

having been engaged in this conduct? But for some Members of the Senate, this was not enough. So we gave the President one further set of powers, waiver authority, which allows the President to waive the imposition of measures required under this legislation if he determines that the supplier country was taking appropriate actions to penalize the entity for such acts of proliferation and to deter future proliferation. The President also can waive the sanctions if he determines that such a waiver is important to the national security of the United States.

How little would be enough? It isn't mandatory. It is optional. It requires multiple instances. It must be an entity already identified by the President. It must be a technology already identified by the Government. It isn't mandatory. The President can waive it. He can cite larger national interests.

I believe there is a positive impact with the passage of this amendment.

Now I ask the Senate another question: What is the impact of failing to enact it? Who could ever believe that this Senate considers proliferation issues to be serious, that we are concerned that there is a price to selling these weapons of mass destruction or these technologies to other nations, if we cannot at a minimum pass this authorizing sanction on an optional basis, to be used if the President wants to use it?

Imagine the message in Beijing or North Korea or Iran or Iraq. Are we so desperate for trade, is this economy so desperate for that one more dollar immediately, not to offend a potential investor or buyer, that we would compromise our own good judgment?

I don't believe we would lose a dollar of trade with this amendment. I don't believe we lose a product, a job. But even if we did, even if I were wrong and we did, is the price too high to send a message that in our proliferation policy there is more than words?

Words will not defend us. It is not at all clear that our missile defense shield will ever protect us. This might. It can't hurt. It at least can set a serious tone that we will not be dealt with with impunity. Trade with us; get the benefits of our market. But we will look the other way while you send dangerous technologies to nations that kill our people or threaten the peace.

In a recent editorial, the Washington Post noted:

China's continuing assistance to Pakistan's weapons program in the face of so many U.S. efforts to talk Beijing out of it shows the limits of a nonconfrontational approach.

The Post went on to say:

The United States should make clear that . . . Chinese missile-making is incompatible with business as usual.

A Wall Street Journal editorial stated:

If there is an assumption in Beijing that it can be less observant to U.S. concerns now that its WTO membership seems assured, the Chinese leadership is making a serious mistake.

Are they? The Wall Street Journal was too optimistic. Whether they are making a serious mistake will be judged by the vote on this bill, win or lose. How many Senators consider proliferation issues and national security to be more than words but a policy with strength, with cost, with sanction, if our security is violated?

If we pass PNTR alone and do not pass legislation addressing these important national security concerns, I fear for the message that is sent and the priorities of this Senate. This Senate will always be sensitive to business investment, trading opportunities, and economic growth. It is our responsibility to assure that America is prosperous and strong and growing. We will meet that responsibility.

But it is the essence of leadership to understand that no one responsibility stands alone. As we govern the national economy, we possess responsibility for the national security. No economy can be so big, no economy can grow so swiftly, there can be no number of jobs with national income that can reach no level that makes for a secure American future if missile technology spreads to Iraq and Iran, if nuclear weapons begin to circle the globe and unstable regimes.

Where, my colleagues, will your economy take you then? Balance, my friends. The Thompson-Torricelli amendment offers balance. We are pleased by our prosperity, but we are not blinded by it. We are blessed to live in a time of peace, but we understand how we earned it—by strong policies of national security. That is what the Thompson-Torricelli amendment offers today.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

#### TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

The PRESIDING OFFICER. Under a previous order, the Senator from North Carolina, Mr. HELMS, is recognized to offer an amendment.

Mr. HELMS. Mr. President, I ask that it be in order to deliver my remarks seated at my desk.

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

#### AMENDMENT NO. 4125

Mr. HELMS. Mr. President, I call up amendment No. 4125.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 4125.

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

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

The amendment is as follows:

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

On page 2, line 4, before the end period, insert the following: “; FINDINGS”.

On page 4, before line 1, insert the following:

(c) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China has not yet ratified the United Nations Covenant on Civil and Political Rights, which it signed in October of 1998.

(2) The 1999 State Department Country Reports on Human Rights Practices found that—

(A) the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in violation of internationally accepted norms;

(B) the Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent;

(C) abuses by Chinese authorities exist, including instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrests and detentions, lengthy incommunicado detentions, and denial of due process;

(D) violence against women exists in the People's Republic of China, including coercive family planning practices such as forced abortion and forced sterilization, prostitution, discrimination against women, trafficking in women and children, abuse of children, and discrimination against the disabled and minorities; and

(E) tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July 1999, several leaders of the movement were sentenced to long prison terms in late December, hundreds were sentenced administratively to reeducation through labor, and according to some reports, the Government of the People's Republic of China started confining some Falun Gong adherents to psychiatric hospitals.

(3) The Department of State's 2000 Annual Report on International Religious Freedom states that during 1999 and 2000—

(A) “the Chinese government's respect for religious freedom deteriorated markedly”;

(B) the Chinese police closed many “underground” mosques, temples, seminaries, Catholic churches, and Protestant “house churches”;

(C) leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse in the People's Republic of China;

(D) in some areas, Chinese security authorities used threats, demolition of unregistered property, extortion of “fines”, interrogation, detention, and at times physical abuse to harass religious figures and followers; and

(E) the Government of the People's Republic of China continued its “patriotic education” campaign aimed at enforcing compliance with government regulations and either cowering or weeding out monks and nuns

who refuse to adopt the Party line and remain sympathetic to the Dalai Lama.

(4) The report of the United States Commission on International Religious Freedom—

(A) found that the Government of the People's Republic of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs, and that Chinese law criminalizes collective religious activity by members of religious groups that are not registered with the State;

(B) noted that the Chinese authorities exercise tight control over Tibetan Buddhist monasteries, select and train important religious figures, and wage an invasive ideological campaign both in religious institutions and among the Tibetan people generally;

(C) documented the tight control exercised over the Uighur Muslims in Xinjiang in northwest China, and cited credible reports of thousands of arbitrary arrests, the widespread use of torture, and extrajudicial executions; and

(D) stated that the Commission believes that Congress should not approve permanent normal trade relations treatment for China until China makes substantial improvements with respect to religious freedom, as measured by certain objective standards.

(5) On March 4, 2000, four days before the President forwarded to Congress legislation to grant permanent normal trade relations treatment to the People's Republic of China, the Government of the People's Republic of China arrested four American citizens for practicing Falun Gong in Beijing.

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;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, 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;

(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 on-going dialogue with the United States on religious freedom;

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

(8) the People's Republic of China has provided a detailed response to inquiries regard-

ing the number of persons who are imprisoned, detained, or under house arrest because of religious beliefs or whose whereabouts are not known but who were seen in the custody of officials of the People's Republic of China;

(9) the People's Republic of China intends to release from prison all persons incarcerated because of their religious beliefs;

(10) 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 for reasons of union organizing; and

(11) the People's Republic of China intends to release from prison all persons incarcerated for organizing independent trade unions.

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

Mr. HELMS. Mr. President, I ask it be in order that I yield several minutes to the distinguished Senator from Iowa, Mr. GRASSLEY. Following that period, I will take the floor.

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

The PRESIDING OFFICER. The Senator from Iowa.

#### MESS AT THE JUSTICE DEPARTMENT

Mr. GRASSLEY. Mr. President, I rise today to talk again about the mess at the Department of Justice. As we all know, this Justice Department has been subjected to criticism from Democrats and Republicans alike for mishandling cases. Yesterday, the Justice Department's own Inspector General completed a lengthy report which points to "egregious misconduct" by senior officials in the Justice Department. That phrase "egregious misconduct" is not my phrase. That's the conclusion of the IG.

This is a sordid story which began in 1997, when I wrote to Attorney General Reno asking her not to fire a whistle blower who had alleged misconduct in two components of DOJ's Criminal Division—The International Criminal Investigative Training Assistance Program, also known as "ICITAP", and the Overseas Prosecutorial Development, Assistance and Training, also known as "OPDAT". These offices train prosecutors and police in other countries to enforce laws in a way that respects the rule of law and human rights. As such, these offices are heavy consumers of intelligence from various intelligence gathering agencies that monitor human rights abuses. The IG concluded that some Senior DOJ Officials in these offices intentionally refused to follow Government Regulations regarding the handling of classified information and recommended discipline for three DOJ officials.

The allegations I received in 1997 related to serious security breaches as well as the misuse of Government authority for the personal and financial benefit of top DOJ Officials. I was shocked to hear allegations that Bob Bratt, the Executive Officer of the Criminal Division, who had supervisory control over these offices, and Joe

Lake who was an assistant to Mr. Bratt, used their Government positions to get visas for Russian women that Bratt met through a "match making service." I was shocked to hear allegations that a Senior Justice Official was allowed to retire early with an early retirement bonus, and then be re-hired at DOJ as an outside contractor just a few months later in clear violation of Federal law.

But, these all proved to be accurate. To quote the Inspector General's report "We concluded that Bratt and Lake committed egregious misconduct" in obtaining visas for Russian women to enter the country under false pretenses. These women had been denied visas in the past and were only given visas when Bratt assured Embassy Officials in Moscow that these women would be working for DOJ in the future. The IG concluded that this was a false statement. The IG concluded that Bratt and Lake offered explanations for their conduct and denials regarding the visas for the Russian women which were "not credible." The IG also concluded that Bratt's "intimate involvement" with these Russian women left him vulnerable to blackmail and presented a security concern. The IG report indicates that Bratt may have pressured other DOJ employees to mislead the IG inspectors. And the IG found that Bratt had DOJ computers sent to a school in Virginia where a girlfriend works.

Clearly, this is the kind of misconduct which should be exposed and corrected. This is why I work so hard to support whistle blowers when they ask for my help.

But it doesn't end there. The IG also concluded that Joe Lake violated Federal Law when he took an early retirement bonus of \$ 25,000. One provision of the early retirement program prohibited lake from working for DOJ for 5 years after his retirement. Yet, two months after he retired, Lake was hired as a consultant at DOJ reporting to his old friend Bob Bratt. This was patently illegal, and the IG recommends that DOJ seek the return of lake's \$ 25,000 retirement bonus.

The IG also noted many of the hiring practices at issue were—to use the IG's own words—"questionable." For instance, the IG report described the hiring of a bartender at a local restaurant frequented by the Associate Director of ICITAP. The bartender was originally hired to work at DOJ on a temporary basis. After this bartender-turned-Government lawyer began a personal relationship with Bratt, Bratt hired her on a permanent basis at DOJ. Another example cited by the IG involved an ICITAP official hiring the father of an ex-spouse's step-children even though he had very little experience. Again, the American people deserve better from their Government.

The IG report also indicates that Senior Justice officials improperly used frequent flier miles. The IG recommends that security clearances be