if the United States and China work more closely to enhance clean energy technology transfer for the benefit of both our nations.

As the panel of scientific and technology experts from this assessment on clean energy technology innovation has concluded:

The needs and opportunities for enhanced international cooperation on energy-technology innovation supportive of U.S. interests and values are thus both large and urgent. . . . Now is the time for the United States to take the sensible and affordable

steps . . . to address the international dimensions of the energy challenges to U.S. interests and values that the 21st century will present.

Therefore, I urge Senators to put aside the blood oath and support this amendment as it will help strengthen the American values, American-made technologies, and the PNTR bill that we are considering today.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has used 56 minutes.

Mr. BYRD. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment regarding clean energy. I have to confess to my good friend and colleague that I do so reluctantly because I know of no one who is more experienced in the procedures of this august body or who is better equipped to lead an argument in which he believes so strongly.

I have to say that much of what he wants to accomplish I not only sympathize with but think it is critically important that we address those problems at some future time.

First, let me repeat what I stated at the beginning of the week. Any amendments that are added to this legislation would indeed force us into conference on this bill. We are in agreement on that. But given the limits of time, it would be uncertain whether we would have the time to take up and adopt a conference report.

Many of us on both sides of the aisle—my distinguished ranking member, Senator MOYNIHAN, as well as myself—strongly believe that this legislation on PNTR is the most important piece of legislation we will consider this year, if not this decade.

I know the ordinary process is to have conferences and go back and forth, but it seems to me one of the remarkable aspects of this Congress, and the Senate in particular, is the flexibility in the means of which we can progress on a legislative endeavor.

Those of us who believe it is of utmost importance that we open China's doors to American exports and products believe strongly that the best way to accomplish it, under current circumstances, is to try to keep a clean bill.

Let me point out for the public at large, particularly in the Senate—perhaps less so in the House—there are many opportunities to raise this type of question. We have a rule of non-germaneness. To me, always one of the great advantages, I say to the distinguished Senator from West Virginia, of being a Senator, even a freshman Senator, is you can raise significant legislation and have the opportunity to debate it on the floor, which is not always true of the House of Representatives.

But the point I am trying to make is that those of us who support this legislation—I would include the administration—there is a broad consensus among many of us that it is critically important that we move ahead with permanent normal trade relations, and that if we begin down the road of amendments, it could very likely prevent effective action being taken on this piece of legislation.

I point out that if we fail to act this year, China will still become a member of the WTO. We are disadvantaging our people, our companies, our workers, our farmers by not providing them the advantage of the significant concessions that Ambassador Barshefsky negotiated with her Chinese counterparts.

I would say, those who oppose the bill, of course, are more likely to be willing to take these risks than those of us who believe it is of such critical importance to our country.

So given the limits of time, it seems to me it would be uncertain whether we would have the time to take up and adopt a conference report. As such, it seems to me, a vote in favor of an amendment on this bill is a vote to kill it. It is really that simple. That is why I must oppose it.

It is ironic that by threatening passage of PNTR, this legislation could have the opposite effect to what was intended. After all, PNTR is essential to giving our companies, our farmers, and our service providers meaningful access to the Chinese market. This, obviously, includes the companies and service providers that are more than ready to sell China environmentally sound products and services, including those that my colleague seeks to promote through this amendment.

I strongly agree on the seriousness of the environmental problems in China. I think the distinguished Senator from West Virginia mentioned there are certain cities that, if you have ever visited, really illustrate the magnitude of the problem and understand the importance of improvement being made environmentally.

But whether or not we will be in a position to supply our technology, to provide our equipment and services, will depend on how effective we will be on moving ahead with granting PNTR in response to the upcoming accession of China to WTO.

Once China becomes a member of the WTO, we will be in a far superior position to provide the kind of assistance that will protect our interests, but that will happen only if we pass this legislation. Passage of PNTR will improve our ability to encourage China to begin to take the measures that are essential if we are going to address the problems of global warming and all the other serious environmental problems.

Indeed, I have to emphasize that, in my judgment, nothing will promote exports of these types of goods and services more than PNTR. This is not just because of the market access commit-

ments the Chinese have made. WTO accession will also bring China under the disciplines of the TRIPS agreement, which is the WTO agreement on intellectual property rights. As my distinguished colleague knows, nothing is more critically important, and protected with greater care, than know-how, technology. The United States is a leader, the world leader in developing the most progressive technology, whether it is environmental technology or technology in other areas. And by passing PNTR, we help protect our technology. We gain a system by which we can enforce our rights; through a dispute settlement process that is part of the WTO. As a matter of fact, the Chinese have even agreed to some stricter provisions in protecting our intellectual property rights, which is important, I know, to both of us.

We should also not lose sight of the fact that the countries with the best environmental practices are those with the greatest level of economic development. China's WTO accession is the key element for ensuring economic growth in China and bringing them along the path of economic development. It is only with that economic development that we will be able to see long-term and sustainable progress towards environmental protection.

Frankly, this is as true in China as it is in any other developing country. It simply is a fact that poor countries cannot afford the types of environmental protections that the wealthier countries enjoy. As much as we may wish this were not the case, it is a fact we cannot ignore. That is why we should not do anything that would threaten PNTR's passage.

There are, in my judgment, many important reasons for supporting PNTR, but one of them is that it, together with WTO accession, will be essential an element of creating the conditions in China for improved environmental protection.

Again, I am very sympathetic to the objectives and goals of the Byrd amendment, but I also feel compelled to make it clear to all my colleagues that a vote in favor of this amendment is a vote to kill PNTR. For that reason, I must oppose this amendment and urge my colleagues to vote against it.

Let me reiterate that China will become a member of the WTO regardless of the decision of Congress on PNTR. The legislation before us is not about that. What is at issue is whether we want to say yes to China's offer to open its door to our goods.

Let me also add that I was very much interested in hearing the comments of Senator LARRY CRAIG of Idaho, discussing on this floor his experience in a visit with the Chinese leadership. In that discussion, he pointed out that not only was the President very open about his support for the concessions that had been made in the negotiations with the United States, but he was looking forward to even greater opening of the Chinese market.

Again, I think it is important for everyone to understand that China has access to the American market. This legislation in no way affects that. What is important, this legislation opens up China's market to the United States of goods, products, technology. For that reason, it is critically important that we proceed and act affirmatively on giving permanent normal trade relations.

Once we do that, we are taking a giant step forward in permitting the kind of exchanges of environmental technology, of science, of equipment, of supplies that will help China address its serious environmental problem. I appreciate the concern of Senator BYRD about this environmental issue, but the best way, in my judgment, to begin solving and addressing that problem is by making sure China has permanent normal trade relations.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as I indicated yesterday in remarks following an extensive comment by our sometime President pro tempore, our revered Senator from West Virginia, the Senator from Delaware and I would have to oppose all amendments. Whatever their good intentions or sound assertions, they would simply have the effect of costing us this epic and fundamentally important measure.

I will just say one thing about clean coal. It is remarkable how much progress has been made in our time. I can recall, as a graduate student after returning from the Navy, I received a Fulbright fellowship to the London School of Economics. The clean air technology was so bad in Britain that there would be days, theoretically full daylight, in which the buses would be preceded by busmen carrying electric lights to show them their way through the streets of London. It was darkness at noon in the most extraordinary way.

I visited what was then Peking, in our usage, in 1975. The air was not breathable.

At that time, or just previously, the Mao government put out large matters about biological warfare by the United States which required the citizens to wear white masks during the day. Certainly it wasn't biological warfare; it was the air quality. It is not what it should be today. It is vastly better than what it was, and it will be vastly better yet as economic development proceeds.

So with a measure of regret and great respect, I have to urge our Members to vote against this otherwise admirable amendment. On another vehicle, at another time, yes, but not this afternoon.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I yield to the Senator from Texas, Mr. GRAMM, 20 minutes on the Byrd amendment, from our side.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague from Iowa for yielding. While my time will be charged against the majority time on the Byrd amendment, I want to talk about the bill itself.

Mr. President, you run for a high office such as the Senate because you want to have an opportunity to have an effect on people's lives. You hope that effect you have is going to be a positive one. What we have political parties and debate for is to determine which policies are positive and which are negative in terms of their impact on people. I would have to say I have seldom had an opportunity to speak on an issue or to vote on legislation that I think is more important for the future of every American and more important for all the people who live on this planet than the issue of establishing normal trade relations with China.

I would like to try to look at this in more of a historic context, to try to define why I think this is such a big deal and why this is so important to every person living on the planet. In 1948, from the rubble of World War II, a group of 23 nations got together to form an organization that became known as the GATT. What that organization was trying to do was to learn from the experiences of the 20th century, to learn from the experiences of the Great Depression where we turned a recession into a depression with protectionism and protective tariffs, to learn from the terrible experiences of a world war.

Those nations had a vision, in 1948, to set up a world trading system so that people could produce goods and services and sell them all over the world so that countries would not end up getting into wars over resources, because resources would be freely traded. And since people living anywhere could specialize doing the things they did best, those nations believed the welfare of each individual citizen and all citizens combined would be enhanced.

Remarkably, those 23 nations that set up what we know today as the world's trading system included China. In 1948, 52 years ago, China joined the United States, Great Britain, and other countries with a dream of promoting world trade. But then, in 1949, just 1 year later, something happened. What happened was China took the wrong turn. China turned to the dark side. China listened to politicians who said they were for the people and not for the privileged. China thought they could create wealth by tearing down wealth. China thought you could build up somebody by tearing down somebody else. So they set about creating what Chairman Mao called a "ladder to

paradise." The net result was the destruction of capital, the destruction of private property, the destruction of any kind of modern system for economic development—and untold suffering and poverty for the Chinese people. Remarkably, a country with among the most able people in the world found itself among the poorest countries on the planet. China had achieved the Marxist dream of making people equal—but it was an equality in poverty and hopelessness. I should say that it was equality for everybody except a small number of political leaders; they seem to never be equal.

If anybody needs any numerical examples of what a difference economic freedom makes, listen to these numbers. In 1949, mainland China and Taiwan had roughly equal per capita incomes. The mainland had all the natural resources, and obviously they had the same kind of people. By 1978, by promoting world trade, protecting private property, and increasingly allowing people to make economic choices for themselves, the per capita income of Taiwan had risen to \$1,560 a year. In contrast, per capita income on the mainland was a wretched \$188 a year. Today, the per capita income of Taiwan is over \$13,000 a year. And while China has started to turn from the dark side, while dramatic changes are underway in China, per capita income there is currently only \$790 a year.

Why is this vote so important? The vote is so important because in 1948 China was one of 23 nations that shared our dream of an open world with relatively free trade. Then in 1949 they turned to the dark side, and the Chinese people paid a terrible price for that decision. Today, 52 years after helping to found what now is the World Trade Organization, China is back knocking on the door, in essence saying we did the wrong thing by turning to the dark side 51 years ago, and now we want to come back and join the rest of the world in the free exchange of goods and services.

This is an important occasion, it seems to me, because we have to answer the question: Are we going to open the door or are we going to slam the door in their face?

We often get carried away around here in thinking that if people are not perfect, they are not good enough. We have heard a lot of criticisms about China on the floor of the Senate, and they are the same criticisms heard around the country. Based on the facts I would say the criticisms are absolutely correct.

The two arguments we have heard more than any other argument in this debate are, No. 1, there is relatively little religious freedom in modern China. Obviously, that is true. I remember when Senator McCain and I were in Beijing and we were visiting with the President of China. We had raised the question about Tibet and about religious freedom. He said: We do not object to people practicing religion. It is proselytizing we object to.

I said: Mr. President, you don't know proselytizing. Wait until the Baptists and the Mormons get over here. You haven't seen proselytizing.

When people think they have found something in religion, they want to share it. But in China they do not have a conception of what religious freedom is. If we are going to trade only with countries that have granted its people the full range of religious freedom, China today fails on that account. But that is not the right question. The right question is, Will there be more religious freedom in China tomorrow than today if we reject this agreement, or will there be more religious freedom if we accept it?

I tried during that meeting, and have on several subsequent occasions in meeting with Chinese leaders, to explain that freedom is like pregnancy. You cannot have just a little of it. It takes on its own life. When people have economic freedom, they want political freedom. When people have a right to own property and make decisions about their own future, they want the ability to make decisions about their own leaders. We have seen it in Taiwan. We have seen it in Korea. It is changing the world, and it will change China.

For our colleagues who say they object to religious suppression in China, so do I. I object to it, and that is one of the reasons I am for normal trade relations with China. I believe that based on all of our historic experience, trade will change China. The ability of people to trade and, in the process, to experience prosperity and have the economic freedom that comes from the ability to buy American products, to know the joy of wearing cotton underwear made out of Texas and American cotton, to get the ability to own stock in America, to get the ability to own bank accounts denominated in U.S. dollars—all of that is provided in this agreement.

Once you have a bank account with U.S. dollars in it, you are fundamentally changed forever. You want your right to have your say, and you want the right not only to make decisions in your family, but you want the right to ultimately affect decisions of your country, and you want the right to worship God as you choose. When you have economic freedom and the prosperity it brings, you ultimately have the power to get religious freedom.

Many of our colleagues say that the Chinese do not respect workers' rights, and they do not. If one was going to judge this agreement based on how workers are treated, how do you expect a country to treat workers when most people work for the government? How do you think this country would treat workers if we all worked for the government? Workers end up being treated well because they have opportunities, because if they do not like how they are being treated on this job, they can quit and go to work somewhere else.

We hear the AFL-CIO talk about workers' rights in China. If they really

cared about workers' rights in China, they would be for this agreement because what this agreement is going to mean is more trade, more capital, more competition, more freedom, a larger number of employers in China and, therefore, the freedom that people will have to quit working for the government and government-sponsored enterprises and work in the private sector.

I am not here to argue today that we ought to agree to normal trade relations with China because China treats its workers well. I am here to argue for normal trade relations with China because if we have normal trade relations with China, workers will be treated better because they will have more opportunities, they will have more freedom.

There are some people who make the most fraudulent argument of all, and that is the argument that they oppose normal trade relations with China because China does not protect its environment, or because China makes decisions about its environment to which we object. If you really care about the environment in China—and they are part of the environment of the planet on which we live—you should be for this agreement because what poor country protects its environment? What country with a per capita income of \$790 a year has the luxury of being concerned about its environment? I can answer that. None.

If you want the environment to be better protected in China, you want more economic growth, more economic freedom, more prosperity so that people have the luxury of being concerned about the environment.

I am not here today to say people who say there is no religious freedom in China are wrong. I am not here today to say that the people who say workers' rights are not respected in China are wrong. I am not here to say people are wrong when they say that China does not protect their environment. They are right.

The question is not what is China like today; the question is what will China be like tomorrow. The answer will be based on what we do in terms of either opening this door to let them into the world of trade, or slamming the door in their face.

There are other people who say if we let China in, ultimately that is going to mean that when we go to Wal-Mart, that shirts are going to be cheaper, that sweaters are going to be cheaper, that clothing is going to be cheaper, that implements are going to be cheaper, and that that is a bad thing because they could be made in America. I reject that. I think it is a plus. I thank God every day that people can go to Wal-Mart and buy clothing that is inexpensive. Few benefactors in the history of America or the world have done more than Wal-Mart to benefit ordinary people. The Chinese can produce quality goods that the people of Texas want to buy. I believe in freedom, and part of freedom is the right to buy something

if it is legally traded and if it benefits your family.

What do we get from these agreements? We have heard a lot of talk about the fact that we get a 17-percent reduction in average tariffs on agriculture. I can assure you that is going to be good news for our corn producers in Texas. It is going to be good news for our cotton producers. We believe that as the Chinese get an opportunity to eat Texas beef, they are going to like it, and as their income grows, they are going to want a lot more of it.

We also believe that lowering industrial tariffs in China from an average of 25 percent to an average of 9 percent is going to be a dramatic boom to U.S. manufacturing, especially the manufacturing of high-quality items in high-wage industries, such as our high-tech industries. We believe we will benefit.

As chairman of the Banking Committee, I wish to touch on three other industries that are also going to benefit. My colleagues know that we in America produce financial services better and more efficiently and more abundantly than any other country in the world. Needless to say, this is a high-wage industry. It is one in which we dominate the world, and we want to continue it. I will touch briefly on a couple of these industries.

In the insurance market in China today, there is an ad hoc system where U.S. and foreign insurers get a license to operate based on political favor, on good fortune, or having been there first.

And as an insurer, you have very real limits on where you can sell your products.

Under the November 15 agreement, China will grant licenses without quantitative limits or needs testing to qualified foreign insurers. American insurance companies will be able to sell in China. And China's geographic limits on where foreign insurers can sell insurance products will be phased out over a 3-year period.

Don't you think it will be good for people in China to get an opportunity to own a piece of the "rock"? It seems to me that if anything ties us together and promotes peace and trade, it is having people in China be able to invest in American insurance companies, or buy IRAs, or enter into 401(k) retirement programs where the money is invested in the United States of America and around the world. Clearly we all benefit from that.

Today, foreign banks in China can engage only in commercial banking if they are located in 20 specific cities. Foreign banks can only offer banking products in foreign currency. That means that for most people in China, they do not have access to American banks. It's an extremely limited ability to operate. Basically, what foreign banks have to do is to get Chinese partners, which means they basically must give part of their business away for the right to operate in China.

But under the November 15 agreement, all geographic restrictions on

foreign banking in China will be lifted within 5 years. American banks will be able to own 100 percent of their banking operations in China.

Mr. President, I ask unanimous consent for 2 additional minutes.

Mr. GRASSLEY. I will grant the 2 additional minutes.

Mr. GRAMM. And within 5 years, American banks will be able to do banking business in Chinese currency.

I cannot imagine how the world won't be better off when people working in China can bank in American banks, and use American banking products. If that is not the essence of freedom, I don't know what is.

It's a similar story for our securities industry. Today, there are very real limits on American securities firms' activities in China, and on the ability of U.S. companies to invest and to have clear operating ownership. Those restrictions will be significantly modified for the benefit of our industry as well as the Chinese.

To sum up, with the implementation of the November 15 agreement and the adoption of this PNTR legislation, the American financial sector as well as our industry and agricultural sectors will have an extraordinary opportunity to compete in a growing market of 1.2 billion consumers.

It is seldom in the Senate that you vote on something that represents history in the making. A lot of what we do here—and a lot of what everybody does in every job in the world—is a bunch of little things about which they don't necessarily get excited. Today, we have an opportunity to work on something that is critically important, something that truly will dramatically improve the world in which we live.

I am very strongly in favor of the pending PNTR legislation. I am opposed to amending this legislation. There are many good ideas for amendments, but the bottom line is this is something that is important. This is something that is historic. We need to get on with it, without tacking on amendments.

I thank our colleague very much for yielding me the time.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I yield myself as much time as I may consume.

Mr. President, I understand the pending amendment is that of the distinguished Senator from West Virginia. My remarks are not to that amendment, or at least the first part of my remarks, but more general in nature on the entire debate in reference to PNTR.

I believe that the issue before us—whether or not to improve what is called the permanent normal trade relations with China—is the Senate's first critical—very critical—foreign policy test of the 21st century.

It seems to me that we are poised at a crossroads. Our future depends on the right decision.

I thank the distinguished Senator from Texas for a very comprehensive review of the issues that will affect our daily lives and pocketbooks, both in China and the United States—more particularly the United States. I associate myself with his remarks.

Do we approve PNTR and demonstrate to China, and just as importantly, if not more, to the world, that diplomacy through commerce is a formula for stability and progress or do we vote PNTR down and miss the opportunity to become linked with one-fifth of the world's population?

I, for one, hope we summon the wisdom and the courage to remain engaged by appropriately approving the legislation that is before us without amendments. To do otherwise would be a very serious mistake.

I strongly support this legislation. However, some of my colleagues have argued, and will continue to argue, that America should refuse to do business with China. They cite the possibility of job loss, trade deficits, international disputes, and human rights, not to mention national security concerns, as reasons to isolate and to ostracize China.

On the contrary, it seems to me that approving PNTR and validating the trade agreement—which requires China to drastically reduce its tariffs, eliminate trade barriers, and remove restrictions on foreign investment and trading and distribution rights—will benefit American workers and farmers and businesses.

These new market opportunities will support U.S. jobs and U.S. economic expansion into the new century, not to mention assisting the Chinese to become more familiar with and ascribe to the rule of law. This issue cuts across all areas of America.

To illustrate the broad importance of China trade, let me use some examples from my home State of Kansas. Boeing is the world's largest aircraft exporter. It employs 18,000 people in Kansas, with a payroll of \$1 billion, where 80 percent of that production—80 percent of that \$1 billion that accrues to Kansas—is export related.

In 1994, Boeing exported 25 percent of all Kansas production to China. In the future, China plans to buy large numbers of regional aircraft which are made at the Boeing plant in Wichita. But if the Senate should fail to approve this bill—amendment free—Boeing will suffer a huge competitive disadvantage in the huge Chinese market, and these valuable contracts will go to a European competitor, not to mention the loss of jobs in Wichita.

Likewise, PNTR will have a similar impact on agriculture, an industry where one-third of all goods are bound for export markets.

In 1998, Kansas farms exported \$58 million worth of goods to China. This agreement increases the market access and grants distribution rights for corn, beans, wheat, beef, pork, and fertilizer—all of the agricultural products

so vital to us in regards to our balance of payments as well.

China soon may be able to purchase the entire annual wheat crop of Kansas. I certainly hope that would be the case, more especially with the price today at the country elevator.

My good friend and Kansas native, Secretary of Agriculture Dan Glickman, estimates that passing PNTR will mean an additional \$2 billion per year in total U.S. farm exports to China in just several years.

Engaging China will benefit our other Kansas businesses.

Let me go back and reflect a minute before I get into the other jobs that are directly affected in other industries.

We had quite a discussion, it seems to me, before we broke for the August recess about the appropriations and the authorization for agriculture. I think it was reflective of the \$5.5 billion in emergency lost income payments, \$7.5 billion, as I recall, for the new crop insurance reform, some emergency assistance because of hard-hit areas of the United States, where farmers and ranchers are going through a difficult time.

People totaled up last year's expenditures and this year's expenditures. The difference this time around is that we budgeted this money. It does not come out of emergency funds. There was a real concern expressed by many of my colleagues on this side of the aisle and that side of the aisle about these expenditures, and saying: My goodness, we are spending a record amount for agriculture.

I didn't hear too much debate in that arena as to the cause, as to why we are going through a world price decline, not only the United States but farmers everywhere, all around the world. There have been 3 record years of crops worldwide, sanctions on 71 countries, not using all the export programs, the value of the dollar hindering our exports, the Asian market in real decline, and the same thing for South America. The list goes on and on. Not too much debate with regard to the cause, what is happening to worldwide agriculture prices, and why this outflow of expenditures, yes, to subsidize American agriculture at record levels, and a lot of concern about, wait a minute, we are not going to have one more nickel go to agriculture that is first not authorized and appropriated. I agree with that; I think that is the way it ought to be.

We have done some very good things in this session in behalf of agriculture. My point is, if we do not pass this trade bill, if we do not have an aggressive and consistent agricultural policy with regard to exports, we really should not be hearing too much criticism about one nickel more going to agriculture—if we shut down these markets and say we are not going to trade with one-fifth of the world's population. That is one of the things we should consider as the law of unintended effects. If in fact this bill does not pass, it is going to cause

a trade disruption such that one could hardly imagine. We will be going into the next century with our trade policy in real tatters.

Engaging China will benefit our other Kansas businesses—I am trying to point out the effect of this bill in a macro way in Kansas, micro in terms of the Nation—large and small businesses. Let's try Payless Shoe Source, Inc., 2,000 Kansas employees; Black & Veatch production is export related, a major international engineering firm with offices in the Kansas City area; a business called Superior Boiler Works of Hutchinson, KS, which provides industrial boilers for building projects in China—you might not think Hutchinson, KS, is where we are providing most of the boiler projects for that huge nation, but that is the case—several ventures in China by Koch Industries of Wichita. Clearly, the stakes are high, thousands of jobs. One out of four jobs in Kansas depends on trade. I use the Kansas example only for illustration. All 50 States will certainly benefit as well.

I don't think we need to be misled by charges that a vote against PNTR is a vote to protect American jobs. I just don't think that is correct. There are winners and losers in regard to all trade agreements. As a matter of fact, I think in some ways, when we talk about this issue or any trade pact, they are sometimes oversold. They are not a panacea. There are winners and there are some losers. A trade agreement is nothing more than, nothing less than, a working agreement to try to settle the differences you are going to have with your trading partners and competitors anyway. At least you have some structure there and a rule of law where you can reach a logical conclusion and strike an agreement to have much better trade relations. I know they are overcriticized. If I say they are oversold, they probably are. They are certainly overcriticized.

Federal Reserve Chairman Alan Greenspan recently pointed out:

It is difficult to find credible evidence that trade has impacted the level of total employment over the long run. Indeed we are currently experiencing the widest trade deficit in history with a level of unemployment close to record lows.

Trade-related jobs pay Americans 15 percent more than the average national wage. Free trade with China will provide unrestricted access to a wider variety of goods and services at lower prices and better quality. The distinguished Senator from Texas certainly gave that example in his remarks. In short, international trade raises real wages with virtually no downside risk to job security.

As a member of the Senate Intelligence Committee and chairman of the Armed Services Subcommittee on Emerging Threats, I have very serious concerns about China emerging as a more significant military threat, especially in the area of thermonuclear weapons and the proliferation of that

weaponry. I know it is a problem. It is a very serious problem. It is a national security concern. However, it seems to me that is not a reason to erect a trade barrier, nor is it an excuse to add what I would consider to be an amendment conceived with good intentions but a counterproductive and redundant amendment.

I know the distinguished Senator from Tennessee should be on the floor shortly to offer an amendment or a freestanding bill, or whatever he so chooses, to address the proliferation issue. I share his concern. I share his sense of frustration. Secretary Albright, Secretary of Defense Cohen, and a panel of experts went to China over the break and did not achieve the progress we all wanted to see with regard to their talks with the Chinese, more especially with the Chinese concern over national missile defense. That is a real challenge. That is a problem. That is a national security challenge. It seems to me we don't solve it by putting an amendment on a trade bill. Quite the opposite. Trade has a stabilizing effect on international relations. The more the two nations trade and invest economically in each other, the less likely they are to engage in military conflict.

If we don't trade, if we isolate China, it isn't a question of whether or not they will join the WTO. We will turn a lot of the decisionmaking over to the two military general authors who say by 2020 they hope China will be a superpower equal to that of the United States. I know that is where they want to go. If we are able to establish a better trading relationship and engagement, all those decisions will not then be turned over to the nationalists, the hardliners, and all of the military generals.

Since the Thompson amendment seems to enjoy more than nominal support—and why shouldn't it? The Senator has worked very hard on this particular issue; he is modifying it almost each day to try get more support. I understand the concern and frustration on the part of many Members who want to send a signal to the Chinese. At that point, it seems to me there is some growing support for the amendment. But I would like to highlight the importance of passing H.R. 4444 without amendments.

No matter how politically tempting or national security tempting a particular amendment may be, a vote for an amendment serves ultimately as a vote against PNTR. We have other avenues by which we can safeguard our national security interests. They are well known to all Members of the Senate. I will not go into that. To attach an amendment to this bill would be a grave mistake. I think Senators should consider that accordingly.

My former House colleagues have assured me they will not take another vote on PNTR. I know that assurance or that talk is not taken seriously by some in this body. I can't tell the Sen-

ate how serious it really is, but it seems to me when they look me in the eye and say: Senator ROBERTS, if we do this, there will not be a vote in the House, then we will have a trade disaster on our hands. That will be our responsibility. In short, it is now or never for PNTR. And never is not an alternative.

In addition to the proliferation concerns, I also find China's record on human rights and its religious oppression unacceptable. However, history proves the best manner to inspire change is through engagement and trade, not isolation, turning the decisionmaking, again, over to those who are now in favor of the oppression. When Deng Xiaoping took power in 1978, 2 years after Mao's death, he opened China to trade and foreign investment.

And the change in the economy and the human condition in China was dramatic—outstandingly dramatic. China's gross domestic product grew at an average of 9.7 percent a year for almost two decades. That is an incredible growth. Its share of world GDP rose from 5 percent in 1978 to 11.8 percent by 1998, only 2 years ago. Its income per person rose six times as fast as the world average when they opened it up to trade. So you can see what kind of economic opportunity, what kind of economic wherewithal, and what kind of improvement there was in the daily lives and the pocketbooks of each Chinese individual. You can see what happened.

More importantly, 20 percent of the population—200 million people—were lifted above the subsistence line. The most dramatic increase in the standard of living in the history of the world gave the Chinese people the ability to purchase televisions, washing machines and, increasingly, computers and mobile phones with Internet access, to become members of a modern global society, in terms of information and transparency in regard to freedom and economic opportunity.

Above all, the economic changes are quickly and dramatically improving personal freedom for the average Chinese citizen. Despite the Communist Government, millions of Chinese now have access to foreign magazines and newspapers, copiers, satellite TV dishes, and the Internet, where they can learn about capitalism, freedom, and democracy, and it is catching. Internet access, which American companies are quite willing to provide, will only accelerate this process.

Finally, it should be stressed that congressional approval of PNTR for China is not a decision on whether China becomes a member of the World Trade Organization. That is not the case. That is not the issue. China will become a member of that world trade group, hopefully, later this year, regardless of our decision. It means we will be locked out of the trade benefits, the agreements that have been so long pursued. It means the PNTR vote will

determine how the United States deals with this huge nation as it becomes a WTO member. That is exceedingly important.

Approval gives Americans entry to Chinese markets and provides an avenue for influence. Disapproval ensures we are shut out while China does business with the rest of the world.

With that in mind, I strongly urge my Senate colleagues to lead America down the engagement path toward prosperity and peace by promptly approving the PNTR legislation, amendment free.

I will repeat the one thing I underscored when I started my remarks. It is basically a test to demonstrate to the rest of the world and to China that diplomacy through commerce is a formula for stability. I believe that. That is what this vote is all about.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS. Mr. President, I yield 15 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Kansas controls 8½ minutes at this time.

Mr. SPECTER. Mr. President, this 15 minutes will be on another subject. I have sought recognition to introduce legislation.

The PRESIDING OFFICER. The Senator only has 8½ minutes to yield.

Mr. BYRD. Mr. President, how much time does the Senator want?

Mr. SPECTER. I will need 15 total.

Mr. BYRD. I yield 6½ minutes to the Senator from Pennsylvania, for a total of 15 minutes.

(The remarks of Mr. SPECTER are located in today's RECORD under Morning Business.)

Mr. LEAHY. Mr. President, the Senator from West Virginia has offered an amendment which highlights that China has enormous reserves of coal which that country will in all likelihood rely on greatly to fuel power plants as its economy continues to expand and modernize.

I commend Senator BYRD for his effort to support the transfer of clean coal technologies to China as part of our foreign assistance programs. The coal in the hills and mountains of China has high concentrations of sulfur and mercury. The United States should encourage the use of technologies that will reduce emissions of harmful substances and improve generation efficiency.

While I support the amendment offered by Senator BYRD, I strongly encourage the Administration to also promote the use of renewable energy technologies in China. Coal may be a plentiful resource in China but that country should also utilize other energy technologies to provide power for their growing economy such as wind, solar and biomass. The United States and many European countries have developed low cost power generation technologies in all of these areas of renewable energy. Our foreign policy

should vigorously promote these technologies as well as clean coal technology.

The PRESIDING OFFICER. The Senator from West Virginia controls the remaining time on the amendment.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 27 minutes and 9 seconds.

Mr. BYRD. Mr. President, once again, I ask the clerk to read my amendment in the RECORD so it appears once again before the Senate takes a vote.

That time will not be charged to me?

The PRESIDING OFFICER. The Senator is correct.

The clerk will report.

The legislative clerk read as follows:

On page 69, after line 16, insert the following:

SEC. 702. UNITED STATES SUPPORT FOR THE TRANSFER OF CLEAN ENERGY TECHNOLOGY AS PART OF ASSISTANCE PROGRAMS WITH RESPECT TO CHINA'S ENERGY SECTOR.

(a)(1) the People's Republic of China faces significant environmental and energy infrastructure development challenges in the coming century;

(2) economic growth and environmental protection should be fostered simultaneously;

(3) China has been recently attempting to strengthen public health standards, protect natural resources, improve water and air quality, and reduce greenhouse gas emissions levels while striving to expand its economy;

(4) the United States is a leader in a range of clean energy technologies; and

(5) the environment and energy infrastructure development are issues that are equally important to both nations, and therefore, the United States should work with China to encourage the use of American-made clean energy technologies.

(b) SUPPORT FOR CLEAN ENERGY TECHNOLOGY.—Notwithstanding any other provision of law, each department, agency, or other entity of the United States carrying out an assistance program in support of the activities of United States persons in the environment and energy sector of the People's Republic of China shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of the People's Republic of China.

Mr. BYRD. Mr. President, I thank the Chair and I thank the clerk.

In conclusion, Mr. President, this is a pro-business amendment. It is a pro-environment amendment. It is a pro-labor amendment. It is a pro-America amendment. It is a pro-commonsense amendment. The amendment helps businesses to get clean energy technologies into the Chinese market. The amendment helps to clean the water and the air.

I have a book by the distinguished Vice President, Mr. GORE, entitled

"Earth in the Balance." This is where we can start to clean up the Earth. This amendment helps to clean the water and the air. It helps to reduce global climate change, and helps America use our resources and would help China to use its resources more efficiently.

Finally, this amendment promotes American-made clean energy technologies that help the U.S. economy. Who can be against that? I haven't heard one word in these 3 hours, not one word, of criticism concerning my amendment. Not one word by way of attacking my amendment on its merits. As a matter of fact, not many Senators—two or three only—have spoken a few short words in opposition to the amendment, but their arguments are not going to the merits of the amendment. As a matter of fact, I believe the Senators who have spoken would probably support this amendment if it were on some other bill.

I have crafted this amendment so that every Senator's interests are represented. Here is one of the cleanest, purest amendments that has ever been read at the desk where the clerk sits. Nobody is opposed to anything that is in the amendment. There hasn't been a word, not a single word spoken against this amendment. So it is a win-win opportunity that we should take advantage of today.

The only problem is that Senators have blinders on. I can remember back in 1947 when the State of West Virginia had 97,600 farms, had 97,000 horses, and 6,000 mules. When farmers use their horses, they put blinders on them. I am sure Senators understand what blinders are. They keep the horses from seeing an automobile and shying away from it, possibly running away, wrecking the wagon or the buggy, and ending up killing the passenger.

Senators who oppose this today say quite openly and frankly that they oppose it because any amendment adopted to this bill might kill the bill. This is not a killer amendment. I know a killer amendment when I see one. This is not a killer amendment. I have no interest in killing this bill by this amendment or any other amendment. I will vote against the bill. But I have not engaged in any dilatory tactics. I haven't engaged in any filibuster. I voted to take up the bill. I am not interested in killing it through dilatory actions. I am interested in improving it. This bill is going to pass the Senate. I read the handwriting on the wall. Belshazzar is not the only person who can see handwriting on the wall. I can read the handwriting on the wall. We have absolutely no chance of killing the bill if that is what we want to do. I prefer to improve it. It could be improved to the point that I would vote for it, but it will pass whether I vote for it or not.

This is no killer amendment. This amendment is a highly beneficial amendment to our own country, to the working people, to the businesspeople

of this country, to the environmentalists and to the environment, to industry, to the Chinese. I have gone over that already so I won't repeat it again. It is not a killer amendment. I plead with Senators to take off the blinders on this amendment. Take them off. Take off your blinders, Senators, and smudge that line that has been drawn in the sand. Take a good look at this amendment. That is why I have had it read again, just before voting on it. Take a good look at it. This amendment is no killer amendment. It is a sugar pill, candy-coated peppermint pill. There is no hidden ingredient. There is no arsenic here; no bitter aftertaste. It will not leave halitosis. It is a sugar-coated amendment.

This amendment will help our trading relations with China because it can help to assuage environmental concerns about China's coming rapid growth. It will help China. It will help the business community in our own country because it will encourage and enhance the marketability of clean energy technology in China. God knows they are going to need it. They are going to need it. It will help those businesses employ more people as they develop and sell these new energy technologies. Everybody benefits, everybody. And I believe the amendment would pass the House, if the House were given an opportunity to vote on this amendment.

But the Senators who oppose this amendment do not want that to happen. They don't want the House to have an opportunity to debate this amendment. They don't want the House to vote on this amendment. But it would pass the House, probably with flying colors. It is an opportunity that should not be missed just because some Members have taken what would amount to a blood oath to oppose all amendments—oppose all amendments.

It is a winning horse, a winning horse. You can't do better over at Charles Town at the races, I say to my friend from Delaware. You can't find a better horse over at Charles Town, just 75 miles from here. Go over there and see the winning horses.

But this is a winning horse that I have brought in here today; a winning horse. Look at its teeth, open its mouth—it is a winning horse. It is just waiting, just waiting, waiting patiently, may I say to the Senator from Massachusetts before he egresses from the Chamber, this is a horse that is just waiting to collect the prize. And all we have to do is say, "giddy-up, giddy-up." It is my amendment that I am talking about—a winning horse.

Senators, let this pony run. Don't draw the line in the sand. Don't say no. Don't close one's ears, like Odysseus was told by Circe to put wax in his ears so that he wouldn't hear the singing sirens. Take the wax out of your ears. Let this pony run. I plead with Members to take off the blindfolds and look at this amendment on its many, many merits.

This will not hurt, Senators. Put just one toe, the big toe or the little toe, over that line in the sand that you have drawn. There is an oasis of benefits for everybody on the other side of the line. Take this step, take this brave, single step and cross over into the promised land, freed from the shackles of the oath that binds you.

A poem comes to my mind, written by J.G. Holland.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes 20 seconds.

Mr. BYRD. Fifteen minutes, 20 seconds.

I can't find my poem—ah, my trusty aide has found it. I don't need it anyhow.

God, give us men. A time like this demands
Strong minds, great hearts, true faith and
ready hands;

Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagog
And damn his treacherous flatteries without
winking.

Tall men sun-crowned, who live above the
fog

In public duty and in private thinking;
For while the rabble, with their thumb-worn
creeds,

Their large professions and their little deeds,
Mingle in selfish strife, lo. Freedom weeps,
Wrong rules the land and waiting justice
sleeps.

God give us men.

Men who serve not for selfish booty,
But real men, courageous, who flinch not at
duty.

Men of dependable character; men of sterling
worth.

Then wrongs will be redressed and right will
rule the earth.

God, give us men.

Mr. President, I yield back my time. I ask unanimous consent that the vote occur, up or down, on my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor, and I thank all Senators for listening. And in particular I thank the distinguished manager of the bill, a venerable Senator whom I greatly admire, and with whom I often talk. We engage each other in conversation about our little dogs. He has a little dog. I have a little dog. It recalls to my attention an old song, an old fiddle song:

You better stop kicking my dog around.
Every time I come to town,
The boys start kicking my dog around.
Whether he's a poodle or whether he's a
hound,

You better stop kicking my dog around.

That is the way the Senator from Delaware and I feel about it. I treasure his friendship. He has been a fine manager on this bill. But he is wrong in taking the position that he should vote against my amendment.

I also thank my friend on this side of the aisle, Mr. MOYNIHAN; as always, a gentleman and scholar. I thank him for the way he has conducted himself on this amendment and on other bills.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the call for the quorum be dispensed with.

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

Mr. BYRD. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4115. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—32

Bunning	Harkin	Santorum
Burns	Helms	Sarbanes
Byrd	Hollings	Smith (NH)
Campbell	Inhofe	Snowe
Collins	Jeffords	Specter
Craig	Kennedy	Stevens
Daschle	Kohl	Thompson
Dorgan	Leahy	Thurmond
Edwards	McConnell	Torricelli
Feingold	Mikulski	Wellstone
Gregg	Rockefeller	

NAYS—64

Abraham	Feinstein	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	Miller
Bayh	Graham	Moynihan
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Hagel	Reid
Breaux	Hatch	Robb
Brownback	Hutchinson	Roberts
Bryan	Hutchison	Roth
Chafee, L.	Inouye	Schumer
Cleland	Johnson	Sessions
Cochran	Kerrey	Shelby
Conrad	Kerry	Smith (OR)
Crapo	Kyl	Thomas
DeWine	Landrieu	Thomas
Dodd	Lautenberg	Voinovich
Domenici	Levin	Warner
Durbin	Lincoln	Wyden
Enzi	Lott	

NOT VOTING—4

Akaka	Lieberman
Boxer	Murkowski

The amendment (No. 4115) was rejected.

CHANGE OF VOTE

Mr. DORGAN. Mr. President, on amendment 4115, rollcall vote 235, I vote "no." My intention was to vote "aye." I ask unanimous consent that I be permitted to change my vote which in no way would change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that Senator HOLLINGS be recognized to offer an amendment, that there be 1 hour equally divided in the usual form prior to a vote in relation to the amendment, and that no second-degree amendments be in order prior to a vote on or in relation to the amendment.

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

The Senator from South Carolina.

AMENDMENT NO. 4122

Mr. HOLLINGS. Mr. President, I call up amendment No. 4122 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 4122.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the provision terminating the application of chapter 1 of title IV of the Trade Act of 1974 and the effective date provisions, but provide for accession of the People's Republic of China to the World Trade Organization)

On page 4, beginning with line 4, strike through line 18 on page 5 and insert the following:

SEC. 101. ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.

Pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

On page 5, line 19, strike "SEC. 103." and insert "SEC. 102."

Mr. HOLLINGS. Mr. President, I am reading the words of art here. That is why I have drawn this particular amendment because I thought there might be a question of germaneness. You cannot tell from reading without reference what exactly this amendment does. But in a line, it does away with the "P" of PNTR, the "permanent" normal trade relations, so that we can annually, as we have in the past, fulfill the obligation referred to by the distinguished Senator from West Virginia, who knows better than any our Constitution, article I, section 8. I almost have to demonstrate, like my forbearer, L. Mendel Rivers, the distinguished Congressman from Charleston, SC, who used to head up

Armed Services. He would bring up the Secretary of Defense. He would say, Robert Strange McNamara, not the President, not the Supreme Court, but the Congress shall raise and support armies.

Similarly, not the President, not the Supreme Court, but the Congress, under article I, section 8, shall regulate foreign commerce. Now word has it the "Philistines" got the fix on; we can't regulate anything. As the distinguished Senator pointed out in the previous debate on the amendment, there is no debate. They fix the Finance Committee, and once they—the leadership on both sides—get that, then they see how many votes they need and they wait until now to give us a little time, when we are about to leave for the Presidential campaign in another 3 weeks. You would think we would have a chance to debate and exchange ideas about the significance of a \$350 billion to \$400 billion trade deficit. But not at all. Nobody to listen or to exchange vows and no debate whatsoever. It is very unfortunate.

PNTR, to bring it right into focus—and the reason we submit this particular amendment has nothing to do with opening up China. They say with this agreement and with going into the World Trade Organization, we are going to open up China. Not at all. We have had an agreement with Japan, and Japan has been in the WTO for 5 years, and it has yet to open up the Japanese market.

PNTR has not a thing to do with jobs in America, either. My friend, the director of the U.S. Chamber of Commerce, Mr. Tom Donahue, says PNTR will create 800,000 jobs. I can show you we will lose at least 800,000, according to the Economic Policy Institute. I will get that particular study later.

When they had the House vote and a headline in the Wall Street Journal, there was a footrace for investment in China. But it's not that we are going to start hiring more in America because we are going to have increased production and increased exports and increased jobs, not at all.

So it is not about exports whatsoever. We have a \$70 billion deficit in our balance of trade with China, and I will bet you that it increases. Does anybody want to take on the bet? Name the amount, name the odds; the bet is on.

This deficit is going to increase with or without this particular amendment. And it has nothing to do with technology. We already have a \$3.2 billion deficit in the balance of trade in high-tech with the People's Republic of China that will approximate \$5 billion alone just this year.

It has really nothing to do with the environment and labor. I supported strongly the amendment of the Senator from West Virginia. But, mind you me, it took us 200 years and more to get around to the environment, to get around to a safe working place and everything else of that kind.

It has nothing to do with human rights. The first human right is to feed 1.3 billion. The second human right is to house the 1.3 billion. The third human right is to educate. And the fourth human right, of course, is one man/one vote. Many here in the Congress have been touting one man/one vote. Without education, you have total chaos. As a result, you are not going to have a PNTR agreement that will improve human rights. They have used traumatic control. We oppose that; we don't like it. But run a country of 1.3 billion and let demonstrations get out of hand, and you have total chaos and no progress or improvement.

So it is really not about undermining the Communist regime. I have heard that on the floor. On the contrary. The Communist regime is unanimously in favor of PNTR. They know what they are doing. We don't know what we are doing. It is not about China obeying its agreements, it is about the United States enforcing ours.

I don't know where the fanciful thought has come from that somehow we have to continue like this, after 50 years of almost losing our entire manufacturing capacity, whereas Japan—a little country of 126 million—takes on 280 million Americans and almost outmanufactures and outproduces the United States of America. We are losing our economic strength. We are losing our middle class that is the backbone of that economic strength. "The strength of a democracy is its middle class," said Aristotle. We put in yesterday a particular article from Fortune magazine about the disparity between the rich and the poor and how the middle class is disappearing.

This has to do with the United States competing in international trade, the global economy. That is why I put up this amendment, so that we won't get it done in the year 2000. There is too great an interest in the Presidential campaign right now to really get anything accomplished on this important issue. Neither Presidential candidate has really addressed the subject of our trade deficit. They just say it in a Pavlovian fashion: "I am for free trade." Well, free trade is an oxymoron. Trade is something for something. We know it is not free. Otherwise, of course, they hope to have trade without restrictions, without tariffs, without nontariff barriers, and those kinds of things.

As the father of our country said, the way to maintain the peace is to prepare for war. And the way to maintain free trade, rather than preparing for war, is to prepare for the trade war. It means in a sense to begin to compete, raise a barrier, and remove a barrier in China.

Jiang Zemin or Zhu Rongji should run for President. They know how to run the trade policy. They use that rich market of 1.3 billion and say: You can't come in here and sell that Boeing airplane, that 777, unless you make

half of it in downtown Shanghai. You can't come in here with that automobile, that Buick, unless you put your research center here in Shanghai. They just told Qualcomm—although Trade Representative Barshefsky said we solved this problem—that there will be no more technology transfers. Hogwash. Tell them to call Qualcomm. They found out they couldn't sell there unless they shared the technology to the Chinese.

So business is business; it is not the Boy Scouts and it doesn't adhere to the golden rule. Incidentally, it is not for profits in the international competition. The global competition is for market share and for jobs. We are losing out in every particular turn.

So since I am a little bit limited in time here this afternoon, I want to correct the Record. I know the distinguished chairman of our Finance Committee will enjoy this, because I could quote myself.

We did this research 15 years ago. We were tired of hearing about Smoot-Hawley, and that the hobgoblins were coming. They really went around yelling "peril," and the Chinese, how we discriminated against them. Then the talk was that Smoot-Hawley would cause a world war; if you do not vote for this we are going to have World War III. I never heard of such nonsense. It is time we jailed that buzzard, Smoot-Hawley. Unfortunately, Ross Perot didn't understand Smoot-Hawley.

Mr. President, I ask unanimous consent to have printed in the RECORD a part of the CONGRESSIONAL RECORD dated September 17, 1985, the text by the former distinguished Senator of Pennsylvania, John Heinz.

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

STATEMENT OF SENATOR JOHN HEINZ, SUBMITTED FOR THE CONGRESSIONAL RECORD, SEPTEMBER 17, 1985

MR. HEINZ. Mr. President, it gravely concerns me that every time someone in the Administration or the Congress gives a speech about a more aggressive trade policy or the need to confront our trade partners with their subsidies, barriers to imports and other unfair practices, others, in the Congress immediately react with speeches on the return of the Smoot-Hawley Tariff Act of 1930, and the dark days of blatant protectionism and depression.

Take, for example, a statement by the Senator from Rhode Island [Mr. Chafee] which appeared in the Record on June 17. Senator Chafee first asserts that an overvalued dollar is primarily responsible for the current trade deficits. Second, he expresses his concern that Congress might enact legislation, like Smoot-Hawley, in order to alleviate our trade problems. Third, he adds that this would have a devastating effect on the U.S. economy, because Smoot-Hawley had a devastating effect on the economy in the 1930's. In fact, Senator Chafee goes so far as to state that "The Smoot-Hawley Tariff Act * * *, without question, led to the Great Depression."

Mr. President, despite my admiration for the Senator from Rhode Island, I find myself unable to agree with him on this issue. First,

while Senator Chafee is correct in citing the excessive value of the dollar as the main contributing factor to our trade deficit, he fails to mention that underlying the dollar's strength and high interest rates is an enormous budget deficit. Nor does he mention the way market access barriers affect U.S. exports abroad.

This question aside, it seems that for many of us that Smoot-Hawley has become a code word for protectionism and, in turn, a code word for the Depression. Yet when one recalls that Smoot-Hawley was not enacted until more than 8 months after the October 1929 economic collapse, it is hard to conceive how it could have "led to the Great Depression." Indeed, for those of us who sometimes wonder about the ability of Congress to make any changes in our economy, the changes supposedly wrought by this single bill in 1930 appear fantastic.

Historians and Economists, who usually view these things objectively, realize that the truth is a good deal complicated, that the causes of the depression were far deeper, and that the link between high tariffs and economic disaster is much more tenuous than the article Senator Chafee placed in the record implies. A 1983 study by Donald Bedell publicly explodes the myth of Smoot-Hawley through an economic analysis of the actual tariff increases in the act and their effects in the early years of the depression. The study points out that the increases in question affected only \$231 million worth of products in the second half of 1930, significantly less than 1 percent of world trade; that in 1930-32 duty-free imports into the United States fell at almost the same percentage rate as dutiable imports; and that a 13.5-percent drop in GNP in 1930 can hardly be blamed on a single piece of legislation that was not even enacted until midyear.

This, of course, is not to suggest that high tariffs are good or that Smoot-Hawley was a wise piece of legislation. It was not. It made a bad situation worse. But it was also clearly not responsible for all the ills of the 1930's that are habitually blamed on it by those who fancy themselves defenders of freed trade. Mr. President, I have placed this study in the record previously. Indeed, the Senator from South Carolina (Mr. HOLLINGS) cited it in his recent appearance before the Finance Committee on Textile Legislation. However, the continuing appearance of these articles erroneously blaming Smoot-Hawley for everything bad that has happened since 1930 dictates bringing it to Senators' attention once again. Sort of a refresher course, if you will. Hopefully, the study will help us to clean up the rhetoric so often associated with Smoot-Hawley and provide for a more sophisticated and accurate view of economic history.

Mr. President, I ask that the study, by Don Bedell of Bedell Associates, be printed in the RECORD.

The study follows:

TARIFFS MISCAST AS VILLAIN IN BEARING
BLAME FOR GREAT DEPRESSION—SMOOT/
HAWLEY EXONERATED

(By Donald W. Bedell)

SMOOT/HAWLEY, DEPRESSION AND WORLD
REVOLUTION

It has recently become fashionable for media reporters, editorial writers here and abroad, economists, members of Congress, members of foreign governments, UN organizations and a wide variety of scholars to express the conviction that the United States, by the single act of causing the Tariff Act of 1930 to become law (Public Law 361 of the 71st Congress) plunged the world into an economic depression, may well have prolonged it, led to Hitler and World War II.

Smoot/Hawley lifted import tariffs into the U.S. for a cross section of products be-

ginning mid-year 1930, or more than 8 months following the 1929 financial collapse. Many observers are tempted simply to repeat "Free Trade" economic doctrine by claiming that this relatively insignificant statute contained an inherent trigger mechanism which upset a neatly functioning world trading system based squarely on the theory of comparative economics, and which propelled the world into a cataclysm of unmeasurable proportions.

We believe that sound policy development in international trade must be based solidly on facts as opposed to suspicions, political or national bias, or "off-the-cuff" impressions 50 to 60 years later of how certain events may have occurred.

When pertinent economic, statistical and trade data are carefully examined will they show, on the basis of preponderance of fact, that passage of the act did in fact trigger or prolong the great depression of the thirties, that it had nothing to do with the great depression, or that it represented a minor response of a desperate nation to a giant world-wide economic collapse already underway?

It should be recalled that by the time Smoot/Hawley was passed 6 months had elapsed of 1930 and 8 months had gone by since the economic collapse in October, 1929. Manufacturing plants were already absorbing losses, agriculture surpluses began to accumulate, the spectre of homes being foreclosed appeared, and unemployment showed ominous signs of a precipitous rise.

The country was stunned, as was the rest of the world. All nations sought very elusive solutions. Even by 1932, and the Roosevelt election, improvisation and experiment described government response and the technique of the New Deal, in the words of Arthur Schlesinger, Jr. in a New York Times article on April 10, 1983. President Roosevelt himself is quoted in the article as saying in the 1932 campaign, "it is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

The facts are that, rightly or wrongly, there were no major Roosevelt administration initiatives regarding foreign trade until well into his administration; thus clearly suggesting that initiatives in that sector were not thought to be any more important than the Hoover administration thought them. However, when all the numbers are examined we believe neither President Hoover nor President Roosevelt can be faulted for placing international trade's role in world economy near the end of a long list of sectors of the economy that had caused chaos and suffering and therefore needed major corrective legislation.

How important was international trade to the U.S.? How important was U.S. trade to its partners in the twenties and thirties?

In 1919, 66 percent of U.S. imports were duty free, or \$2.9 billion of a total of \$4.3 billion. Exports amounted to \$5.2 billion in that year making a total trade number of \$9.6 billion or about 14 percent of the world's total.

U.S. GROSS NATIONAL PRODUCT, 1929-33

(Dollar amounts in billions)

	1929	1930	1931	1932	1933
GNP	\$103.4	\$89.5	\$76.3	\$56.8	\$55.4
U.S. international trade	\$9.6	\$6.8	\$4.5	\$2.9	\$3.2
U.S. international trade per- cent of GNP	9.3	7.6	5.9	5.1	5.6

¹ Series U., Department of Commerce of the United States, Bureau of Economic Analysis.

Using the numbers in that same chart I it can be seen that U.S. Imports amounted to \$4.3 billion or just slightly above 12 percent of total World Trade. When account is taken

of the fact that only 33 percent, or \$1.5 billion, of U.S. Imports was in the dutiable category, the entire impact of Smoot/Hawley has to be focused on the \$1.5 billion number which is barely 1.5 percent of U.S. GNP and 4 percent of world imports.

What was the impact in dollars dutiable imports fell by \$462 million, or from \$1.5 billion to \$1.0 billion, during 1930. It's difficult to determine how much of that small number occurred in the second half of 1930 but the probability is that it was less than 50 percent. In any case, the total impact of Smoot/Hawley in 1930 was limited to a "Damage" number of \$231 million spread over several hundred products and several hundred countries!

A further analysis of imports into the U.S. discloses that all European Countries accounted for 30 percent or \$1.3 billion in 1929 divided as follows: U.K. at \$330 million or 7½ percent, France at \$171 million or 3.9 percent, Germany at \$255 million or 5.9 percent, and some 15 other nations accounting for \$578 million or 13.1 percent for an average of 1 percent.

These numbers suggest that U.S. Imports were spread broadly over a great array of products and countries, so that any tariff action would by definition have only a quite modest impact in any given year or could be projected to have any important cumulative effect.

This same phenomenon is apparent for Asian countries which accounted for 29 percent of U.S. Imports divided as follows: China at 3.8 percent, Japan at \$432 million and 9.8 percent, and with some 20 other countries sharing in 15 percent or less than 1 percent on average.

Australia's share was 1.3 percent and all African countries sold 2.5 percent of U.S. Imports.

Western Hemisphere countries provided some 37 percent of U.S. Imports with Canada at 11.4 percent, Cuba at 4.7 percent, Mexico at 2.7 percent, Brazil at 4.7 percent and all others accounting for 13.3 percent or about 1 percent each.

The conclusion appears inescapable on the basis of these numbers; a potential adverse impact of \$231 million spread over the great array of imported products which were dutiable in 1929 could not realistically have had any measurable impact on America's trading partners.

Meanwhile, the Gross National Product (GNP) in the United States had dropped an unprecedented 13.5 percent in 1930 alone, from \$103.4 billion in 1929 to \$89 billion by the end of 1930. It is unrealistic to expect that a shift in U.S. International Imports of just 0.2 percent of U.S. GNP in 1930 for example (231 million on \$14.4 billion) could be viewed as establishing a "precedent" for America's trading partners to follow, or represented a "model" to follow.

Even more to the point an impact of just 0.2 percent could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

Note should be taken of the claim by those who repeat the Smoot/Hawley "villain" theory that it set off a "chain" reaction around the world. While there is some evidence that certain of America's trading partners retaliated against the U.S. there can be no reliance placed on the assertion that those same trading partners retaliated against each other by way of showing anger and frustration with the U.S. self-interest alone would dictate otherwise, common sense would intercede on the side of avoidance of "shooting oneself in the foot," and the facts disclose that World Trade declined by 18 percent by the end of 1930 while U.S. Trade declined by some 10 percent more or 28 percent. U.S. Foreign Trade continued to decline by 10 percent

more through 1931, or 53 percent versus 43 percent for World-Wide Trade, but U.S. share of World Trade declined by only 18 percent from 14 percent to 11.3 percent by the end of 1931.

Reference was made earlier to the duty free category of U.S. Imports. What is especially significant about those import numbers is the fact that they dropped in dollars by an almost identical percentage as did dutiable goods through 1931 and beyond: Duty Free Imports declined by 29 percent in 1930 versus 27 percent for dutiable goods, and by the end of 1931 the numbers were 52 percent versus 51 percent respectively.

The only rational explanation for this phenomenon is that Americans were buying less and prices were falling. No basis exists for any claim that Smoot/Hawley had a distinctively devastating effect on imports beyond and separate from the economic impact of the economic collapse in 1929.

Based on the numbers examined so far, Smoot/Hawley is clearly a mis-cast villain. Further, the numbers suggest the clear possibility that when compared to the enormity of the developing international economic crisis Smoot/Hawley had only a minimal impact and International Trade was a victim of the great depression.

This possibility will become clear when the course of the Gross National Product (GNP) during 1929–1933 is examined and when price behavior world-wide is reviewed, and when particular tariff schedules of manufacturers outline in the Legislation are analyzed.

Before getting to that point another curious aspect of the "Villain" theory is worthy of note. Without careful recollection it is tempting to view a period of our history some 50–60 years ago in terms of our present world. Such a superficial view not only makes no contribution to constructive policy-making. It overlooks several vital considerations which characterized the twenties and thirties:

1. The internal trading system of the twenties bears no relation to the interdependent world of the eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the general agreement for tariffs and trade (gatt) for example for resolution of disputes. There were no trade "leaders" among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the "economy-critical" context as currently in the U.S. as indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. Foreign Trade was relatively an amorphous phenomenon quite unlike the highly structured system of the eighties; characterized largely then by "Caveat Emptor" and a broadly laissez-faire philosophy generally unacceptable presently.

These characteristics, together with the fact that 66 percent of U.S. Imports were duty free in 1929 and beyond, placed overall international trade for Americans in the twenties and thirties on a very low level of priority especially against the backdrop of world-wide depression. Americans in the twenties and thirties could no more visualize the world of the Eighties than we in the eighties can legitimately hold them responsible for failure by viewing their world in other than the most pragmatic and realistic way given those circumstances.

For those Americans then, and for us now, the numbers remain the same. On the basis of sheer order of magnitude of the numbers

illustrated so far, the "villain" theory often attributed to Smoot/Hawley is an incorrect reading of history and a misunderstanding of the basic and incontrovertible law of cause and effect.

It should also now be recalled that, despite heroic efforts by U.S. policy-makers its GNP continued to slump year-by year and reached a total of just \$55.4 billion in 1933 for a total decline from 1929 levels of 46 percent. The financial collapse of October, 1929 had indeed left its mark.

By 1933 the 1929 collapse had prompted formation in the U.S. of the reconstruction finance corporation, Federal Home Loan Bank Board, brought in a democrat president with a program to take control of banking, provide credit to property owners and corporations in financial difficulties, relief to farmers, regulation a stimulation of business, new labor laws and social security legislation. Beard, Charles and Mary, new Basic History of the United States).

So concerned were American citizens about domestic economic affairs, including the Roosevelt Administration and the Congress, that scant attention was paid to the solitary figure of Secretary of State Cordell Hull. He, alone among the Cabinet, was convinced that international trade had material relevance to lifting the country back from depression. His efforts to liberalize trade in general and to find markets abroad for U.S. products in particular from among representatives of economically stricken Europe, Asia and Latin America were abruptly ended by the President and the 1933 London Economic Conference collapsed without result.

The Secretary did manage to make modest contributions to eventual trade recovery through the most favored nation (MFN) concept. But it would be left for the United States at the end of World War II to undertake an economic and political role of leadership in the world; a role which in the twenties and thirties Americans in and out of government felt no need to assume, and did not assume. Evidence that conditions in the trade world would have been better, or even different, had the U.S. attempted some leadership role cannot responsibly be assembled. Changing the course of past history has always been less fruitful than applying perceptively history's lessons.

The most frequently used numbers thrown out about Smoot-Hawley's impact by those who believe in the "villain" theory are those which clearly establish that U.S. dollar decline in foreign trade plummeted by 66 percent by the end of 1933 from 1929 levels, \$9.6 billion to \$3.2 billion annually.

Much is made of the co-incidence that world-wide trade also sank about 66 percent for the period. Chart II summarizes the numbers.

UNITED STATES AND WORLD TRADE, 1929–33

(In billions of U.S. dollars)

	1929	1930	1931	1932	1933
United States:					
Exports	5.2	3.8	2.4	1.6	1.7
Imports	4.4	3.0	2.1	1.3	1.5
Worldwide:					
Exports	33.0	26.5	18.9	12.9	11.7
Imports	35.6	29.1	20.8	14.0	12.5

¹ Series U. Department of Commerce of the United States, League of Nations, and International Monetary Fund.

The inference is that since Smoot-Hawley was the first "protectionist" legislation of the twenties, and the end of 1933 saw an equal drop in trade that Smoot-Hawley must have caused it. Even the data already presented suggest the relative irrelevance of the tariff-raising act on a strictly trade numbers basis. When we examine the role of a world-wide price decline in the trade figures for almost every product made or commodity

grown the "villain" Smoot-Hawley's impact will not be measurable.

It may be relevant to note here that the world's trading "system" paid as little attention to America's revival of foreign trade beginning in 1934 as it did to American trade policy in the early thirties. From 1934 through 1939 U.S. foreign trade rose in dollars by 80 percent compared to world-wide growth of 15 percent. Imports grew by 68 percent and exports climbed by a stunning 93 percent. U.S. GNP by 1939 had developed to \$91 billion, to within 88 percent of its 1929 level.

Perhaps this suggests that America's trading partners were more vulnerable to an economic collapse and thus much less resilient than was the U.S. in any case the international trade decline beginning as a result of the 1929 economic collapse, and the subsequent return by the U.S. beginning in 1934 appear clearly to have been wholly unrelated to Smoot/Hawley.

As we begin to analyze certain specific schedules appearing in the Tariff Act of 1930 it should be noted that sharp erosion of prices world-wide caused dollar volumes in trade statistics to drop rather more than unit volume thus emphasizing the decline value. In addition, it must be remembered that as the great depression wore on, people simply bought less of everything increasing further price pressure downward. All this wholly apart from Smoot/Hawley.

When considering specific schedules, No. 5 which includes sugar, molasses, and manufactures of maple sugar cane, syrups, adonite, dulcete, galactose, inulin, lactose and sugar candy. Between 1929 and 1933 import volume into the U.S. declined by about 40% in dollars. In price on a world basis producers suffered a stunning 60% drop. Volume of sugar imports declined by only 42% into the U.S. in tons. All these changes lend no credibility to the "villain" theory unless one assumes, erroneously, that the world price of sugar was so delicately balanced that a 28% drop in sugar imports by tons into the U.S. in 1930 destroyed the price structure and that the decline was caused by tariffs and not at least shared by decreased purchases by consumers in the U.S. and around the world.

Schedule 4 describes wood and manufactures of, timber hewn, maple, brier root, cedar from Spain, wood veneer, hubs for wheels, casks, boxes, reed and rattan, tooth-picks, porch furniture, blinds and clothespins among a great variety of product categories. Dollar imports into the U.S. slipped by 52% from 1929 to 1933. By applying our own GNP as a reasonable index of prices both at home and overseas, unit volume decreased only 6% since GNP had dropped by 46% in 1933. The world-wide price decline did not help profitability of wood product makers, but to tie that modest decline in volume to a law affecting only 6½% of U.S. imports in 1929 puts great stress on credibility, in terms of harm done to any one country or group of countries.

Schedule 9, cotton manufactures, a decline of 54% in dollars is registered for the period, against a drop of 46% in price as reflected in the GNP number. On the assumption that U.S. GNP constituted a rough comparison to world prices, and the fact that U.S. imports of these products was infinitesimal. Smoot/Hawley was irrelevant. Further, the price of raw cotton in the world plunged 50% from 1929 to 1933. U.S. growers had to suffer the consequences of that low price but the price itself was set by world market prices, and was totally unaffected by any tariff action by the U.S.

Schedule 12 deals with silk manufactures, a category which decreased by some 60% in dollars. While the decrease amounted to 14% more than the GNP drop, volume of product

remained nearly the same during the period. Assigning responsibility to Smoot/Hawley for this very large decrease in price beginning in 1930 stretches credibility beyond the breaking point.

Several additional examples of price behavior are relevant.

One is schedule 2 products which include brick and tile. Another is schedule 3 iron and steel products. One outstanding casualty of the financial collapse in October, 1929 was the gross private investment number. From \$16.2 billion annually in 1929 by 1933 it has fallen by 91% to just \$1.4 billion. No tariff policy, in all candor, could have so devastated an industry as did the economic collapse of 1929. For all intents and purposes construction came to a halt and markets for glass, brick and steel products with it.

Another example of price degradation world-wide completely unrelated to tariff policy is petroleum products. By 1933 these products had decreased in world price by 82% but Smoot/Hawley had no petroleum schedule. The world market place set the price.

Another example of price erosion in world market is contained in the history of exported cotton goods from the United States. Between 1929 and 1933 the volume of exported goods actually increased by 13.5% while the dollar value dropped 48%. This result was wholly unrelated to the tariff policy of any country.

While these examples do not include all schedules of Smoot/Hawley they clearly suggest that overwhelming economic and financial forces were at work affecting supply and demand and hence on prices of all products and commodities and that these forces simply obscured any measurable impact the tariff act of 1930 might possibly have had under conditions of several years earlier.

To assert otherwise puts on those proponents of the Smoot/Hawley "villain" theory a formidable challenge to explain the following questions:

1. What was the nature of the "trigger" mechanism in the act that set off the alleged domino phenomenon in 1930 that began or prolonged the Great Depression when implementation of the act did not begin until mid-year?

2. In what ways was the size and nature of U.S. foreign trade in 1929 so significant and critical to the world economy's health that a less than 4% swing in U.S. imports could be termed a crushing and devastating blow?

3. On the basis of what economic theory can the act be said to have caused a GNP drop of an astounding drop of 13.5% in 1930 when the act was only passed in mid-1930? Did the entire decline take place in the second half of 1930? Did world-wide trade begin its decline of some \$13 billion only in the second half of 1930?

4. Does the fact that duty free imports into the U.S. dropped in 1930 and 1931 and in 1932 at the same percentage rate as dutiable imports support the view that Smoot/Hawley was the cause of the decline in U.S. imports?

5. Is the fact that world-wide trade declined less rapidly than did U.S. foreign trade prove the assertion that American trading partners retaliated against each other as well as against the U.S. because and subsequently held the U.S. accountable for starting an international trade war?

6. Was the international trading system of the twenties so delicately balanced that a single hastily drawn tariff increase bill affecting just two hundred and thirty one million dollars of dutiable products in the second half of 1930 began a chain reaction that scuttled the entire system? Percentage-wise \$231 million is but 0.65% of all of 1929 world-wide trade and just half that of world-wide imports.

The preponderance of history and facts of economic life in the international area make

an affirmative response by the "Villain" proponents an intolerable burden.

It must be said that the U.S. does offer a tempting target for Americans who incessantly cry "Mea Culpa" over all the world's problems, and for many among our trading partners to explain their problems in terms of perceived American inability to solve those problems.

In the world of the eighties U.S. has indeed very serious and perhaps grave responsibility to assume leadership in international trade and finance, and in politics as well.

On the record, the United States has met that challenge beginning shortly after World War II.

The U.S. role in structuring the United Nations, the general agreement on tariffs and trade (GATT), the International Monetary Fund, the Bretton Woods and Dumbarton Oaks conferences on monetary policy, the World Bank and various regional development banks, for example, is a record unparalleled in the history of mankind.

But in the twenties and thirties there was no acknowledged leader in international affairs. On the contrary, evidence abounds that most nations preferred the centuries-old patterns of international trade which emphasized pure competition free from interference by any effective international supervisory body such as GATT.

Even in the eighties examples abound of trading nations succumbing to nationalistic tendencies and ignoring signed trade agreements. Yet the United States continues as the bulwark in trade liberalization proposals within the GATT. It does so not because it could not defend itself against any kind of retaliation in a worst case scenario but because no other nation is strong enough to support them successfully without the United States.

The basic rules of GATT are primarily for all those countries who can't protect themselves in the world of the eighties and beyond without rule of conduct and discipline.

The attempt to assign responsibility to the U.S. in the thirties for passing the Smoot/Hawley tariff act and thus set off a chain reaction of international depression and war is, on the basis of a preponderance of fact, a serious misreading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.

It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all those responsible for developing new and imaginative measures designed to liberalize international trade.

Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.

Nothing is less worthwhile than attempting to re-write history, not learning from it, nothing is more worthwhile than making careful and perceptive and objective analysis in the hope that it may lead to an improved and liberalized international trading system.

Mr. HOLLINGS. Mr. President, I had the distinction of working with this tremendous public servant, a brilliant fellow with the best personality. We all loved him. I worked with him on the budget. We even got Sec. 13.301, regarding a lockbox. We already have written in law that you are not to include Social Security in your budget. It is supposed to be in a trust fund. It was signed into law on November 5, 1990, by George Herbert Walker Bush. But they all say: Now I have a lockbox bill. They voted—98 Senators, Senator Heinz, and myself included, back at that particular time. But they don't obey it.

I think the most brilliant of Senators—I have been around 34 years—is our distinguished colleague, the ranking member, PATRICK MOYNIHAN of New York. Sen. MOYNIHAN wrote a very scholarly bill. I don't disparage at all. I lost a lot of valuables during a fire at my home. One was a collection of his books, which has now been replaced. He is a brilliant author, a most interesting writer, and a tremendous authority. But on this particular score, he is incorrect. The outcome of this vote won't threaten any world war, or anything else like that.

It is very important to realize that the crash came in October 1929, and Smoot-Hawley did not occur until June of 1930—8 months after the crash. And furthermore, back in 1929 and 1930, international trade to the United States economy was only 1.5 percent of the GNP. So Smoot-Hawley could not have caused the crash, which has been contended on the floor of the Senate.

And, No. 2, it had no far-reaching effects. In fact, it was hardly mentioned by either President Hoover, or then-candidate Franklin Delano Roosevelt, or President Roosevelt after he took office because there were other things to be disturbed about. The adverse effects of Smoot-Hawley paled in comparison to the problems facing the United States at that time.

I quote:

The conclusion appears inescapable on the basis of these numbers; a potential adverse impact of \$231 million spread over the great array of imported products which were dutiable in 1929 could not realistically have any measurable impact on America's trading partners.

\$231 million—here we are talking about a \$350 billion to a \$400 billion deficit. This is the overall trade figure of \$231 million.

I read further:

Meanwhile, the gross national product (GNP) in the United States had dropped an unprecedented 13.5 percent in 1930 alone, from \$103.4 billion in 1929 to \$89 billion by the end of 1930. It is unrealistic to expect that a shift in U.S. international imports of just 0.2 percent of U.S. GNP in 1930 for example (\$231 million on \$14.4 billion) could be viewed as establishing a "precedent" for America's trading partners to follow, or represented a "model" to follow.

Even more to the point an impact of just 0.2 percent could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

I read and skip over because it is too long under the limited time to read the report in its entirety. But I quote this part.

1. The international trading system of the twenties bears no relation to the interdependent world of the eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the General Agreement for Tariffs and Trade (GATT) for example for resolution of disputes. There were no trade "leaders" among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the "economy-critical" context as currently in the

U.S. as indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. foreign trade was relatively an amorphous phenomenon quite unlike the highly structured system of the eighties; characterized largely then by "Caveat Emptor" and a broadly laissez-faire philosophy generally unacceptable presently.

That brings it into sharp focus, because you have heard again and again that Smoot-Hawley started a trade war, that collapsed economies brought on the Depression and started World War II. They say if we don't vote for PNTR, it will cause World War III. They are bringing out all of these boogymen. There is no merit in this.

Again, the Constitution, article I, section 8, says the Congress shall regulate and control foreign trade.

We are listening to the White House and the fix that is on, and they said, permanently abandon, amend the Constitution if you please, disregard this fundamental, and let us handle it because the White House father knows best. They bring out that white tent, and they all run around. They are mostly your friends, Senator ROTH. You know them well. And they are for profits. They don't have a country.

Listen to what Boeing says: I am not an American corporation, I am an international company.

Listen to the chairman of the board of Caterpillar: I am an international corporation.

They are companies without any country. They could care less about you, and I have to give every care. You and I are responsible for the regulation of foreign trade, and we ought not vote against it this afternoon by voting down this amendment on the premise of no amendments, no amendments, no amendments. If we have amendments, the House would then have a chance to look at it and realize that permanent trade relations with China abrogates the responsibility of Congress under the Constitution.

Reading on, there are a couple more quotes in the limited time.

In the concluding comments by Senator Heinz at that time:

The attempt to assign responsibility to the U.S. in the thirties for passing the Smoot/Hawley Tariff Act and thus set off a chain reaction of international depression and war is, on the basis of a preponderance of fact, a serious misreading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.

It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all of those responsible for developing new and imaginative measures designed to liberalize international trade.

Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.

Nothing is less worthwhile than attempting to rewrite history, not learning from it. Nothing is more worthwhile than making careful and perceptive and objective analysis in the hope it may lead to an improved and liberalized international trading system.

Senator John Heinz of Pennsylvania said that 15 years ago, almost to the

day, September 1985. Those observations that our distinguished colleague made are just as true today.

Under the Constitution there is a fundamental responsibility that Congress regulates foreign commerce, but the Finance Committee and the administration with its fixed votes says: No, give it up. When I say "fixed votes," I wish I had the New York Times article. I wish I had the Washington Post article. There were followup articles to the vote on NAFTA, the North American Free Trade Agreement with Mexico, and in that, distinguished Chairman ROTH, it was revealed that they gave our friend, Jake Pickle, a cultural center, they gave another Congressman two C-17s, and another a round of golf in California with the President—just to get their vote. They went around to fix, nothing to do with trade, and once the fix is on, you come out on the floor and say: Vote if you please to abandon your constitutional responsibility.

My amendment says: No, let's have trade with China. That is obviously going to occur. We live in the real world. These embargoes don't work. Forget about the embargoes. You cannot stop trade and grind the economy to a halt, the world economy to a halt, as they alleged Smoot-Hawley did. It will never happen.

It is not about starting a trade war and having an embargo. It is about enforcing our dumping laws—we could start by consolidating the enforcement efforts—and realizing that the industrial worker of the United States of America is the most competitive in the world. The thing that is not competing is the Congress of the United States.

We are about to vote. They say this amendment, too, will be voted down. We are about to vote down our responsibility to one of the most important issues that possibly could confront us. Alan Greenspan says the only bad effect on the economy is the \$350 billion trade deficit.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 3017 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the pending amendment is the Hollings amendment, which takes the "P" out of PNTR; that is, as I understand the amendment, it provides for an annual review of normal trade relations status.

Mr. HOLLINGS. Right.

Mr. BAUCUS. I oppose that amendment, and I urge my colleagues to do

so, for a very simple reason. That is, if that amendment were agreed to and were to become part of the normal trading relations status with China, we automatically as Americans would be shooting ourselves in the foot, to say the least.

Why do I say that? As the world becomes more complicated, more complex, we hear about globalism, trade agreements, taxation or nontaxation of products over the Internet, and whatnot. Unfortunately, we have to rise to a higher level of more sophistication and learning and know what is going on with these arrangements and agreements so that we Americans are in a better economic condition.

It is difficult, but we have no choice with all the economic pressures that are advancing our world so quickly. The provisions of the World Trade Organization, I believe, very much help raise our economic standards. They are not perfect, but perfection cannot be the enemy of the good. If there were no WTO, it would be an economic free-for-all. Various countries would be doing their own deals at the expense of others, and it would be chaos. It would be a mess. At least the World Trade Organization is a vehicle, a forum, a mechanism, a way to get some civility, some process into trade matters and trade disputes that occur in this world.

One of the basic principles of the World Trade Organization is non-discrimination and unconditionality. It is written in article 1 of the WTO. That means when a country grants trade concessions to another, it must do so unconditionally and on a nondiscriminatory basis so the same benefits, same provisions apply to all countries in the world. Otherwise, it is obvious if one country had certain trade agreements with one country and gave certain benefits to one and not another, there would be chaos. Article 1 of the WTO articles provides for non-discrimination and unconditionality with respect to trade agreements and membership in the WTO.

The amendment before us is discriminatory and it is conditional by not making it permanent normal trade relations status but annual. That flatly violates article 1 of the WTO. As a consequence, if this amendment is adopted, we Americans could be giving up all the market-opening benefits to which China has agreed. That is, China would have no obligation to grant America those concessions, and they are major, whether it is auto tariffs or tariffs on other products. China is dramatically lowering tariffs.

China would also say: We Chinese agree to let you Americans set up your own distribution systems; you do not have to deal through Chinese companies anymore. The list is mind-boggling. It is amazing how much China has agreed to open up and to take American products that we have been trying to export to China that, frankly, have not been exported or significantly diverted because of current Chinese barriers.

My colleagues are going to hear the argument: This agreement is going to help Americans invest in China, and that takes away American jobs. Companies in America and around the world are already investing in China. It is happening today.

The agreement with China says: OK, there can be a lot less pressure on companies to build factories in China and make it more easy for American companies to ship products to China because China is dramatically reducing its barriers.

If this amendment is adopted, as I mentioned, China will be under no obligation to give us those breaks as we try to ship products to China. China will have no obligation to lower trade barriers that China has negotiated with the United States. However, China will be obligated to give those benefits and breaks to our competitors—to Japan, to the European Union—because they have entered WTO properly under the conditions of unconditionality and nondiscrimination. We have complied with article 1.

We have heard a lot of facts and figures about a lot of different issues, but the heart of this amendment is to take away the permanent nature of normal trade relations with China that we will be granting, and that means it is conditional, it is discriminatory and flatly violates article 1 of the WTO and, therefore, is a killer amendment, an anti-American amendment. It is anti-American because all other countries get benefits, and it is a killer because it means we will not get the benefits of China opening up to American exports.

Let me cite one of America's foremost experts on the GATT and the WTO, Professor John Jackson, Georgetown University Law Center:

The United States must extend permanent, unconditional MFN treatment to the PRC for the US to comply with US WTO obligations, unless the US invokes the "opt-out" provisions of the WTO.

Our own Congressional Research Service has concluded:

In order to make US law consistent with WTO obligations, Congress would need to remove the PRC from the Title IV regime (i.e., Jackson-Vanik) . . . The Title IV regime is inconsistent with MFN obligations when applied to a WTO member . . . because of the conditions that it attaches to the grant of nondiscriminatory treatment to that country's goods.

Let me respond to the criticism that we get nothing out of PNTR in terms of US trade benefits.

The fact is that granting China PNTR will bring a significant drop in Chinese tariffs. That will reduce the pressure many companies feel to invest in China in order to do business there. Our information technology products—computers, fiber optics, and telecommunications equipment—will see tariffs in China go to zero by 2004. Auto parts tariffs will average only ten percent by 2006.

When you add these significant tariff reductions to the new ability that American firms will have to import di-

rectly into China, control their own distribution and service networks, and own advertising firms, export of our goods and services will increase substantially.

Yes, American companies will continue to invest in China. But their ability also to export will be enhanced significantly by PNTR. Failure to grant China PNTR will allow our Japanese and European competitors to export more, but not our workers and our farmers.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to yield time to the distinguished Senator from Oklahoma or I will ask unanimous consent that he be permitted such time as is necessary. He wanted to speak on this. I did not realize that. I want to have a few minutes left.

I want to comment on the remarks of the distinguished Senator from Montana. All these wonderful benefits—he has not read the GAO report. Everything is indeterminate. This is the most flexible agreement ever made. We made one with Japan and we have not penetrated that market. We made one with Korea and we have not penetrated that one, either.

All these benefits—I do not know if a \$68 billion deficit is a benefit. Heavens above, we have to stop this somehow. Paraphrasing Abraham Lincoln: We have to think anew, act anew, and work together, we might get a plus balance of trade.

The distinguished Senator is saying if you vote for this amendment, you are violating article 1 of the WTO. I say if you vote against it, you are violating article I, section 8 of the U.S. Constitution, abdicating our responsibility to regulate foreign commerce. We cannot make an agreement with the WTO to disband and dispel that particular obligation and responsibility.

I do not understand that at all. That is a narrow analysis if I ever saw one, that somehow the WTO is a wonderful thing. In fact, we are getting all kinds of requests to get out of it on account of the foreign credit sales given American corporations in their exports overseas. I will get into that later on, perhaps next week.

We have received a number of those requests. We are losing, I say to the distinguished Senator. The only reason for this amendment is to say: Wait a minute, let's have trade with China; go ahead with the WTO. Let's just take the "P" out of PNTR. The Senator from Montana said on the floor and Senator MOYNIHAN said on the floor, irrespective of this bill, China will become a member of the WTO—and we are a member of the WTO, so why are they so worried about this amendment?

We are not violating anything by voting for this amendment, but my colleagues will violate article I, section 8

of the Constitution and our responsibilities under the Constitution if they vote against it.

I have used the remaining time I had, I believe. I thank the distinguished Chair. I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as I may utilize.

I rise in opposition to the amendment offered by my distinguished colleague from South Carolina, and I disagree with my colleague that supporters of normalizing trade have no merit to their argument. The economic benefits of China's accession are unassailable.

According to independent economic analysis, China's market access commitments will mean an additional \$13 billion in U.S. exports annually. Our current exports to China are \$14 billion a year, which means the deal so ably negotiated by Ambassador Barshefsky will effectively double annual U.S. exports to China.

Doubling our exports to China holds benefits for every sector of the U.S. economy from agriculture to manufacturing to services. It also provides significant benefits for American workers.

The one step that we must take to ensure that American farmers, American workers, and American businesses reap the benefits of an agreement that three Presidents took 13 years to squeeze out of the Chinese. That step is to normalize our trade relations with China.

What that means in practical terms is an end to the unproductive annual review of China's trade status. That is what H.R. 4444 does—it eliminates the annual review that has provided no leverage over Chinese behavior.

My distinguished colleague's amendment would gut the House bill by once again requiring this unproductive annual review of China's trade status. The amendment would deny the benefits of China's WTO accession to our farmers, to our workers, and to our businesses.

Why is that? It is because the annual vote on China's trade status would violate our own obligations under the WTO, as was so effectively pointed out by the Senator from Montana, and allow the Chinese to deny our exporters access to their markets. That access would go, instead, to our European, Japanese, and other competitors.

My colleague from South Carolina has said that the Japanese know how to run their trade policy. Let me say that if we deny the benefits of this deal to our exporters, we will have given the Japanese a trade policy gift that I am certain they would never have guessed we would have been foolish enough to forego.

And, for what? How will denying our exports to China give us any leverage over Chinese behavior? Why would we suppose that cutting off our exports to China would do anything to influence

China's policies, whether on Taiwan, on weapons proliferation, on human rights, or on labor rights?

No. What we get in return for foregoing the benefits of this deal is the prospect of returning to the same unproductive annual debate we hold on China's trade status. It should be obvious to all, based on the arguments we have heard today about Chinese behavior, that the annual debate simply has not worked. It is time to take a different approach.

The bottom line is that we have precious little to lose in ending the annual renewal process and much, much to gain by enacting PNTR.

That is why I oppose the amendment offered by my distinguished colleague and urge this body to oppose it as well.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I oppose amendment No. 4122, which calls for annual trade reviews with China, offered by the distinguished junior Senator from South Carolina on H.R. 4444, Permanent Normal Trade Relations with China.

This amendment, if passed as part of the China PNTR bill, would be tantamount to unilaterally establishing special conditions on China's membership in the WTO, a violation of World Trade Organization precepts the United States, as a member, commits to follow.

In such a case, China would be legitimately entitled to deny American workers, entrepreneurs, investors—in short, our Nation—the benefits of open access to China's markets and the privileges of important WTO-related agreements, such as the International Telecommunications Agreement, conferred by WTO membership.

I am also convinced that amendments at this stage create a procedural problem that could derail passage of this extremely important bill. Adopting any amendments at this stage would require sending this bill to conference. It is clear to me that we do not have the time remaining in this Congress to resolve a bicameral conflict over this bill. I believe it is crucial that we let nothing interfere with what may be the most important decision concerning China for years to come.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I think the Senator, the chairman of our committee, has spoken so well and effectively; the Senator from Montana equally so. I believe this debate has been thorough. We respect our friend from South Carolina. We know his views. We do not share them in this case.

So much is at issue. Let us go forward and vote and get on with this matter.

Mr. ROTH. Is there any time remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Delaware has 4 minutes.

Mr. ROTH. Mr. President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from South Carolina has 38 seconds.

Mr. HOLLINGS. Mr. President, I yield back the 38 seconds.

The PRESIDING OFFICER. The Senator yields back the time.

The yeas and nays have been requested.

Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 4122.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 13, nays 81, as follows:

(Rollcall Vote No. 236 Leg.)

YEAS—13

Bunning	Hollings	Smith (NH)
Byrd	Hutchinson	Specter
Campbell	Inhofe	Wellstone
Feingold	Mikulski	
Helms	Sarbanes	

NAYS—81

Abraham	Enzi	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McConnell
Baucus	Gorton	Miller
Bayh	Graham	Moynihan
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Burns	Hutchison	Roth
Chafee, L.	Inouye	Santorum
Cleland	Jeffords	Schumer
Cochran	Johnson	Sessions
Collins	Kennedy	Shelby
Conrad	Kerrey	Smith (OR)
Craig	Kerry	Snowe
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lincoln	Warner
Edwards	Lott	Wyden

NOT VOTING—6

Akaka	Feinstein	McCain
Boxer	Lieberman	Murkowski

The amendment (No. 4122) was rejected.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, if I could speak briefly about the schedule, I

have been talking with Senator REID and Senator DASCHLE and the managers of this legislation. We are making progress on the amendments. We have had a good debate throughout the week. We are going to keep pushing ahead until we get through the amendments. I had committed not to file cloture before next Tuesday, but it would be my intention to file cloture next Tuesday, if necessary, to get this legislation completed. I think everybody is working hard and doing a good job.

Tonight, at 6 o'clock we will go back to the energy and water appropriations bill. I know Senator DOMENICI and Senator REID are prepared to work on that tonight. Our intent is to push ahead. Hopefully, we will get Senators' amendments considered and disposed of quickly. The intent is to stay and get it done tonight. I believe Senator DOMENICI and Senator REID have indicated that is what they intend to do and we will certainly support their efforts.

I ask unanimous consent that following the vote in relation to the Hollings amendment, Senator SMITH of New Hampshire be recognized to offer his amendment to H.R. 4444, and at 6 o'clock p.m. the amendment be immediately laid aside and the Senate resume consideration of H.R. 4733, the energy and water appropriations bill under the previous order.

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

Mr. LOTT. Mr. President, I have a couple of unanimous consent requests that I will offer at this time and hopefully it will not take too long to consider these and we can go ahead and stay on schedule.

I ask unanimous consent that no later than the close of business on Tuesday, September 26, the majority leader be recognized to turn to calendar 527, which is S. 2340, regarding the Amateur Sports Integrity Act, and immediately following the reporting by the clerk, the committee amendments be immediately agreed to, and the majority leader then be recognized to send a cloture motion to the desk to the bill.

Under rule XXII, the cloture vote would occur 1 hour after the Senate convenes following the ascertainment of a quorum on Thursday, September 28.

I also ask consent that notwithstanding rule XXII, if the cloture is invoked, the bill be considered under the following agreement: That there be 2 hours for debate on the bill to be equally divided in the usual form; that there be up to two relevant amendments in order for Senator REID of Nevada and Senator BROWNBACK of Kansas or their designees, that they be subject to relevant second-degree amendments; that no motions to recommit or commit be in order.

I further ask consent that following the disposition of the above-listed amendments, and the use or yielding back of time, the bill be advanced to

third reading and passage occur, all without intervening action or debate.

Mr. REID. Reserving the right to object, efforts to force this body to consider a questionable proposal, which is a ban on legal gambling on college games, shows a fundamental misunderstanding, in this Senator's view.

At this stage, we have about 18 or 19 days left in this congressional session. We have 11 appropriations bills that must pass the Senate. We have all the fundamental conference reports that must be held. There is a hue and cry about doing something about a real Patients' Bill of Rights. There is a need to do something about minimum wage. We have all kinds of problems with education. As we speak, today, 3,000 children dropped out of high school in America, and we are not spending any time on that. We need prescription drug coverage, Medicare. There are so many fundamental issues that we need to work on and there is not a hue and cry out there that we need to take the next 19 days and spend 1 minute talking about banning something that is legal in America; that is, betting on college games.

Remember, if we were serious about doing something about betting on college games, we would go after the 98.5 percent of illegal betting that goes on in college games. Only a percent and a half goes on in college games, and that is legal in the State of Nevada.

With just a few weeks to go in Congress, it is incredulous we would be asked to waste time debating the merits of banning legalized wagering on college games.

Therefore, Mr. President, with great underscoring, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. Mr. President, I believe there was an objection heard.

I ask consent that the Senator from Kansas be recognized for 1 minute so he can respond on this issue, since it is an issue in which he has been very much involved.

Mr. BRYAN. I request to be included for an additional minute.

Mr. LOTT. I amend my request for that.

Mr. SMITH of New Hampshire. Reserving the right to object, the vote went longer than anticipated. I was looking only for 5 or 10 minutes to present my amendments.

Mr. LOTT. We have the Senator locked in.

We will delay. Let me just ask unanimous consent, then, that we delay going on the energy and water bill for 10 minutes. It will be 10 after 6. Is that the correct time?

Mr. SMITH of New Hampshire. I thank the leader.

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

Is there objection to the majority leader's underlying request?

Mr. DOMENICI. Does that mean we will be on the floor at—

Mr. LOTT. It will be 10 after 6.

The PRESIDING OFFICER. Is there objection to the underlying unanimous consent request? Without objection, the Senator from Kansas is recognized for 1 minute, after which the Senator from Nevada will be recognized for 1 minute.

Mr. BROWNBACK. Mr. President, Senator MCCAIN and I are bringing this bill forward. I think the majority leader has proposed 2 hours of debate. I am willing to do that at any time, any place. We would do it now here on the floor, but we can go to the middle of the night if people would like to. This has cleared the Commerce Committee; 14-2 was the vote when this cleared through.

There is a hue and cry across the country. Virtually every college in America has asked for this legislation because they are having problems on their college campuses dealing with betting on their athletes. This is affecting the moral values. It is giving a black eye to our college campuses. There is one place in the country that this goes on legally. It is in Nevada. It is a loophole that has been there, and it is time for us to deal with it. We only need 2 hours to deal with it. I think we can take care of this within the timeframe that is left. I applaud the leader and hope we can get to this yet during this session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, this legislation would plunge the dagger into the back of Nevada's principal industry and would accomplish no useful purpose. Ninety-eight percent of the sports betting in America is conducted illegally outside of the State of Nevada. There is no logical way in which you can conclude that by eliminating sports betting that occurs in my own State, that is licensed, that is regulated—you have to be 21 years of age—you address a legitimate problem, which is illegal gambling on college campuses.

It is misdirected, it is ill-conceived, and it would be the dream of every illegal bookie in America if this legislation passes. I am pleased to join with my colleague in objecting to this legislation.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have another unanimous consent request.

First, let me say there has been a lot of discussion about the support and the need for a lockbox on Social Security and Medicare. I certainly agree. We have tried to get that put in place in the Senate. We have not been successful. So I am going to ask consent that we get an agreement to do that.

I remind my colleagues, it was passed in the House overwhelmingly, 46-12, to do that with regard to Social Security and Medicare. We have attempted to do it. We tried to invoke cloture in June of 1999, which failed basically along party lines. I think maybe there has been a lot of movement in this direc-

tion, so I think we ought to try to set this up before we go out.

I ask unanimous consent it be in order for the majority leader, after notification of the minority leader, to turn to Calendar No. 152, H.R. 1259, regarding the Social Security and Medicare lockbox, and following the reporting of the bill by the clerk, all remaining amendments to the bill be germane to the subject contained in H.R. 1259.

The PRESIDING OFFICER. Is there objection?

The Democrat leader.

Mr. DASCHLE. Reserving the right to object, let me say for the record, the majority leader has, as he has indicated, offered the lockbox legislation on two separate occasions. I might remind my colleagues that on both occasions he filed cloture immediately, denying the minority any opportunity to offer amendments.

I ask unanimous consent, and ask the majority leader's support, for an alternative approach which would be that we offer Medicare/Social Security lockbox amendments in addition to a prescription drug benefit amendment to be offered in the context of this lockbox. I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. But I hope the minority leader would consider working together to see if we could get a vote on the Social Security/Medicare lockbox itself. Perhaps he would like to have an alternative proposal in that area. I think we can work it out where there would be alternative proposals on Social Security/Medicare lockbox, if you have a different idea about how to do it. I don't think we ought to get into other issues at this point.

Let's make it clear whether we want to have the Social Security/Medicare lockbox or not. I would be glad to talk with the Democratic leader about seeing if we can at least set it up. There will be other bills where I am sure the prescription drug matter is going to come up, is going to be debated, and it is going to be voted on.

There is a lot of talk out across the land about the lockbox and how there is one or should be one. I think we ought to go ahead and complete that action, and I will work with the Senator on that.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Let me respond to the majority leader again to suggest, as I have on many occasions, that we can find a way, perhaps, to address this issue. We certainly have a lot of ideas. I do not want to preclude ideas articulated and offered by my colleagues. I would be more than happy to work

with him. As he has indicated, there is a good deal of interest on Social Security and Medicare lockboxes and perhaps we can find a procedural way to address them even in the short time that remains in this session.

Mr. DORGAN. Will the minority leader yield for a moment? I would like to say I am very interested in the lockbox. I am also interested in making sure there is something in the box before it is locked. We have \$1.3 trillion in tax cut proposals around here for surpluses that don't yet exist. So when these are offered, I think some of us would like the opportunity to offer amendments. That is the point the Senator from South Dakota makes, and a very appropriate point.

Mr. DASCHLE. I thank the Senator from North Dakota. That is our concern. If we are going to have a debate, we need to have a debate about these issues that afford Senators the right to offer amendments. But again, I reiterate my desire to discuss it with the majority leader.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor, to be followed by the Senator from New Hampshire.

Mr. LOTT. If I do have the floor, I yield to Senator DOMENICI.

Mr. DOMENICI. I say to my good friends on the other side of the aisle, the Vice President, as your candidate, plans to spend \$2.6 trillion of this surplus on new programs. That is what we are worried about. So we both have some worries about what is going to be left in the lockbox—whether we are going to spend it on taxes or whether you are going to spend it on an infinite number of new programs. I yield the floor.

Mr. LOTT. Mr. President, in view of the time that we have taken, I ask unanimous consent the time before we go to energy and water be extended to 6:15 so Senator SMITH can offer his amendments and lay them aside as he had been promised he would be able to do.

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

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the majority leader for his consideration and also thank Senator DOMENICI as well. I do not want to hold the Senate up from moving to the appropriations bill.

AMENDMENT NO. 4129

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 4129.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. Mr. President, I ask the amendment that I sent to the desk be divided into six categories in the manner in which I now send to the desk.

The PRESIDING OFFICER. The amendment is so divided.

The amendment, as divided, is as follows:

(Purpose: To require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting, and for other purposes)

On page 46, between lines 3 and 4, insert the following:

Division I

SEC. 302A. MONITORING COOPERATION ON POW/MIA ISSUES.

(a) IN GENERAL.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in accounting for United States personnel who are unaccounted for as a result of service in Asia during the Korean War, the Vietnam era, or the Cold War, including, but not limited to—

(1) providing access by Commission members and other representatives of the United States Government to reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, and to archives, museums, and other holdings of the People's Republic of China, that are believed by the Commission to contain documents and other materials relevant to the accounting for such personnel; and

(2) providing access by Commission members and other representatives of the United States Government to military and civilian officials of the Government of the People's Republic of China, and facilitating access to private individuals in the People's Republic of China, who are determined by the Commission potentially to have information regarding the fate of such personnel.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include the following:

(1) An assessment of the contribution to the accounting for missing United States personnel covered by subsection (a) of the information obtained by the Commission and other United States Government agencies under that subsection during the period covered by the report.

(2) A description and assessment of the cooperation of the People's Republic of China in accounting for United States personnel covered by subsection (a) during the period covered by the report.

(3) A list of the archives, museums, and holdings in the People's Republic of China, and of the reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, proposed to be visited by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

(4) A list of the military and civilian officials of the Government of the People's Republic of China, and of the private individuals in the People's Republic of China, proposed to be interviewed by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

Division II

SEC. 302B. MONITORING AND REPORTING ON COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PEOPLE'S LIBERATION ARMY COMPANIES.

(a) MONITORING OF COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PLA COMPANIES.—

(1) REQUIREMENT.—Beginning not later than 90 days after the date of enactment of this Act, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall provide for the on-going monitoring of commercial activities, whether direct or indirect, between People's Liberation Army companies and United States companies.

(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—

(A) IN GENERAL.—The monitoring required under paragraph (1) shall be carried out using the information, services, and assistance of any department or agency of the Federal Government, whether civilian or military, that the Director considers appropriate, including the Defense Intelligence Agency, the Central Intelligence Agency, and the United States Customs Service.

(B) COOPERATION.—The head of any department or agency of the Federal Government shall, upon request of the Director, provide the Federal Bureau of Investigation with such information, services, and other assistance in the monitoring required under paragraph (1) as the Director and the head of such department or agency jointly consider appropriate.

(b) ANNUAL REPORTS ON MONITORING.—

(1) REQUIREMENT.—Not later than six months after the date of enactment of this Act, and annually thereafter, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall submit to Congress a report on the results of the monitoring activities carried out under subsection (a) during the one-year period ending on the date of the report.

(2) REPORT ELEMENTS.—Each report under this subsection shall set forth, for the one-year period covered by such report, the following:

(A) Information on the People's Liberation Army companies engaged in commercial activities with United States companies during such period, including—

(i) a list setting forth each People's Liberation Army company conducting business in the United States;

(ii) a list setting forth all People's Liberation Army products sold by United States companies to other United States companies or United States nationals;

(iii) a statement of the profits realized by the People's Liberation Army from the sale of products set forth in clause (ii) and on products sold directly to United States companies and United States nationals; and

(iv) a statement of the dollar amount spent for the purchase of the products covered by clause (iii).

(B) An assessment of the consequences for United States national security of the sale of People's Liberation Army products to United States companies and United States nationals, including—

(i) an assessment of the relationships between People's Liberation Army companies and United States companies;

(ii) an assessment of the use of the profits of such sales by the People's Liberation Army; and

(iii) a description and assessment of any technology transfers between United States companies and People's Liberation Army companies.

(3) FORM OF REPORT.—Each report under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) PEOPLE'S LIBERATION ARMY COMPANY.—The term "People's Liberation Army company" means any commercial person or entity that is owned by, associated with, or an auxiliary to the People's Liberation Army, including any armed force of the People's Liberation Army, any intelligence service of the People's Republic of China, or the People's Armed Police.

(2) ORGANIZED UNDER THE LAWS OF THE UNITED STATES.—The term "organized under the laws of the United States" means organized under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(3) UNITED STATES COMPANY.—The term "United States company" means a corporation, partnership, or other business association organized under the laws of the United States.

Division III

SEC. 302C. MONITORING AND REPORTING ON DEVELOPMENT OF SPACE CAPABILITIES.

(a) IN GENERAL.—The Commission shall, with the support of other United States Government agencies, monitor the development of military space capabilities in the People's Republic of China, including—

(1) the extent to which the membership of the People's Republic of China in the World Trade Organization facilitates its acquisition of space and space-applicable technologies;

(2) the extent to which commercial space revenues in the People's Republic of China support and enhance space activities in the People's Republic of China;

(3) the extent to which Federal subsidies for United States companies doing business in the People's Republic of China enhances space activities in the People's Republic of China;

(4) the extent to which the People's Republic of China proliferates space technology to other Nations; and

(5) the extent to which both manned and unmanned space activities in the People's Republic of China—

(A) support land, sea, and air forces of the People's Republic of China;

(B) threaten the United States and its allies; land, sea, and air forces and

(C) threaten the United States and its allies; military, civil, and commercial space assets of

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall include specific information on the nature of the technologies and programs relating to military space development by the Peoples Republic of China described in subsection (a). The report may contain separate classified annexes if necessary.

Division IV

SEC. 302D. MONITORING AND REPORTING ON OPERATION ON ENVIRONMENTAL PROTECTION.

(a) IN GENERAL.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in—

(1) the implementation and enforcement of laws for the protection of human health and the protection, restoration, and preservation of the environment that are at least as comprehensive and effective as comparable laws of the United States, including—

(A) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(B) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(E) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(F) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(G) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(H) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(I) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(J) the Clean Air Act (42 U.S.C. 7401 et seq.);

(K) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(L) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.); and

(M) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.); and

(2) the allocation, for assisting and ensuring compliance with the laws specified in paragraph (1), of sufficient resources, including funds, to achieve material and measurable progress on a permanent basis in the protection of human health and the protection, restoration, and preservation of the environment.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include, for the period for which the report is submitted, a description of the results of the monitoring required under subsection (a), including an analysis of any progress of the People's Republic of China in implementing and enforcing environmental laws as described in that subsection.

Division V

SEC. 302F. MONITORING AND REPORTING ON CONDITIONS RELATING TO ORPHANS AND ORPHANAGES.

(a) MONITORING.—The Commission shall monitor the actions of the People's Republic of China, and particularly the Ministry of Civil Affairs, to determine if the People's Republic of China has demonstrated that—

(1) the quality of care of orphans in the People's Republic of China has improved by providing specific data such as survival rates of orphans and the ratio of workers-to-orphans in orphanages;

(2) orphans are receiving proper medical care and nutrition;

(3) there is increased accountability of how public and private funds are spent with respect to the care of orphans;

(4) international adoption and Chinese adoptions are being encouraged; and

(5) efforts are being made to help children (and particularly children with special needs) get adopted.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to improving the quality of care of orphans and encouraging international and Chinese adoptions.

Division VI

SEC. 302H. MONITORING AND REPORTING ON ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) MONITORING.—The Commission shall monitor the actions of the Government of

the People's Republic of China with respect to its practice of harvesting and transplanting organs for profit from prisoners that it executes.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to eliminating the practice of harvesting and transplanting organs for profit.

Mr. SMITH of New Hampshire. Mr. President, I realize we are in a tight time situation so I will be brief in explaining my situation because I have to be brief in explaining it.

This amendment proposes a number of commonsense additions. These all amend the section of the bill that creates a commission which is to monitor and report on Chinese activities.

The six subjects I am urging we include are very reasonable. I am amazed, really, they have not already been included in the commission's reporting responsibilities. Let me just list and give a brief line or two on each one.

The first division or item is monitoring and reporting on Chinese cooperation on POW and MIA issues. We all know that the Chinese Government possesses information about Americans who are missing from the Korean war—and perhaps even the Vietnam war, but certainly the Korean war; maybe World War II—which could bring closure to literally thousands of families. Yet this Government, the Chinese Government, has refused to provide us even basic information. In fact, it denies it even possesses this information when we know they do. So this amendment would merely let the American people know in an objective manner on this commission the extent to which the Chinese are not cooperating on this humanitarian issue.

The second item is monitoring and reporting on commercial activities between the United States and the People's Liberation Army. Currently, the Chinese People's Liberation Army directly or indirectly owns scores of businesses. They conduct commerce with U.S. companies. That includes the sale of products to U.S. consumers. So this amendment would simply require the FBI to monitor and report to Congress on the activities of the PLA's, the People's Liberation Army's, businesses here in the United States. Specifically, they would take data collected by the DIA, CIA, customs, and other agencies and report their findings to Congress on the dollar amount of PLA revenues and where these revenues are being directed within the Chinese military. This report will also monitor any technology transfers between PLA companies and U.S. companies, including an assessment of the impact upon the U.S. military, U.S. interests, and our allies. That is all it does. I think it is a very reasonable amendment and should be approved by the Senate.

The third item in the division is monitoring and reporting on development of Chinese space capabilities. We know the world has observed our military space advantage and has taken steps to acquire their own military space systems to counter ours. In particular, we have observed the Chinese are developing military space capabilities that could threaten the United States and threaten our allies' military, civilian, and commercial systems. Free and open trade, and the reduced vigilance free trade fosters, will facilitate the development and proliferation of space technology needed to expand Chinese space capabilities. This commission would monitor this activity and report on it so we would have good information as to exactly what was going on in that regard.

The fourth item is monitoring and reporting on the cooperation on environmental protection. Our Nation has some of the strongest environmental laws in the world. Yet Chinese companies can operate with lower costs and compete with U.S. companies because they do not have to comply with the same requirements that U.S. companies do.

If we are going to give permanent trade status to the country of China, then why not make them play by the same rules U.S. companies do? If you wonder why they can sell their clothes and other products over here so cheaply, that is one of the reasons they compete with us and can pay such low labor costs. They do not have to abide by the same regulations.

This amendment simply monitors the extent to which China is enforcing their own environmental regulations. We cannot dictate how they do that—they are their own nation—but we can monitor it and we can let the American people know that we are, by passing PNTR, saying we are going to ignore their environmental infractions and we are going to enforce ours. I think we ought to have that as part of this agreement.

The fifth division is monitoring and reporting on conditions relating to orphans and orphanages in China and the extent to which they are providing access to U.S. and international adoption agencies. Every year, untold numbers of Chinese baby boys and girls with special needs are left at state-run orphanages in horrible situations. Throughout the nineties, several human rights organizations revealed deplorable conditions and inhuman treatment. The death rates for these children are oftentimes astronomical. They are left to die of starvation. When we give all this wonderful treatment to the country of China, I hope we think about that and see if we have any concerns about these human rights violations.

My amendment would simply monitor and encourage China to determine that the quality and care of its orphans is improving by providing specific data on the survival rates of these children.

Isn't that the least we can do if we are going to trade with them and help them? Why not help the children in China who are stuck in these orphanages.

Finally, No. 6, monitoring and reporting on organ harvesting and transplanting in the People's Republic of China. One of the most despicable, horrible acts of any nation in the world—and I cannot understand why we would look the other way and not even report and let the American people and the world know what they are doing. This amendment would task a commission with monitoring this barbaric and inhuman practice of literally taking organs involuntarily from executed prisoners. They are not prisoners executed and then having their organs taken after execution, they are executed in order to get the organs, so we understand what this is. We would require a report on the actions taken by the PRC to end organ harvesting.

In conclusion, this is a good amendment. There are six divisions. They are good divisions. I say to my colleagues who say we cannot amend this because it is going to mess up the whole PNTR issue, this is not messing up anything. This commission is going to monitor these six areas that are, for the most part, outrages really that the Chinese are allowed to get away with.

I urge the adoption of this amendment at the appropriate time. I thank my colleagues, and I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 6:15 p.m. having arrived, the Senate will now proceed to the consideration of H.R. 4733, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are working on perhaps as many as 50 or 60 amendments trying to get them narrowed down to a very few contentious issues. On behalf of Senator REID, I think we can say we intend to finish tonight. We can try. I do not know how many votes we will have. In the meantime, we are still busy putting some language together.

Senator HUTCHISON has asked that I yield 10 minutes to her. I will speak for 1 minute of her time, and I think Senator DODD is going to use a couple minutes.

I ask unanimous consent that 10 minutes be set aside at this point for Senator HUTCHISON to talk about a bill she is introducing.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. DODD, and Mr. DOMENICI pertaining to the introduction of S. 3021 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I note the presence on the floor of the distinguished Senator from Nevada, Mr. REID.

Might I make a parliamentary inquiry?

We now are on the energy and water appropriations bill; is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. There is no time scheduled for its adoption or for termination of debate on the floor?

The PRESIDING OFFICER. There has been no time agreement.

Mr. DOMENICI. I say to Senators, I have talked with the majority leader, and I have talked to Senator HARKIN. Even though there is a very large number of amendments, we are trying to finish tonight. We have arranged to get started with two amendments. We are going to accept one; and one is going to require a vote. Then, when we finish debating those—we might have to put off the vote, I say to Senator DURBIN, for a little while while we work out all these amendments. But we will eventually, at some point, have a vote on Senator DURBIN's amendment before we finish this bill.

We are going to listen for 10, 15 minutes to Senator HARKIN's concerns about the NIF project at Lawrence Livermore. Senator REID and I have agreed we will accept his amendment tonight and proceed after that to debate Senator DURBIN's amendment.

I say to Senator DURBIN, a Senator who is opposed to his amendment will arrive soon. I assume we will have a time agreement, if it is satisfactory to Senator BOND.

Can we do that right now?

Mr. REID. Will the Senator yield?

Mr. DOMENICI. Sure.

Mr. REID. I underline what the Senator from New Mexico has said. My friend from Illinois has three amendments he has filed. It is my understanding that he is going to offer one of those; and if there would be an up-or-down vote on that, he would withdraw two of the amendments—and not only an up-or-down vote but no second-degree amendments.

So the Senator from Illinois would agree—if I could have the attention of the Senator from New Mexico for just a minute. The Senator from Illinois would agree to 30 minutes equally divided, with a vote, with no second-degree amendments. That is my understanding, that we would have a vote on that at some time before final passage later tonight.

Mr. DOMENICI. I say to the Senator, I wonder if he would agree to 20 minutes equally divided?